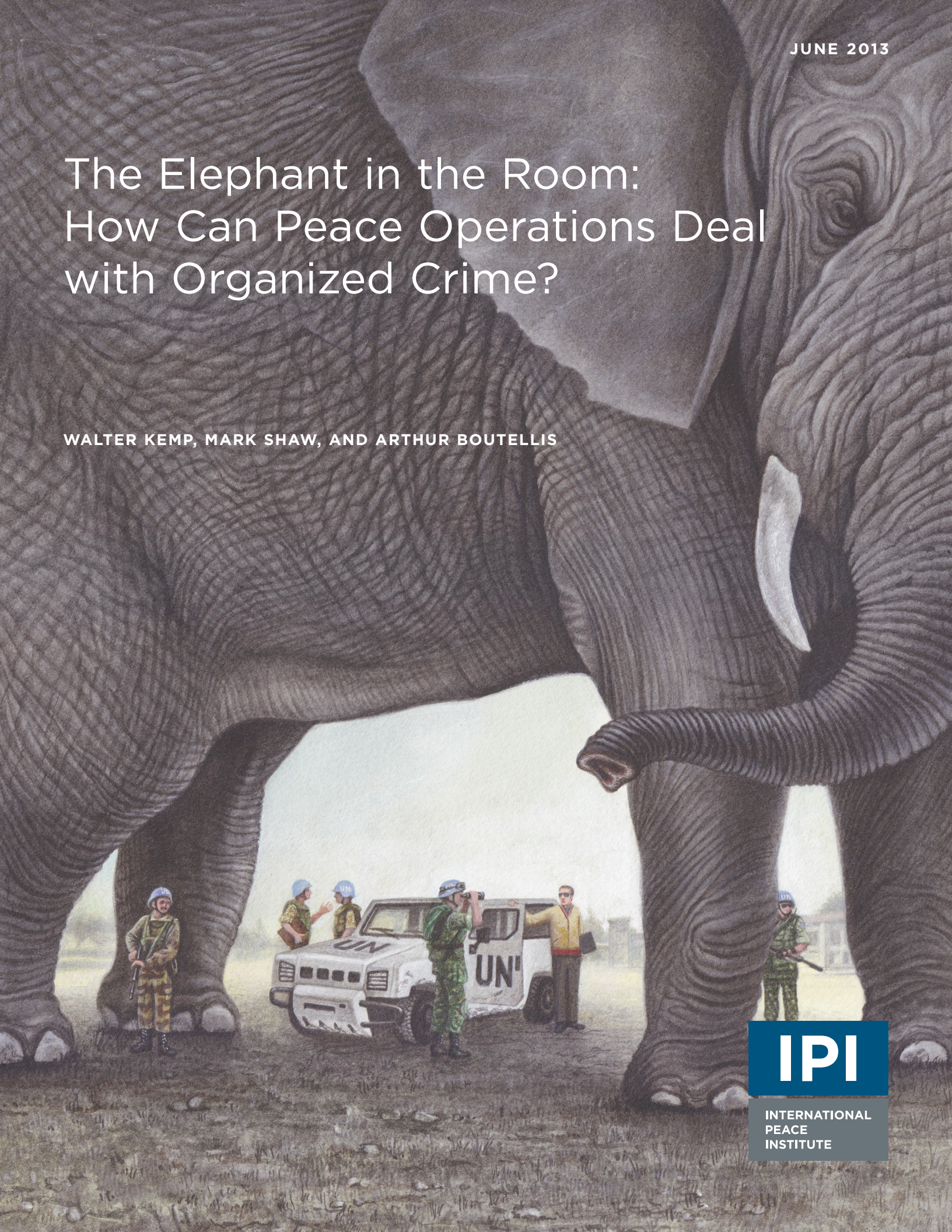# The Elephant in the Room: How Can Peace Operations Deal with Organized Crime?

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ACKNOWLEDGEMENTS

CONTENTS

Executive Summary

Organized crime is now a threat to international peace and security in almost every theater where the United Nations has peacekeeping, peacebuilding, or special political missions. And yet, as demonstrated in this report, of the current twenty-eight UN peace operations, less than half have mandates related to organized crime, and those that do are not well-equipped or well-prepared to face this threat. This undermines the international community's attempts to reduce vulnerability and increase stability in crime-riddled danger zones from Afghanistan to Kosovo, and from Mali to Somalia. Furthermore, the UN Secretary-General has called for crime prevention strategies to be "mainstreamed" into the work of the United Nations, yet this does not yet seem to be occurring.

This report argues that relevant actors, like the Security Council, continue to treat organized crime like the elephant in the room: impossible to overlook, but too big to deal with. It shows how organized crime—once considered a problem isolated to a few communities, mostly in the developed world and states in transition—has become globalized, and now affects a wide range of the UN's activities, including the maintenance of international peace and security. It describes how crime has become a serious threat in almost every theater where the UN has peace operations and juxtaposes this with an analysis of mission mandates, which contain few references to crime.

Case studies on Haiti, Guinea-Bissau, and Kosovo show the impact of organized crime on stability, governance, and development and demonstrate the challenges faced by the international community in helping states to deal with this problem.

While the main focus of the report is on the United Nations, many of the observations and recommendations can be equally applied to regional organizations like the African Union, the Economic Community of West African States, the European Union, the Organization of American States, and the Organization for Security and Co-operation in Europe.

KEY FINDINGS

One of the main findings of the report is the mismatch between the seriousness of the threat posed by organized crime and the UN's ability to tackle it. This is attributed to the relatively recent emergence of this threat, a hesitancy by some states to internationalize this issue, the unwillingness of some governments to "surrender" their sovereignty by asking for external assistance (although it may have already been compromised), and the lack of relevant expertise both within the UN and member states.

In some cases, inaction stems from insufficient information about the political economy of postconflict situations. In other cases, where there is clear evidence of links among business, politics, and crime, there is often a hesitancy to act on this information because of concerns about security and the consequences of antagonizing key players. However, as this report points out, failure to address the problem of organized crime at an early stage (particularly in postconflict situations) can empower armed groups and make it more difficult to deal with them later on.

As the case studies demonstrate, every situation is different and the approach for dealing with organized crime has to be calibrated to the specific local context and external conditions.

The report makes evident that one of the most difficult problems is to deal with situations where one's interlocutor—for example a government or law enforcement official—is engaged in illicit activity and therefore part of the problem rather than the solution.

Obviously, UN peace operations alone cannot tackle the threat posed by organized crime: that is a much bigger challenge that requires bilateral assistance, and support for development, justice, and the rule of law. Other parts of the UN system are better suited to deal with this challenge than peace operations. Nevertheless, unless peace operations can better assess conflict economies, identify and deal with spoilers involved in illicit

activities, and disrupt illicit markets, organized crime will continue to flourish in theaters where peace operations are deployed—hindering their operability and the very development, security, and justice that the UN seeks to build.

RECOMMENDATIONS

The report makes a number of recommendations, mostly targeted at increasing the effectiveness of peace operations (particularly, but not exclusively, within the UN) to identify and deal with transnational organized crime. Among the main recommendations are the following:

- The UN should make more effective use of organized crime threat assessments (OCTAs). OCTAs are particularly important in the pre-deployment and planning process in order to identify, prepare for, and address the threat posed by criminal groups and markets. Threat assessment tools and training are needed, and analysis of the political economy of conflict and post-conflict situations should become part of standard operating procedures.

- Member states need to become more open to the use of intelligence by UN peace operations and should share relevant information with UN missions. Intelligence is crucial for tracking and disrupting illicit activities, and for enhancing force protection while shared information and a "culture of analysis" can improve an understanding of the political economy of conflict and the incentives of key actors.

- Member states and regional organizations should promote regional cooperation to deal more effectively with transnational organized crime. UN regional offices, for example in West Africa and Central Asia, could be used more effectively to synthesize information related to the regional impact of illicit flows.

- The UN should widen and deepen the pool of experts who can be deployed to deal with crime-related issues by creating a rapid reaction criminal justice team, and by engaging personnel from member states that are currently not police- and troop-contributing countries but have considerable domestic crime-fighting experience (not least to enhance South-South cooperation).

- Mediators need to be better trained and prepared to deal with, and possibly negotiate with, spoilers who profit from instability and therefore may try to undermine power-sharing settlement processes.

- The UN Standing Police Capacity's crime-fighting skills should be strengthened, and the UN should deploy preformed Serious Crime Support Units (provided by member states).

- UN crime prevention and control strategies should go beyond law enforcement, as part of holistic peacebuilding and rule of law strategies that can reduce vulnerability to crime by strengthening national criminal justice capacities, promoting development, security sector reform, and community violence reduction projects.

- The UN and member states should assist governments to assert their sovereignty—and in the process increase the risk to traffickers—by improving management of land borders, coasts, and airspace.

- The UN and member states should consider ways —including through embedding experts in peace operations—to increase the risks and reduce the benefits of illicit activity by going after the proceeds of crime through financial intelligence, anti-money laundering, anti-corruption, as well as asset seizure and recovery measures.

- The UN should increase awareness and enforce codes of conduct to prevent personnel involved in peace operations from becoming consumers or accomplices in the market for illicit goods and services.

The report concludes with an appeal for fresh thinking and more concerted action to tackle the threat posed by organized crime, not least to reduce the impact of crime where UN field operations are trying to make, keep, or build peace.

Preface

Organized crime is a threat to peace in almost every theater where the United Nations has peacekeeping, peacebuilding, and special political missions (hereafter referred to collectively as "peace operations"): from Afghanistan to the Democratic Republic of the Congo, from Haiti to Kosovo, and from Guinea-Bissau to Somalia.* And yet, thus far, the problem has been largely ignored, perhaps because it is too big, too risky, and too difficult to deal with. It is like the elephant in the room that is impossible to overlook but no one wants to acknowledge. Should you try to tame the beast? Should you try to move it at the risk of getting crushed? Or should you just leave it alone?

Unsure what to do, the international community has largely avoided the threat posed by criminal groups to peace operations. As demonstrated in this report, few peace operations have mandates to deal with organized crime, and those that do have few resources. Too often, political will is lacking: for the sake of short-term stability, senior officials seldom want to tackle the issue. For their part, host governments either do not want to admit that they have a problem (especially if they are part of it), or they do not want to "surrender" part of their sovereignty to foreigners. But ignoring the problem does not make it go away, it makes it worse.

This report, which is part of IPI's Peace without Crime project, looks at the impact of organized crime in theaters where the UN has peace operations; it examines the crime-related mandates and operational responses of UN peace operations; and it focuses on three case studies—Guinea-Bissau, Haiti, and Kosovo—to put the issue into sharper focus.

It concludes by making a number of recommendations on how UN peace operations can more effectively deal with the threat posed by transnational organized crime.

It is important to stress from the outset that this report is not suggesting that peace operations are a panacea for dealing with organized crime. As will be addressed in the next Peace without Crime report, peace operations and law enforcement are only two elements of a much wider set of interventions that are needed, including security-sector reform, economic development, rule of law, and anti-corruption measures. However, since crime and conflict increasingly converge, it is important for peace operations to be aware of organized crime, and to be better prepared and equipped to deal with it.

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* While there is no definition of "organized crime" under international law, for the purpose of this study it is understood to be a series of serious illegal activities perpetrated for profit by a structured group of three or more persons. "Transnational" organized crime refers to the fact that the crime is committed in more than one state, or involves a group active in more than one state.

Chapter One

Crime and Conflict Converge

INTRODUCTION

The international system is geared toward dealing with problems within or between states. Yet many contemporary crises involve powerful nonstate actors and transnational threats, like criminal groups. These groups do not sit in the General Assembly or the Security Council. Yet some of them are more powerful than many states, and their macroeconomic clout is bigger than most economies. This is not a scenario that the United Nations was created to deal with, but it is the reality confronting member states and the UN today.

Whereas in the past, organized crime was an isolated problem in a few locations, today crime has gone global and has an impact on international peace and security.

In numerous examples, including Afghanistan, Guatemala, Guinea-Bissau, Honduras, and Mexico, criminal groups are challenging the state's monopoly on the use of force and even undermining state sovereignty.

This is not only a problem for the state concerned. It can have a knock-on effect on regional security. As has been evident in parts of the Balkans, Central America, West Africa, the Greater Mekong region, and in Afghanistan's neighborhood, crime-related instability in one country can spill over into the surrounding region, expanding opportunities for transnational organized crime, and increasing the threat to peace and security.

The problem doesn't stop there. In an increasingly interconnected world, what is trafficked through small islands off the coast of Guinea-Bissau, or across mountain passes on Afghanistan's borders, or from a mine in eastern Congo, not only has an impact on the immediately affected regions but also on communities along trafficking routes and people thousands of miles away.

CONVERGING TRAJECTORIES OF CRIME AND PEACE OPERATIONS

While the seriousness of the threat posed by organized crime has grown in size and reach, the international response has not grown or adapted accordingly.[1] The problem needs to be addressed at three levels: the systemic level (namely, the international system and the UN system); the structural level (namely, how governments are affected and respond); and the operational level (namely, the operatives in the field who need to identify and deal with illicit economies and actors).

In the past, organized crime didn't reach the systemic level, nor was it considered a high priority at the structural level. At the operational level it was dealt with mostly by police. But in the past twenty years, organized crime has gone global and become a force to be reckoned with at the international systemic level. A policy response has been lacking, while at the operational level practitioners—including members of peace operations—have come to realize that a law-enforcement response alone is insufficient.

Whereas the forthcoming Peace without Crime report will address the systemic level, and the previous report—"Spotting the Spoilers"—provided guidance on the operational level,[2] "The Elephant in the Room" is focused mainly on policy responses (with some operational recommendations) for dealing with organized crime in relation to peace operations. As noted in figure 1, this has become essential: fifty years ago peace operations and organized crime had almost nothing to do with each other, but at the beginning of the twenty-first century the trajectories have converged.

If one tracks the trajectories of organized crime and peace operations since the end of the Second World War, it is striking that they both evolve over

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1 Andre Standing, *rapporteur*, "Transnational Organized Crime and the Palermo Convention: A Reality Check," New York: International Peace Institute, December 2010.

2 Mark Shaw and Walter Kemp, "Spotting the Spoilers: A Guide to Analyzing Organized Crime in Fragile States," New York: International Peace Institute, 2012.

Figure 1: Converging Trajectories of Organized Crime and UN Peace Operations

© by Maximilian Meduna, IPI
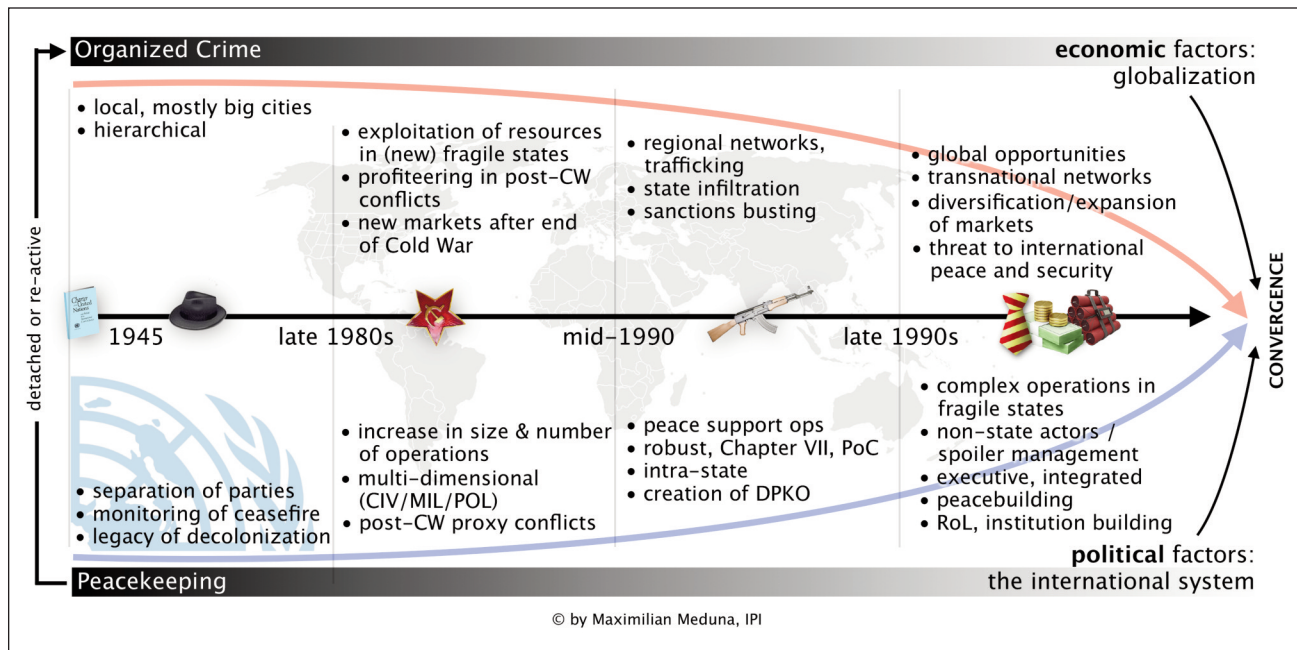
four distinct generations and change characteristics at almost exactly the same time periods despite the fact that organized crime is mostly affected by economic factors while peace operations are mostly affected by political factors.

The first generation spans from the end of the Second World War to the late 1980s. UN peace operations—for example, in the Congo, Cyprus, Golan Heights, Kashmir, Middle East, and Sinai—were designed to separate warring parties and monitor ceasefires with only a limited number of (mostly unarmed) military observers deployed. During this period, organized crime was confined to a few localities, mostly cities.

In the early 1990s, after the end of the Cold War, a new generation of peace operations was deployed in Africa and Latin America. The UN Department for Peacekeeping Operations (DPKO) was created in 1992, and the number of peacekeepers stationed across the world grew exponentially as the UN started to deploy entire contingents of blue helmets. This second generation of operations was designed to deal with the challenges of change in countries that had formerly been pawns in the superpower rivalry, for example in Angola, El Salvador, Namibia, Nicaragua, and Mozambique. At the same time, these conflicts and the end of the Cold War opened new opportunities for criminal groups—for

example, in the exploitation of natural resources (drugs, diamonds, and timber) in fragile states.

The third generation of peacekeeping was characterized by more robust, multidimensional peace-support operations (some in partnership with other multinational forces) dealing mostly with intrastate conflicts and spoiler groups. For example, a number of peace operations were deployed to countries wracked by interethnic or civil war, including Eastern Slavonia (Croatia), Haiti, Kosovo, Liberia, and Sierra Leone. Several of the armed groups involved in these conflicts (like paramilitaries in Bosnia, the Kosovo Liberation Army, and the Revolutionary United Front in Sierra Leone) had close links with criminal groups, or were themselves engaged in illicit activities. Concurrently, criminal networks expanded their operations to take advantage of new trafficking routes that were opened up by the changes in the new world order (for example, across the Balkans or through Central America and the Caribbean).

In the fourth generation, starting in the late 1990s, peace operations became more complex, and in some cases took on executive responsibilities. In Eastern Slavonia, East Timor, Kosovo, and Bosnia, the UN almost returned to the old trusteeship system of running countries. Around the world, the UN also took on new tasks like peacebuilding,

stabilization, and state or institution building (with security-sector reform and rule of law mandates) and a wider range of peacekeeping approaches (from policing to robust enforcement). This led to the further professionalization of UN peacekeeping, including through the creation in 2007 of both the Department of Field Support (DFS) and the Office of the Rule of Law and Security Institutions (OROLSI) in DPKO. Peace operations were also encouraged to take a more "integrated" approach between civilian and military components. At the field level, the establishment of a Joint Operations Command (JOC) and a Joint Mission Analysis Center (JMAC)[3]—composed of civilian, police, and military staff—in missions contributed to greater information-sharing and joint analysis between the civilian and uniformed components of missions.

Around the same time, starting at the beginning of the twenty-first century, criminal groups took advantage of the opportunities afforded by globalization. They diversified their activities to include new sources of income—for example, human trafficking, piracy, counterfeiting, or environmental crimes such as illegal logging or trafficking in endangered wildlife—and made in-roads into emerging markets. They became powerful transnational, nonstate actors.

DEFENDING LOST SOVEREIGNTY

Unfortunately, states and international organizations have largely failed to anticipate the evolution of transnational organized crime (TOC) from a localized problem into a pervasive, strategic threat to governments, societies, and economies.[4] As the World Development Report 2011 pointed out, the international community has made important strides over recent decades to reduce the number of interstate conflicts and civil wars. "However, the international system has not been adjusted to keep pace with the emerging analysis of conflict—in particular, recognition of the repetitive and interlinked nature of conflict, and the increasing challenge of organized crime and trafficking."[5]

A major hindrance is that a state-based system is not yet sure how to deal with nonstate and transnational actors. While criminal groups have entered a post-Westphalian era—taking advantage of the opportunities afforded by globalization—member states cling to outdated notions of sovereignty. While police forces chase criminals to the border, traffickers run across them. While intelligence services are wary of exchanging information, criminals use the latest technology to communicate. While governments resist outside offers of assistance because of concerns about their sovereignty, criminal groups erode sovereignty from the inside by challenging the state's monopoly on the legitimate use of violence, coercing and corrupting public and private institutions, even undermining the state's ability to control its own territory.

When organized crime was a problem limited to a few big cities, it was for local police to deal with. But now that crime has gone global and has become a threat to international peace and security, who can respond? Obviously this is a challenge that goes far beyond peace operations. Nevertheless, since organized crime now has an impact on many theaters where there are peace operations and on many of these operations' mandated activities—whether political, governance, or peacebuilding activities—the UN and regional organizations need to be prepared.

CRIME AS AN IMPEDIMENT TO PEACE

Transnational organized crime is a serious threat to long-term stability and/or undermines the establishment of functioning legitimate institutions in almost every theater where there are UN peace operations. This is potentially dangerous because criminal groups can be spoilers in peace processes and can threaten the security of UN staff. In addition, failure to understand and address their motivations, connections, and incentives—as well as the structural circumstances enabling their activities—can exacerbate rather than calm the situation.

UN member states are aware of the problem. Indeed, there has been a marked increase over the past few years in the number of debates held in the UN Security Council on the issue of organized

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3   The first DPKO Policy Directive on JOC & JMAC was released on July 1, 2006 and states that all missions shall establish at Mission Headquarters-level a JOC and JMAC.

4   James Cockayne, "Transnational Organized Crime" International Peace Institute (IPI) Blue Paper No. 2, Task Forces on Strengthening Multilateral Security Capacity, New York, January 20, 2009, p.1.

5   World Bank, *World Development Report 2011: Conflict, Security, and Development* (Washington, DC: World Bank, 2011), p. 181.

crime. The issue has come up, for example, in recent debates on Afghanistan, Guinea-Bissau, Somalia, West Africa, and the Sahel. There have even been thematic debates on drug trafficking and organized crime.

In a 2010 presidential statement, the Security Council noted with concern the serious threats posed in some cases by drug trafficking and transnational organized crime to the authority of states and to international security in different regions of the world and said that these transnational threats are a source of growing concern.[6]

In a 2012 presidential statement on peacebuilding, the Security Council recognized that "transnational organized crime, including illegal activities such as drug trafficking and illicit trade in arms, negatively impact the consolidation of peace in countries emerging from conflict, and underlines the importance of increasing international and regional cooperation on the basis of common and shared responsibility to address them effectively and build national capacities on crime prevention and criminal justice."[7]

Yet while member states recognize the problem, they seem less sure what to do about it or are unwilling for the UN to play a major role in tackling organized crime.

Most strikingly, few peace operations have crime-related mandates. As illustrated in the Annex, of the twenty-eight current UN peace operations (including peacekeeping, political, and peacebuilding missions), only ten have mandates that make a reference to organized crime, and of these very few include executive policing functions to enforce the law.[8]

The UN system is not well prepared or equipped to deal with this threat. Tactically and strategically it doesn't seem to know what to do. For example, there are only a few references to organized crime in the (internal) UN strategic doctrines on policing and peacekeeping, like the 2008 "Capstone Doctrine" or the "New Horizon" process that emerged from the July 2009 "New Partnership Agenda."[9]

Similarly, the (internal) UN Task Force on Transnational Organized Crime and Drug Trafficking created in March 2011, which is cochaired by the United Nations Office on Drugs and Crime (UNODC) and the Department for Political Affairs (DPA), has yet to demonstrate its added value to the work of UN field missions.[10]

As a result, there is almost no strategic or operational guidance for peace operations on how to deal with organized crime, either from member states or from headquarters.

Furthermore, the UN lacks the means to effectively tackle the problem. There are few threat assessments on the political economy of conflict or the impact of organized crime in theaters where the UN operates. Although UN Security Council mandates increasingly direct UN peace operations to support the establishment or strengthening of the rule of law, and reconfigurations in UN headquarters are intended to support this doctrinal shift,[11] in practice the focus of field missions continues to be on building and reforming police, justice, and correction institutions of the host country. An additional handicap is that UN policing is geared toward community policing rather than dealing with organized crime. It is also difficult to recruit and retain the necessary experts, or to get member states to second such expertise to UN missions when it may also be needed at home.

There is not much enthusiasm for the UN to

6 United Nations Security Council, *Statement by the President of the Security Council* (February 24, 2010), UN Doc. S/PRST/2010/4.

7 United Nations Security Council, *Statement by the President of the Security Council* (December 20, 2012), UN Doc. S/PRST/2012/29.

8 On the notion of executive police functions see Renata Dwan, ed., "Executive Policing: Enforcing the Law in Peace Operations," SIPRI Research Report No. 16 (Oxford: Oxford University Press, 2002).

9 For the Capstone Doctrine, see United Nations Department of Peacekeeping Operations (DPKO) and Department of Field Support (DFS), "United Nations Peacekeeping Operations: Principles and Guidelines," New York: United Nations, 2008. The only reference to "organized crime, trans-national crime, and trafficking and drugs" here is within the broader context of the rule of law as defined in Decision No. 2006/47 of the Secretary-General's Policy Committee. For the New Horizon, see UN DPKO and DFS, "A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping," New York: United Nations, July 2009. The 2009 New Horizon non-paper identifies transnational organized crime as one of the threats that "may lead to political and security instability" and mentions the need for "specialized police personnel capacities" in reference to organized crime.

10 Camino Kavanagh and Bruce Jones, "Shaky Foundations: An Assessment of the UN's Rule of Law Support Agenda," New York: New York University Center on International Cooperation, November 2011.

11 The DPKO Office of Rule of Law & Security Institutions (OROLSI) was established in 2007 to strengthen the links and coordinate the department's activities in the areas of police; justice and corrections; mine action; disarmament, demobilization, and reintegration (DDR); and security sector reform (SSR). In September 2012, the UN Secretary-General appointed DPKO and UNDP as the Global Focal Point for the Police, Justice and Corrections Areas in the Rule of Law in Post-conflict and other Crisis Situations, and both organizations have agreed to co-locate a portion of their respective rule of law team. (For further analysis see Megan Price, Kevin Steeves and Luc van de Goor, "Soldering the Link: The UN Global Focal Point for Police, Justice and Corrections," August 2012).

tackle organized crime. For example, there is resistance to allowing UN field operations to gather intelligence other than by individual peacekeeping contingents for limited force protection and situational awareness purposes. Even when information is available on the dangerous impact of crime in particular regions, senior officials—especially those in peace operations—tend to avoid the issue, due to short-term political expediency and concerns about safety. As a result, either wittingly or due to benign neglect, justice and long-term stability are often sacrificed for the sake of immediately visible deliverables and short-term security.

Should the UN even be involved in fighting crime? Maybe this is a task better left to others. After all, the UN Charter makes no specific reference to fighting crime.[12] Yet, the very first article of the UN Charter says that the purpose of the United Nations is to maintain international peace and security and, to that end, to take collective measures for the prevention and removal of threats to peace. If organized crime is a serious threat to peace and stability, then the UN should prevent and remove it.

Good governance, justice, and open markets cannot take hold in an environment controlled by crime and corruption. As has been pointed out "if UN peace operations aim to build peace, security and the rule of law, then, logically, they need to be part of the strategy that addresses threats to these objectives, including transnational organized crime."[13] As the Brahimi Report (2000) observed, "the United Nations must be prepared to deal effectively with spoilers if it expects to achieve a consistent record of success in peacekeeping or peacebuilding in situations of intrastate/transnational conflict."[14] Very often, these spoilers profit from activities that are carried out in regions where state power is weak or absent and therefore resist UN-backed efforts to reassert state sovereignty.

Paradoxically, spoilers and their illicit activities may also at times benefit from the minimal stability brought by UN peacekeepers. Therefore, unless peace operations can identify and deal with these actors, better assess conflict economies, and disrupt illicit markets, organized crime will continue to flourish in theaters where the UN has peace operations—hindering the very development, security, and justice that the UN seeks to build.

ORGANIZED CRIME IN ALMOST EVERY THEATER

How widespread is the problem? Look at a map showing the location of UN peace operations and superimpose a map of major crime-affected regions and there is a clear overlap (see figure 2). The main reason is that conflict-affected and fragile regions—which are precisely the places where the UN is most needed—are especially vulnerable to transnational organized crime and provide favorable conditions for its development.[15]

Think of **Afghanistan**, which has a substantial narco-economy. Most of the world's opium is grown in Afghanistan, and most of the opium grown in Afghanistan is from regions controlled by the Taliban and other anti-government forces. It is estimated that the Taliban earns at least $125 million annually from the opium economy through taxation of cultivation, production, and trafficking.[16] Other groups, like the Tehrik-e-Taliban Pakistan and the Haqqani network are also alleged to be players in the drug trade, as well as other criminal activities like extortion.[17] Furthermore, drugs are a major source of corruption in Afghanistan, and cause major health problems. The drug trade is also causing instability north of the border in Central Asia along the so-called Northern Route, particularly in the Fergana Valley.[18] In short, there can be no long-term stability in Afghanistan and its neighborhood until the issue of drugs—and all of its consequences—is dealt with, or at least contained.

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12 Peacekeeping is also not mentioned in the UN Charter, but it is considered an "implied power" pursuant to a decision of the International Court of Justice of 1962.

13 Victoria Holt and Alix Boucher, "Framing the Issue: UN Responses to Corruption and Criminal Networks in Postconflict Settings," in *Peace Operations and Organized Crime: Enemies or Allies?* edited by James Cockayne and Adam Lupel (New York: Routledge, 2011), p. 21.

14 See the Brahimi Report, also known as United Nations General Assembly and Security Council, "Report of the Panel on United Nations Peace Operations," UN Doc. A/55/305–S/2000/809, August 21, 2000, para. 21.

15 See Paula Miraglia, Rolando Ochoa, and Ivan Briscoe, "Transnational Organised Crime and Fragile States," OECD Development Co-operation Working Paper No. 3, October 2012, p. 2.

16 See Gretchen Peters, *Seeds of Terror: How Drugs, Thugs and Crime are Reshaping the Afghan War* (New York: Thomas Dunne Books, 2009), as well as UNODC's annual Afghan opium surveys.

17 See "Crime Group Snarls U.S. Afghan Strategy," *International Herald Tribune*, September 26, 2011.

18 See United Nations Office on Drugs and Crime (UNODC), "Opiate Flows Through Northern Afghanistan and Central Asia: A Threat Assessment," May 2012.

Figure 2

Conflict zones

★ Important or high intensity conflict

● Frozen conflict, political violence, protracted instability

Routes and zones of illicit activities

Cocaine

Heroin and opiate derivatives

Small arms and light weapons

Natural resources

United Nations peace operations

UN peacekeeping operations and political/peacebuilding missions

Operations and missions without explicit mandate to combat organized crime

Numbers refer to UN missions listed in report annex

Sources: United Nations; Observatoire géopolitique de la criminalité (OGC); Human Rights Watch (HRW); The International Institute for Strategic Studies (IISS); Stockholm International Peace Research Institute (SIPRI); Center for International Peace Operation (ZIF); Organization for Security and Co-operation in Europe (OSCE); European Union.

In the **Democratic Republic of the Congo** (DRC), groups once divided by ideology have formed coalitions of convenience founded on greed. Those profiting most are illegal armed groups or corrupt elements within the military[19] engaged in the illicit exploitation and trafficking of diamonds, gold, coltan, cassiterite (tin ore), and other minerals, as well as ivory, illegally cut timber, cannabis, and weapons.[20] These groups (like the Democratic Forces for the Liberation of Rwanda and various local militias)[21] control vast swathes of land mostly in the east of the country in North and South Kivu. The potential profits are massive: the estimated value of gold smuggled from the region in 2009 was $1.24 billion, and prices continue to rise.[22] In such an economy, there are few incentives for peace, including among certain army units that are deployed to, and profit from, mining areas. Key players in neighboring states also have a vested interest in instability in the DRC for political and financial reasons. One cannot understand or resolve this conflict—particularly in the east of the country—without addressing the underlying economic, and mostly illicit, activities that are driving it. Furthermore, the size of the country and the scale of the problem mean that instability and criminality in the DRC can impact the broader subregion through which the gold and minerals are smuggled, including **Burundi**—where the UN has had a succession of peace operations since 2005— and **Rwanda**.

Much of the instability in West Africa is due to the impact of drug trafficking from Latin America to Europe. While the volume of cocaine is relatively low, countries of the region, like **Guinea** (Conakry) and **Guinea-Bissau**, are so poor, that drugs are completely perverting the local economies, corrupting high-level officials and the security sector, and generating instability.[23] As discussed in the case study on Guinea-Bissau in chapter two, where the rule of law is weak, there is a risk that the state can become criminalized. Since drug trafficking is transnational, its impact is regional. The impact of cocaine on West Africa is posing a serious threat to countries in the process of postconflict transition, like Liberia and Sierra Leone. It is even undermining integrity in traditionally stable countries like Ghana.

The problem has spread north into **Mali** and the Sahel region where weak governance, territorial grievances, weak border control, and an influx of weapons and fighters from **Libya** have created an environment hospitable to insurgents, terrorists, and traffickers. As a result, one of the biggest challenges to international intervention in Mali is the threat posed by the nexus among organized crime, insurgency, and terrorism. Indeed, actors involved in organized crime have come to wield decisive political and military influence in northern Mali.[24] More broadly, smuggling routes criss-crossing the Sahel are enabling the flow of cocaine, heroin, hashish, weapons, and migrants.

Drugs are not the only crime-related problem in West Africa. **Liberia** and **Sierra Leone** are vulnerable to illegal logging, smuggling of diamonds, and trafficking in persons, while **Côte d'Ivoire** is allegedly a transit country for the smuggling of fuel and cigarettes, and a destination country for the trafficking of persons and the illegal disposal of toxic waste. A recent report by the UN Group of Experts alleges that an organized illegal business structure operates on both sides of the Côte d'Ivoire–Ghana border, smuggling cocoa and

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19 One example is General Bosco Ntaganda, the Rwandan-born Tutsi warlord that UN experts say controlled the latest "M23" rebellion in eastern DRC. He was wanted by the ICC for war crimes and crimes against humanity, however, he was integrated into the Congolese armed forces under a 2009 peace deal with the (National Congress for the Defence of the People (CNDP) rebel group. According to the International Crisis Group (ICG), Ntaganda has also been involved in trafficking of raw materials, such as gold. Between 2009 and 2012, he acquired properties in Goma and Masisi, including a hotel, a mill, and a gas station. He also conducted business supplying fuel from Kenya. In March 2013, Ntaganda turned himself in at the US Embassy in Kigali and was subsequently transferred to The Hague to face charges.

20 See Global Witness, "'Faced with a Gun, What Can You Do?' War and the Militarisation of Mining in Eastern Congo," London: Global Witness, July 2009, as well as UNODC, "Crime and Instability: Case Studies of Transnational Threats," February 2010, pp. 43-47, and Global Witness, "Une corruption profonde : fraude, abus et exploitation dans les mines de cuivre et cobalt du Katanga," Washington DC: Global Witness, July 2006. Also see the fascinating reports of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of Congo, which was created pursuant to Security Council Resolution 1533 (March 12, 2004), UN Doc. S/RES/1533.

21 For an overview of the various groups see United Nations Security Council, *Letter Dated 21 June 2012 from the Chair of the Security Council Committee Established Pursuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council* (June 21, 2012), UN Doc. S/2012/348.

22 See UNODC, "Crime and Instability," p. 43.

23 See UNODC, "Cocaine Trafficking in Western Africa: The Threat to Stability and Development in West Africa (with Special Reference to Guinea-Bissau)," December 2007 and James Cockayne and Phil Williams, "The Invisible Tide: Towards an International Strategy to Deal with Drug Trafficking Through West Africa," New York: International Peace Institute, October 2009.

24 See Wolfram Lacher, "Organized Crime and Conflict in the Sahel-Sahara Region," The Carnegie Papers, September 2012.

cashew nuts to buy weapons and finance destabilization efforts against the government.[25]

As discussed in chapter three, **Haiti** has been plagued by drugs and crime, involving local gangs as well as international traffickers, because of the weakness of its state institutions and the lure of major profits to be made from the cocaine trade between the Andean countries and North America. While these transnational trafficking networks are producing less violence than in the past, partly because they enjoy a high degree of complicity with local and national state institutions, organized crime continues to act as a hindrance to the rule of law and development of the country, not least by discouraging much-needed foreign investment.

As Phil Williams has pointed out, organized crime in **Iraq** emerged as a major "spoiler" in the postwar security environment, helping to finance insurgency, terrorism, and sectarianism; hindering the emergence of a legitimate central government; and rendering complex economic problems still more intractable.[26] Among the major crimes are armed robbery, extortion, kidnapping, and siphoning and smuggling oil (reportedly 100,000 to 300,000 barrels a day). Some of this illicit activity is carried out by criminal groups exploiting the postconflict situation, while some of it is carried out by militias and terrorist groups to finance their activities; and Syria is heading in the same direction.

Kosovo—where the UN, NATO, the EU, and the Organization for Security and Co-operation in Europe (OSCE) have been deployed for more than a decade—is still riddled with crime, both in the Serb-dominated north and the Albanian-controlled south. As explained in the case study in chapter four, criminal groups in Kosovo have a vested interest in maintaining the status quo because illicit activities like smuggling fuel and trafficking drugs and persons fund their patronage networks, and these activities are enabled by weak rule of law and poor border control.

Somalia is a classic case of the nexus between crime and instability. Instability attracted foreigners to exploit Somalia's coastal waters through illegal fishing and the dumping of hazardous waste. Instability has also enabled piracy and other crimes to flourish, as criminal actors have little to fear from a state that lacks capacity to prevent, expose, and prosecute the crime (and at times is complicit in it).[27] While incidents of piracy off the Horn of Africa are dropping considerably, crime continues to undermine efforts to build legitimate governance and state institutions in Somalia. Given that the pirates' annual income dwarfs the government's budget many times over, politicians wishing to remain in power are unlikely to challenge the pirates. Other forms of criminal activity also prosper. It is estimated that al-Shabaab currently generates between $70 million and $100 million per year in revenue from taxation and extortion in areas under its control, including from the export of charcoal and cross-border contraband into Kenya.[28] Between August 2008 and September 2012, al-Shabaab used the port of Kismaayo as a hub for smuggling sugar, alcohol, cigarettes, cars, weapons, and ammunition, for example.[29] This generated revenue for al-Shabaab while denying the state badly needed import duties. Trafficking in human beings and smuggling of migrants is a serious problem, particularly in the direction of the Gulf.

In **South Sudan**, the general climate of instability has created an environment conducive to illicit activity, including poaching, cattle theft, trafficking in persons, and oil smuggling. In this largely pastoral society, theft of cattle can endanger one's livelihood. Therefore, any attempt to steal livestock can trigger violent conflict (often framed in tribal terms, thus generating a point of reference for perpetuated violence).[30]

In Abyei—a disputed region on the border between Sudan and South Sudan—trafficking in

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25 See United Nations Security Council, *Letter Dated 14 September 2012 from the Group of Experts on Côte d'Ivoire Addressed to the Chair of the Security Council Committee Established Pursuant to Resolution 1572 (2004)* (October 15, 2012), UN Doc. S/2012/766.

26 See Phil Williams, "Organized Crime and Corruption in Iraq," in Peace Operations and Organized Crime: Enemies or Allies? edited by James Cockayne and Adam Lupel (New York: Routledge, 2011), p. 153.

27 See Roland Marchal, "Peace Operations and International Crime: The Case of Somalia," in *Peace Operations and Organized Crime: Enemies or Allies?* edited by James Cockayne and Adam Lupel (New York: Routledge, 2011), p. 91.

28 It is alleged that the charcoal trade is depleting Somalia's forests, which was one of the contributing factors to the recent famine.

29 See, for example, Peter Gastrow, "Termites at Work: A Report on Transnational Organized Crime and State Erosion in Kenya—Comprehensive Research Findings," New York: International Peace Institute, December 2011.

30 Joshua Craze, "Creating Facts on the Ground: Conflict Dynamics in Abyei," Geneva: Small Arms Survey, 2011, available at www.smallarmssurveysudan.org/fileadmin/docs/working-papers/HSBA-WP-26-Conflict-Dynamics-in-Abyei.pdf .

persons, including the abduction of children to become soldiers, is a major problem. So too is illegal trafficking and trading in small arms and light weapons.[31]

In neighboring Darfur, the recent conflict has created a vast pool of displaced persons who are vulnerable to human trafficking. It has also become a magnet for weapons trafficking, and a dangerous area for banditry and car-jacking. There are also allegations that international aid has been stolen by armed groups and used to generate influence and revenue.[32]

Timor-Leste, which suffered from crime-related armed violence in its post-independence period (after 2002), is still vulnerable to extortion and trafficking in drugs and people, involving local gangs organized around kinship ties, martial arts groups, or patronage networks. These gangs are sometimes used by political parties for personal security and as *agents provocateurs*.[33] It is also alleged that some of these groups have links to international criminal syndicates (e.g., in China and Indonesia).

Other theaters where the UN has peace operations may seem less prone to criminal activity, but are nevertheless affected. For example, in **Cyprus** money laundering is a serious problem, as are drug smuggling and antiquities theft (not least from the Turkish-controlled northern part of the island). **Lebanon** is a transit country for cocaine and heroin, as well as being a source of hashish (particularly from the Bekaa Valley). Lebanese traffickers have links to Latin American drug cartels, for example in South America and West Africa. Lebanese banks and nationals (including some with links to Hezbollah) have been accused of money laundering, both within the country and abroad.[34]

LIMITED CRIME-FIGHTING MANDATES

Although this evidence shows that organized crime is a threat to peace in most places where the UN has peacekeeping, peacebuilding, or political missions,

very few of these field operations have mandates to deal with the problem. Of the twenty-eight current UN peace operations, it can be argued that at least twenty-one are in countries or regions where organized crime poses a serious threat to security. And yet, of these twenty-one, only around half have references to organized crime in their mandates. Of these, the link to crime is often weak, for example, they contain rather general references to stemming the flow of small arms and light weapons, or protecting those who are vulnerable to armed violence. A good example is the recent decision to deploy the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). Although the preamble to the associated Security Council resolution expresses concern "over the serious threats posed by transitional organized crime in the Sahel region, and its increasing links, in some cases, with terrorism," there are almost no operational consequences in the mandate.[35] This puts the UN in the position of the unarmed British bobby who yells at the fleeing thief, "Stop, or I'll yell stop again!"

Strange as it may seem, mandates for UN operations in, for example, Kosovo, Iraq, or Timor-Leste contain no references to organized crime at all in their operative paragraphs. That said, as described in the case study on Kosovo in chapter three, the lack of a specific reference to organized crime did not stop the United Nations Interim Administration in Kosovo (UNMIK) from playing an active crime-fighting role. Since it was responsible for maintaining civil law and order as well as border monitoring, it had considerable scope for tracking and fighting criminal groups. Similarly, the UN Transitional Administration in East Timor (UNTAET) had a strong policing component despite the absence of an explicit crime-fighting mandate.

Conversely, having a strong crime-fighting mandate on paper is no guarantee that the mission will flex its muscles on the ground. For example, the mandate of the integrated peacebuilding office in

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31 See Internal Displacement Monitoring Centre, "Sudan: Durable Solutions Elusive as Southern IDPs Return and Darfur Remains Tense," December 23, 2010, available at www.internal-displacement.org/countries/sudan .

32 Pieter D. Wezeman, "United Nations Arms Embargoes: Their Impact on Arms Flows and Target Behavior, Case Study: Darfur, Sudan, 2006–2006," Stockholm International Peace research Institute, 2007, available at http://books.sipri.org/files/misc/UNAE/SIPRI07UNAESud.pdf .

33 See "Groups, Gangs and Armed Violence in Timor-Leste," Timor-Leste Armed Violence Assessment No. 2, April 2009, p. 2.

34 Ginger Thompson, "Lebanese Bank is Accused of Money Laundering," *The New York Times*, February 10, 2011, available at www.nytimes.com/2011/02/11/world/middleeast/11hezbollah.html .

35 UN Security Council Resolution 2100 (April 25, 2013), UN Doc. S/RES/2100.

Guinea-Bissau (UNIOGBIS) notes "with deep concern the threats to national and subregional security and stability posed by the growth in drug trafficking and organized crime in Guinea-Bissau."[36] It stresses the need to build the capacity of the government of Guinea-Bissau to tackle drug trafficking and urges the government to tackle corruption and prosecute those responsible for criminal acts. It also calls for assisting the national authorities to combat human trafficking, including by establishing a transnational crime unit.[37] However, as explained in the next chapter, in practice the UN has had very little success in implementing this mandate.

Similarly, the preamble of the Security Council resolution detailing the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) emphasizes that "the linkage between the illicit exploitation and trade of natural resources and the proliferation and trafficking of arms is among the major factors fuelling and exacerbating conflicts in the Great Lakes region."[38] Pursuant to Security Council Resolution 1925 of 2010, the mission was tasked "to support the Government's efforts and enhance its capabilities, along with international partners and neighbouring countries, to prevent the provision of support to armed groups, in particular support derived from illicit economic activities and illicit trade in natural resources."[39] This was made more robust one year later in Resolution 1991 (2011), which calls on MONUSCO to support relevant Congolese authorities in preventing the provision of support to armed groups from illicit economic activities and illicit trade in natural resources, including to carry out spot checks and regular visits to mining sites, trade routes, and markets in vulnerable regions of the country.[40] Security Council Resolution 2098 of March 29, 2013, further called for the deployment of an "intervention brigade" that can use offensive combat operations to "neutralize and disarm" these

Congolese rebel groups.[41] While MONUSCO has been providing logistical support to Congolese military operations against armed groups in eastern DRC since 2009 (in addition to its primary protection of civilians mandate), most of these operations only had a temporary effect and did not lead to the sustained return of Congolese state authority to these areas, as envisaged in the "stabilization strategy."[42] The regional dimension of the cyclical conflict along with the absence of effective security-sector reform (SSR) and rule of law in the DRC (the Congolese armed forces FARDC having themselves been part of the problem) have made it all the more difficult for MONUSCO to successfully support the Congolese authorities in controlling and managing their own natural resources. As a result, crime and conflict persist.

How is it possible that so few missions have crime-related mandates? Is it because organized crime is an issue that traditionally UN peace operations and development actors have not dealt with? Is it legally and operationally too complicated? Is it because country-specific field missions find it hard to deal with issues that extend beyond the borders of that country? Is it due to a lack of willingness by some states—particularly the host country—to focus on the issue, or to "surrender" some of their sovereign functions (like the maintenance of internal law and order) to an outside power? Or, is it because of fatalistic attitudes that crime is too deeply ingrained in a particular society so there's nothing that can be done about it, and that taking it on would stir up a hornet's nest?

It cannot be due to a lack of awareness of the problem. After all, quite a few mandates refer to crime in their preambular paragraphs, even if the operative clauses contain few, if any, remedial measures.

Take, for example, the mandate of the UN Assistance Mission in Afghanistan (UNAMA). Not surprisingly, UNAMA's mandate is full of references

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36 UN Security Council Resolution 1949 (November 23, 2010), UN Doc. S/RES/1949.
37 UN Security Council Resolution 1876 (June 26, 2009), UN Doc. S/RES/1876.
38 UN Security Council Resolution 2053 (June 27, 2012), UN Doc. S/RES/2053.
39 UN Security Council Resolution 1925 (May 28, 2010), UN Doc. S/RES/1925.
40 UN Security Council Resolution 1999 (July 13, 2011), UN Doc. S/RES/1999, para. 17. The predecessor to the UN Organization Stabilization Mission in the DR Congo (MONUSCO), namely the UN Organization Mission in the Democratic Republic of Congo (MONUC) was mandated to cooperate with the government of the DRC and the group of experts to exchange information on arms shipments, trading routes, and strategic mines used or controlled by armed groups. See MONUC resolutions 1865 (2008), 1857 (2008) and 1896 (2009).
41 The brigade would be composed of 3,069 troops from Southern African Development Community (SADC) countries, notably South Africa, Tanzania, and Malawi, and will deploy for one year within MONUSCO and under the command of the MONUSCO force commander.
42 See International Crisis Group, "Eastern Congo: Why Stabilization Failed," Africa Briefing No. 91, Kinshasa, October 4, 2012.

to the crosscutting threats of trafficking drugs, chemical precursors, and weapons; money laundering; corruption; and the dangers posed by links among terrorists, insurgents, and criminal groups. Indeed, there is a Security Council resolution—1817 (2008)—entirely devoted to the issue. But the mission has few means to deal with the problem.

The mandate of the UN Mission in Liberia (UNMIL) notes, almost in passing, that "crimes of corruption and violence, in particular with regard to exploitation of natural resources," threaten the country's postconflict transition, but it doesn't say what to do about it.[43]

MINURCAT, in Chad and the Central African Republic, was tasked with contributing to "the creation of a more secure environment, combating in particular the problems of banditry and criminality."[44] But it was not specified with what resources the mission was meant to accomplish this, with the additional challenge of a 600 km-long porous Sudan-Chad border.

In Sierra Leone, UNIPSIL is mandated to monitor and promote human rights, democratic institutions, and the rule of law, "including efforts to counter transnational organized crime and drug trafficking."[45] Several references are made to the need for consolidating efforts to combat corruption.[46] But again, the mission was not given the means to do much about it.

CREATIVE AND ASSERTIVE MANDATES

Perhaps the mandate itself is not what is important but rather how one interprets it. A number of peacekeeping operations have restoring or supporting the extension of state authority as part of their mandate (including UNAMSIL in Sierra Leone, MONUSCO in the Democratic Republic of the Congo, MINUSTAH in Haiti, UNMISS in South Sudan, and UNOCI and Operation Licorne in Côte d'Ivoire).[47] This is essential since the state's inability to deliver public security and public

administration, even to control some of its own territory, is one of the enabling factors for illicit activity and the flourishing of alternative forms of government as noted above. Therefore, the process of restoring or supporting the extension of state authority is vital for preventing and combating organized crime.

Another entry point could be via the protection of civilians. Since many peace operations have the protection of civilians as part of their mandates, and more civilians are killed as a result of crime than as a result of conflict, reducing vulnerability to crime is essential for protecting civilians. But here again, language used in Security Council resolutions has usually been accompanied by important caveats indicating that the UN mission is expected to protect civilians "under imminent threat of physical violence" only and "within its capabilities."

There are a handful of UN peace operations that have taken an assertive approach to fighting crime, either because of their mandates or because of the consent of the host government. In Kosovo and East Timor, where the UN had transitional authority, it took on "executive policing" functions.[48] In effect, the UN substituted for local police forces.

As discussed in chapter three, Haiti is a good example of a creative and assertive mandate. As stated in Security Council Resolution 1840 (2008), international illicit trafficking of persons, drugs, and arms affects stability in Haiti. The UN Stabilization Mission in Haiti (MINUSTAH) therefore has a strong mandate—and has taken robust action—to "assist the Government in tackling the risk of a resurgence in gang violence, organized crime, drug trafficking and trafficking of children."[49] It also works with the Haitian National Police in, for example, border management in order to deter illicit activities[50] and implement community-based violence-reduction programs. This is in

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43 UN Security Council Resolution 1836 (September 29, 2008), UN Doc. S/RES/1836. UN Security Council Resolution 1885 (September 15, 2009), UN Doc. S/RES/1885 notes with concern the threats to subregional stability, including to Liberia, in particular posed by drug trafficking, organized crime, and illicit arms.

44 UN Security Council Resolution 1861 (January 14, 2009), UN Doc. S/RES/1861, para. 6(b).

45 UN Security Council Resolution 1829 (August 4, 2008), UN Doc. S/RES/1829.

46 See ibid. and UN Security Council Resolution 1886 (September 15, 2009), UN Doc. S/RES/1886.

47 Jake Sherman, "Peacekeeping and Support for State Sovereignty," in *The Annual Review of Global Peace Operations 2012* (New York: New York University Center on International Cooperation, 2012), pp. 12-25.

48 See Renata Dwan ed., *Executive Policing: Enforcing the Law in Peace Operations*, SIPRI Research Report No. 16 (Oxford: Oxford University Press, 2002).

49 UN Security Council Resolution 1927 (June 4, 2010), UN Doc. S/RES/1927.

50 UN Security Council Resolution 1944 (October 14, 2010), UN Doc. S/RES/1944.

contrast to previous UN operations in Haiti that lacked the mandates, information-gathering tools, analytical frameworks, and resources needed to identify, monitor, and disrupt criminal networks.[51]

Since national responses to transnational threats are, on their own, insufficient, regional offices have added value in dealing with this kind of threat. The United Nations Office for West Africa (UNOWA) is mandated to identify and raise awareness of emerging threats to peace and security, including trafficking in drugs and persons. It is called upon to formulate "a meaningful, effective and integrated subregional approach" that encompasses priorities and concerns related, inter alia, to curbing corruption and illicit cross-border activities."[52] It should also undertake studies, organize forums, and seminars, and help develop practical and concerted strategies on issues such as the proliferation of small arms and light weapons, drug and human trafficking, piracy, and terrorist threats.[53] UNOWA has made effective use of its leverage and its political and strategic network to rally international support for subregional efforts such as the West Africa Coast Initiative that seeks to assist the Economic Community of West African States (ECOWAS) in tackling drug trafficking and organized crime. The UN Regional Centre for Preventive Diplomacy in Central Asia (UNRCCA) in Ashgabat, Turkmenistan, was created, in part, due to the concern expressed by governments of the region about drug trafficking and other forms of organized crime.[54] However, thus far UNRCCA has not found a clear role in facilitating regional cooperation to disrupt drug trafficking and other forms of organized crime.

It is worth noting that a number of regional organizations, like the OSCE, have included organized crime in their field operations' mandates. For example the OSCE Centre in Bishkek, Kyrgyzstan; the OSCE Office in Tajikistan; and the OSCE missions in Albania, Kosovo, and Moldova have all been tasked to assist the host country to strengthen capacity in the fight against trafficking in human beings. The OSCE Mission to Serbia and the OSCE Border Management Staff College in Dushanbe, Tajikistan, also strengthen capacity to fight organized crime more generally.[55]

The European Union has a number of peace and police operations with strong crime-fighting mandates. For example, the European Police Mission in Bosnia and Herzegovina (EUPM) was mandated, inter alia, to strengthen the operational capacity and joint capability of the law-enforcement agencies engaged in the fight against organized crime and corruption; to assist and support in the planning and conduct of investigations in the fight against organized crime and corruption in a systematic approach; and to assist and promote development of criminal investigative capacities of Bosnia and Herzegovina.[56] As described in chapter four, the EU Rule of Law Mission in Kosovo (EULEX) has been involved, inter alia, in ensuring that cases of organized crime, corruption, financial or economic crimes, and other serious criminal offences are adequately investigated, prosecuted, adjudicated, and enforced in accordance with applicable law. EULEX has also been involved in strengthening and promoting cooperation and adjustment during the course of judicial process—in particular in the area of organized crime—and contributing to the fight against corruption, fraud, and financial crime.

BACKGROUND TO THE CASE STUDIES

The next three chapters will focus on the case studies of Guinea-Bissau, Haiti, and Kosovo. One of the lessons of this study is that every case should be looked at in terms of the specific conditions of the local environment as well as the external factors that lead to a nexus between crime and conflict. Every situation is different.

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51 James Cockayne, "Winning Haiti's Protection Competition: Organized Crime and Peace Operations Past, Present, and Future," in *Peace Operations and Organized Crime: Enemies or Allies?* edited by James Cockayne and Adam Lupel (New York: Routledge, 2011), pp. 115-135.

52 UN Security Council, *Letter dated 28 November 2007 from the Secretary-General addressed to the President of the Security Council*, UN Doc. S/2007/753, December 21, 2007. See also UN Security Council, *Letter Dated 14 December 2010 from the Secretary-General to the President of the Security Council*, UN Doc. S/2010/660, December 20, 2010.

53 Ibid.

54 UN Security Council, *Letter Dated 7 May 2007 from the Secretary-General to the President of the Security Council*, UN Doc. S/2007/279, May 16, 2007.

55 For a useful chart on the mandates and activities relating to transnational threats of selected UN and OSCE political and field missions see James Cockayne and Camino Kavanagh, "Flying Blind? Political Mission Responses to Transnational Threats," *Review of Political Missions 2011* (New York: New York University Center on International Cooperation, 2011), p. 22.

56 See for example European Union Council Joint Actions 2005/824, 2007/749, 2008/130, and 2009/906.

That said, there are some similarities among the three cases, which are on three different continents. They are all small, fragile states along trafficking routes. All three case studies demonstrate clear links between business, politics, and crime. Furthermore, all three are vulnerable to postconflict instability and/or political turmoil. In each case, drugs and crime have been grafted onto specific historical trajectories. At the same time, they have shaped the fates of these countries. This has created a vicious circle where instability attracts crime, and crime deepens instability.

Furthermore, all three have been the focus of significant international efforts and resources to reduce the threat posed by organized crime. The commitment of the international community has varied due to political expediency. Indeed, there appears to be a correlation between the geostrategic importance of a country and the amount of attention that it receives from the international community. Whereas the international community —particularly Europe and the United States— became deeply concerned about Kosovo in 1999, it has shown less interest in the fate of Guinea-Bissau. As a result, the penetration of organized crime has become much deeper in Guinea-Bissau than

Kosovo. This is dangerous because, as this study shows, the impact of transnational organized crime goes far beyond small states like the ones analyzed in the following chapters. Once organized crime gains a foothold, it can spread like a cancer throughout a whole region, which can have wider consequences for international peace and security.

For all of these reasons it is vital to understand the nexus between crime and instability. Understanding the political and socioeconomic factors helps to explain the context in which crime can flourish, while understanding the dynamics of the criminal groups and markets can explain their effect on politics, business, and society.

Following the approach mapped out in IPI's "Spotting the Spoilers" guide to analyzing transnational organized crime in fragile states,[57] the following three case studies look at the political economy of illicit activity and the impact of crime on stability and other aspects of the mission mandates, such as the extension of state authority and establishment of the rule of law. They also focus on the efforts of the international community to come to grips with this challenge in the context of peace operations.[58]

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57 Shaw and Kemp, "Spotting the Spoilers."
58 The field research was carried out in August and September 2012. Mark Shaw covered Guinea-Bissau, Arthur Boutellis went to Haiti, and Walter Kemp was in Kosovo.

Chapter Two

Guinea-Bissau

INTRODUCTION

Organized crime and drug trafficking are transforming politics in West Africa, and nowhere is this clearer than in Guinea-Bissau. Here, a fragile and poorly governed state in perpetual crisis has provided a crucial opening for the expansion of drug trafficking throughout West Africa. Situated on the northwest coast of the subregion,[1] sandwiched between Senegal and Guinea-Conakry, Guinea-Bissau is one of the poorest countries in the world.[2]

While estimates vary, currently a minimum of 13 percent of cocaine trafficked to Europe is transited via Guinea-Bissau.[3] This amounts to at least 25 tons per year, and probably much more, with an annual value domestically of about $250 million, which is equal to approximately 25 percent of the country's gross domestic product (GDP) of $975 million.[4] And this is using a conservative estimate—there are others that are far higher: UN drug-control officials recently maintained that some 900 kilograms of cocaine were finding their way to Guinea-Bissau every night,[5] and recent interviews in the capital Bissau suggest that since the coup of April 2012 there has been an increase in trafficking with about 35 tons having moved through the country between January and September 2012.[6] While it is clear from these figures that there is some dispute over the exact volumes, what is not in doubt is the significant impact of drug trafficking, both in Guinea-Bissau and in the surrounding states of West Africa.[7]

The international response to organized crime and drug trafficking in West Africa has been vocal, from the passing of Security Council resolutions to numerous high-level conferences. But there has been little success in controlling the problem. In fact, the situation is arguably worse than ever, with drug trafficking now deeply embedded in the politics and economies of the West African coast, as well as farther inland.

There can be little doubt that Guinea-Bissau lies at the heart of the challenge in West Africa. While there is a significant trafficking problem in the region as a whole, the country has assumed the role of an "open door" through which drugs and illegal money have poured. That has had profound implications for the political stability of surrounding states, most recently in Mali, which has been a key conduit for drugs moving northward from Guinea-Bissau.[8]

The dynamics of profiting from—and protecting—drug trafficking are now defining features of politics and state erosion in Guinea-Bissau. There is strong evidence that recent changes of government and the numerous political assassinations between these changes are linked to the control of illicit trafficking. The drug trade has thus greatly contributed to the crisis of governance in Guinea-Bissau.

It is important to note that the particular form that the crisis has taken is directly linked to the original unstable foundations of the state and its limited means of economic survival. Enormous volumes of illicit funds have been injected into a nascent transition to democratic, multiparty governance. The state has lacked the resilience to withstand the external pressure and, in the process,

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1 Guinea-Bissau is unique among the states of the West African coast, as it has a large group of some eighty-eight off-shore islands, only twenty of which are inhabited at any time. This provides a series of safe havens for drug traffickers.

2 The country ranks 176 out of 187 countries on the Human Development Index (HDI) with a life expectancy at birth of only 48.1 years. Nearly 65 percent of the population lives at or below the national poverty line. The population is estimated at 1.6 million.

3 UNODC, "The Transatlantic Cocaine Market," April 2011, p. 2.

4 UNODC, *World Drug Report 2010* (Vienna, 2010), p. 242.

5 Quoted in Geoffrey York, "Coup in Guinea-Bissau Shines a Light on Powerful West African Drug Trade," *The Globe and Mail*, April 13, 2012.

6 Personal interview with a UNODC official, Bissau, Guinea-Bissau, September 19, 2012.

7 A selection of figures continue to be quoted, illustrating just how little is in fact known of the extent of the trafficking. Regional law enforcement figures argue that the official figures provided by the UNODC, which appear to be based on seizures (which have been declining) are far too low. Personal interviews with security officers, UN officials, and local diplomats, Dakar, Senegal, September 17 and 21, 2012.

8 Wolfram Lacher, "Organized Crime and Conflict in the Sahel-Sahara Region," Washington DC: Carnegie Endowment for International Peace, September 2012.

GUINEA-BISSAU

SENEGAL

GUINEA

ATLANTIC OCEAN

Kandika · Kounkané · Kolda · Wassadou · Koumbakara · Salikénié · Bignona · Ziguinchor · Mpak · São Domingos · Oussouye · Kabrousse · Varela · Susana · Cacheu · Calequisse · Caió · Canchungo · Jolmete · Ingoré · Barro · Bigene · Olossato · Bissorã · Bula · São Vicente · Binar · Encheia · Safim · Nhacra · Bissau · BISSAU · Quinhámel · Prábis · Enxudé · Tite · Bolama · Sédhiou · Diattakounda · Tanaf · Dungal · Farim · Cuntima · Jumbembem · Mansabá · Mansoã · Porto Gole · Fulacunda · Kounkané

Canquelifá · Buruntuma · Camajábá · Camalá · Pitche · Foula Mori · Bajocunda · Pirada · Paunca · Canjufa · Sonaco · Gabú · Uacaba · Bafatá · Cambaju · Sare Bácar · Canhámina · Contuboel · Gamamudo · Gêba · Cuitá · Mansaina · Béli · Ché Ché · Boé · Cabuca · Koumbia · Vendu Leidi · Féfiné · Kambéra · Dabalaré · Dulombi · Galomaro · Bambadinca · Xitole · Xime · Buba · Quebo · Kandiafara · Dobali · Sansalé · Cácine · Campeane · Sangonha · Bedanda · Empada · Catió · Tombali

GABÚ · BAFATÁ · OIO · CACHEU · BIOMBO · QUINARA · TOMBALI · BOLAMA

Arquipélago dos Bijagós · Bolama · I. de Bolama · Caravela · Ilha de Caravela · I. de Enu · Uno · Ilha de Uno · Eticoga · I. de Uracane · Abu · I. de Ponta · Ilha de Formosa · I. das Galhinas · I. de Soga · Bubaque · I. de Rubane · Ilha de Bubaque · I. de Canogo · Ilha de Meneque Orangozinho · Ilha de Orango · I. de Unhocomo · I. de Unhocomozinho · Ilha de Roxa · I. dos Cavalos · Ilha João Vieira · Ilhéu do Meio · I. de Melo · Ilhas Tristao

Madina de Baixo · Rio Grande de Buba · Canal do Gêba · Rio Gêba · Rio Mansoa · Rio Cacine · Casamance · R. Cacheu · R. Cacine · R. Gêba · R. Mansoa · R. Corubal · R. Balana · R. Corubal · Kolibá · R. Campossa · Koliba · Krogon · Rio Kompony

Map Legend:
- National capital
- Regional capital
- Town, village
- Airport
- International boundary
- Regional boundary
- Main road
- Secondary road

GUINEA-BISSAU (inset globe)

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

0 10 20 30 40 50 60 km
0 10 20 30 40 mi

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has become more vulnerable within. The result has been greater fragility, triggered by a small elite that fights over control of the profits of drug trafficking, and the seepage of illicit funds into the political process.

A STATE IN PERPETUAL CRISIS

The independence of Guinea-Bissau from Portugal in 1974 was a much celebrated event, not only because it concluded a brutal period of colonial exploitation and a protracted eleven-year armed struggle, but also because the leader of that struggle—Amílcar Cabral—skillfully steered the *Partido Africano da Independência da Guiné e Cabo Verde* (PAIGC) as a unifying force with a clearly articulated vision of the legitimacy of the struggle for a better life for all the country's people.[9]

However, the foundations of the new state were less steady than those of other former Portuguese colonies in Africa. The colonial service in Guinea-Bissau did not rely on a locally trained and recruited cadre, leaving no national civil administration on which to build.[10] Furthermore, the economy was heavily dependent on externally-orientated trade, which had few linkages to the economic activities of the vast majority of the people. While the PAIGC had a distinct advantage over liberation movements elsewhere in Lusophone Africa in that it had no competitors and strong national legitimacy,[11] this hegemony quickly produced highly personalized networks, fueled by patronage politics.[12] Increasingly isolated from the broader society, the elite sought control of the state to protect their own economic interests.

The military, the Revolutionary Armed Forces of the People (FARP), built on the guerrilla force that had achieved independence and, resembling more of a people's militia, exerted considerable influence from the beginning. But because it had been a militia created to fight a guerrilla war, it had strong linkages to the civilian state and, like the narrow economic elite, formed a second overlapping element of the political class—the third being a small number of businessmen. In a state where resources were scarce, the military became a place of refuge for an aging cadre of fighters who had participated in the war of liberation. About 40 percent of the current officer corps has served in the army for more than twenty years, and of these half have served for thirty years. The overwhelming majority resides in Bissau, "their officers representing an important segment of the politico-military elite."[13]

The third power base was a small business elite. Since independence, formal economic power has been increasingly concentrated in the hands of a small group of "facilitators" with international connections and links to the political and military elite. They emerged in large part as a consequence of World Bank and International Monetary Fund structural adjustment programs in the late 1980s. This policy aimed at privatizing a series of plantation-style trading farms, whose owners (the so-called *ponteiros*) benefitted from medium- and long-term loans as a result of the structural adjustment program. As in other parts of West Africa, this policy had the unintended effect of concentrating economic power in fewer hands.[14] "The problem was," as an analysis a decade later concluded, "that the majority of these *ponteiros* were high-ranking government officials" who lacked the skills and inclination to turn these estates into productive enterprises.[15] This group would seek wider opportunities for economic accumulation through drug trafficking.

As in other countries where the rule of law is weak and corruption is rife, in Guinea-Bissau there is a triangular relationship between the political class, the military, and the upper echelons of the private sector, with "fluctuating and ambiguous short-term alliances" built on patronage.[16] Sometimes these forces colluded, sometimes they competed, and this volatile situation became even

9   The PAIGC had fought for the liberation of both Guinea-Bissau and Cape Verde. By 1980 the vision of a bi-territorial state had foundered on the diverging political and economic realities of the two states, signified by increasing instability in Guinea-Bissau and the consolidation of institutions and governance in Cape Verde.

10 It is often pointed out however by ordinary people that those skilled people that had served the Portuguese were either killed or went into exile.

11 Patrick Chabal, "Lusophone Africa in Historical and Comparative Perspective," in *A History of Postcolonial Lusophone Africa*, Chabal, et al. (Bloomington: Indiana University Press), pp. 53–54.

12 Personal interview with an independent radio journalist, Bissau, Guinea-Bissau, September 20, 2012.

13 Birgit Embaló, "Civil-Military Relations and Political Order in Guinea-Bissau," *Journal of Modern African Studies* 50, No. 2, 2012, p. 258.

14 Akpan H Ekpo, "Economic Development Under Structural Adjustment: Evidence from Selected West African Countries," *Journal of Social Development in Africa* 7, No. 1, 1992, p. 27.

15 Joshua Forrest, "Guinea-Bissau," in Chabal et al., *A History*, p. 242.

16 Ibid., p. 253.

more precarious with the injection of massive amounts of drug money in the early 2000s.

This fragility at the top is illustrated by the high turnover in leadership since 1999. Even before the impact of drug trafficking, the increasingly fractured foundation of the state ensured that political turbulence and instability quickly became a feature of the newly liberated country, which was dominated by several key individuals. The regime of Luiz Cabral (1974–1980) was followed by a long period of autocracy under President João ("Nino") Vieira (1980–1999), which was characterized by an increasingly fragile economy. Since Vieira's election, no president, including Vieira himself, has completed a full term in office: three presidents have been overthrown and one assassinated.[17]

Political and economic instability have been closely interlinked, with the cycles of crisis shortening since the early 2000s—an indication of the instability that drug trafficking has introduced into an already-fragile political context.

This fragility became particularly pronounced in the early 1990s when Vieira, desperate to bolster his failing regime, sought greater economic and political support from neighboring Senegal. At the same time, the government in Bissau was involved (presumably with Vieira's implicit or explicit support) in trafficking arms for profit to rebels in the bordering Casamance who had close economic and community ties to Guinea-Bissau.[18] Caught out, eager to retain relations with his more powerful neighbor, and under growing political pressure to end the arms trafficking to the rebels, Vieira sought to divert the blame onto his military chief of staff, Ansumane Mané.

Vieira dismissed Mané in 1998, but within days of his dismissal Mané led a revolt and a brutal year-long civil war ensued, fuelled by widespread frustration and opposition to Vieira, which ended with the erstwhile president being forced into exile.[19] The question of who was actively involved

and complicit in the arms trafficking speaks volumes of the fragmented, profit-seeking nature of the country's elite, the degeneration of its politics, and the constantly moving frontline between elements of the military and their connections in civilian administrations. The twists and turns of the political process in the next decade were to become increasingly complex, volatile, and violent.

The subsequent election of President Koumba Yalla, who became leader of the first non-PAIGC government, brought a new democratic beginning. But Yalla's rule became increasingly repressive, and in 2003 he was removed from power in a coup. In 2005, both Yalla and Vieira ran for office, and Vieira won an election that was declared free and fair by international observers despite allegations to the contrary.[20] Four years later, on the evening of March 1, 2009, both the army chief of staff, Gen. Batista Thagme Na Waie, and President Vieira were assassinated within hours of each other. Vieira was purportedly killed in revenge by soldiers loyal to Thagme.[21] Days before the elections to replace Vieira, military authorities claimed a number of politicians were planning to overthrow the current government and detained some of them while killing others. While there was a great deal of speculation and accusations made in the advent of the July 2009 election, it nonetheless proceeded without a hitch and the PAIGC's Malam Bacai Sanhá was victorious.

While Sanhá had claimed he would actively fight the flood of narcotics into the country, his presidency was marred by poor health and multiple coup attempts. Rear Admiral José Americo Bubo Na Tchuto, who was designated a drug kingpin by the US Drug Enforcement Administration (DEA), led a coup attempt in April 2010 and allegedly led another in December 2011. Sanhá was out of the country during the second attempt, receiving medical treatment, and died shortly thereafter in January 2012.[22]

17 "Ex-Guinea-Bissau Speaker Rejects Presidency," *Al Jazeera*, April 21, 2012, available at www.aljazeera.com/news/africa/2012/04/2012421125245788837.html .

18 Alan Rake, ''Will Peace Hold?' *New African*, No. 366, September 1998.

19 Trevor Johnson, ''New Military Coup in Guinea-Bissau Leaves One Hundred Dead," *International Committee of the Fourth International: World Socialist Web Site*, May 19, 1999, available at www.wsws.org/articles/1999/may1999/guin-m19.shtml .

20 "Army Man Wins G Bissau Election," *BBC*, July 28, 2005, available at http://news.bbc.co.uk/2/hi/africa/4723627.stm .

21 James Traub, "Africa's Drug Problem," *The New York Times*, available at
     www.nytimes.com/2010/04/11/magazine/11Trade-t.html?_r=1&pagewanted=all&ref=senegal .

22 "President Malam Bacai Sanha of Guinea-Bissau Dies at 64," *Associated Press*, January 9, 2012, available at
     www.nytimes.com/2012/01/10/world/africa/president-malam-bacai-sanha-of-guinea-bissau-dies-at-64.html?_r=0 .

The presidential election to replace Sanhá was held on March 18, 2012. Although the voting process was peaceful and deemed free and fair by international observers, there was some cause for concern, including accusations of fraud lodged by former president Yalla and several of the candidates.[23] A runoff election was scheduled for April 29th, but before it could be held, a military coup occurred. Coup leaders claimed that they had "no ambitions of power" and instead asserted that "the prime minister had signed a deal with Angola that would 'annihilate Guinea-Bissau's armed forces'" and that they were combatting the threat.[24]

Despite initial condemnation, the Economic Community of West African States (ECOWAS) quickly reached an agreement with the coup leaders in the following weeks on the restoration of civilian rule. In May 2012, Manuel Serifo Nhamadjo—president of Guinea-Bissau's National People's Assembly—was appointed Guinea-Bissau's transitional president with a one year term.[25] The coup, as we shall see, had the powdered fingerprints of the drug trade all over it.

ECONOMIC FRAGILITY, STATE CONTRACTION, AND ELITE CONTROL

From the founding of the independent state, and as political crisis followed political crisis, the government's control over the territory of Guinea-Bissau gradually shrank inward toward the capital Bissau and with it, the economic opportunities that funded the elite's patronage networks. In the process, the leadership became increasingly reliant on external sources of funding, and the common people—particularly in the countryside—saw less and less evidence of the state. In "a state organised around strategies of material survival and personal gain,"[26] these two trends of state contraction and reliance on external sources of funds were mutually reinforcing. As a cogent recent analysis concludes, "In this context [in Guinea-Bissau], as the patrimo-

nial state strengthened, the modern state vanished, and central authority became the best way for personal enrichment."[27]

As the political-military elite became less interested in what happened outside the capital, the institutional presence of the state in rural areas literally faded away. A recent study that drew on the opinions of ordinary citizens across the country notes that "for the majority of people consulted, the state structures are absent especially at the local level where administrative services are virtually non-existent. The situation has created a power vacuum enabling disorder to prevail in all administrative sectors."[28]

Government economic policies failed to generate rural-urban production linkages, and the divide between the increasingly aid-dependent formal sector and the local informal agricultural and cross-border trade networks increased. Two economies emerged: the first was made up of a government connected to internationally linked trading arrangements propped up by external support (primarily from France), favorable credit rates under the structural adjustment program, and economic linkages within the region (mainly to Senegal); and the second was a rural survival economy of ordinary people built on agricultural products, cattle, and handicrafts and connected to a regional informal trading network that reflected the nature of community cross-border linkages across colonially imposed frontiers.[29]

By the late 1990s, both economies were suffering. The ruling political elite was increasingly squeezed economically, which had a direct impact on its ability to maintain power since power was based on patronage. In rural areas, opportunities were drying up and public administration and services were almost completely absent. Guinea-Bissau was vulnerable, and facing a crisis. The state was a hollow shell, still existing, but hardly able to assert

23 AFP, "Guinea-Bissau Presidential Run Off Vote Delayed to April 29," *Africa Review*, April 12, 2012, available at
www.africareview.com/News/Bissau+run+off+delayed+to+April+29/-/979180/1384960/-/jvdir1/-/index.html .

24 "Guinea-Bissau Coup Leaders Consolidate Power," *Al-Jazeera*, April 14, 2012, available at www.aljazeera.com/news/africa/2012/04/2012413232852260513.html .

25 US Central Intelligence Agency, *The World Factbook: Guinea-Bissau*, October 4, 2012, available at
www.cia.gov/library/publications/the-world-factbook/geos/pu.html .

26 Voz di Paz, "Roots of Conflicts in Guinea-Bissau: The Voice of the People," Guinea-Bissau: Voz di Paz and Interpeace, 2010, p. 13.

27 José Manual Pureza, Sílvia Roque, Mónica Rafael and Teresa Cravo, "Do States Fail or Are They Pushed? Lessons Learned From Three Former Portuguese Colonies," unpublished paper, Peace Studies Group, Centre for Social Studies, University of Coimbra, 2006, p. 17.

28 Ibid., p. 6.

29 For a more detailed explanation, see Forrest, *"Guinea-Bissau,"* pp. 239-249. A similar point was made in several personal interviews in Bissau, most notably with a prominent independent radio journalist and political commentator on September 13, 2012.

its sovereignty and increasingly at the mercy of power struggles, usually involving the military. In such a fragile environment, whoever had financial clout could win over support from the military and other key power brokers. But as traditional sources of revenue dried up, alternatives needed to be found to keep the wheels turning. Cocaine became the answer.

As a long-serving African ambassador to Guinea-Bissau noted, "Increasingly, politics is now defined by a series of highly personalized networks which blur the lines [between] civilians and the military. Whoever is in power maintains a network, and it includes all constituents! The network needs to be fed, and drug trafficking is one source of resources to do this. Without drug trafficking, these networks cannot be maintained. It is not simply a conflict between soldiers and civilians as is often maintained—it is much more complex than that."[30] These networks of protection, patronage, and power fed off the growing drug trade. Politics in Guinea-Bissau became dependent on drugs.

PROTECTION, PATRONAGE, AND POWER

Guinea-Bissau did not find cocaine; cocaine found West Africa. As Guinea-Bissau was going through an economic and political crisis, changes were taking place in the global cocaine trade. A combination of successful interdiction and enforcement efforts in the Caribbean and an increase in cocaine consumption in Europe meant that Latin American traffickers were on the lookout for new ways to reach an increasingly profitable market.[31] It was not hard to foresee that West Africa would be the ideal transit point from a geographic perspective.[32] An initial exploration was said to have been conducted by Colombian traffickers in the early 1990s. They originally targeted Guinea-Conakry based on old connections and a sense that the state there was easy to corrupt. But perceiving that their position there might become unstable given the

unpredictability of local politics, they looked further afield, not least to Sierra Leone, Liberia, and Guinea-Bissau.[33]

It was during this period of shrinking economic opportunities and conflict within the political elite—in about 2000—that the first small shipments of cocaine from Latin America to Guinea-Bissau were made. The Colombian traffickers couldn't believe their luck. They had found a perfect environment to do business: the government was weak and malleable; the military was corruptible; and a bit of drug money could go a long way. Indeed, politicians, businessmen, and military leaders reached out to the foreign traffickers as a potential source of newfound wealth in order to support their patronage networks. It was a win-win situation. The Colombians claimed to have received such support that a fully-fledged trafficking operation was in place within months.[34] These conclusions are reinforced by interviews in Bissau that suggest that Vieira, on his return to power in 2002 and in combination with elements in the military, swiftly consolidated links with drug traffickers.[35]

However, increased wealth did not lead to increased stability. On the contrary, it led to greater competition for control over the lucrative new import. The result was mounting conflict between the military elite and Vieira's administration as both groups became more closely linked and more dependent on the criminal groups that were funding their lifestyles, campaigns, and influence, as well as the ever-increasing levels of violent protection required to maintain them. Providing protection meant an accumulation of resources, and an accumulation of resources meant the ability to initiate and control patronage networks, generating political power. So a symbiotic relationship developed between the criminals and their counterparts among the elites of Guinea-Bissau. They both needed each other.

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30 Personal interview with an African ambassador to Guinea-Bissau, Bissau, Guinea-Bissau, September 20, 2012.

31 UNODC, "Transnational Trafficking and the Rule of Law in West Africa: A Threat Assessment," Vienna, July 2009, p. 14.

32 In fact, UNODC officials in West Africa struggled for several years to put the issue on the international agenda. Most observers were unbelieving of the volumes involved, until the first seizures were made. This is not to say that the issue of drug trafficking in West Africa is new, only that the volume, impact, and geographic dispersal of the latest wave is of much greater significance than before. For a history of trafficking in West Africa, see Stephen Ellis, "West Africa's International Drug Trade," *African Affairs* 108, No. 431 (2009), pp. 171–196.

33 Personal interview with a Guinea-Bissau law enforcement official, September 19, 2012.

34 Personal interview with a Guinea-Bissau law enforcement official, September 19, 2012; personal interview with a UNODC analyst, Dakar, Senegal, September 21, 2012.

35 Traub, "Africa's Drug Problem."

Since the rule of law was weak, power was decided by the bullet and the bribe. With so much wealth at stake, a cycle of political violence was triggered that has lasted more than a decade. For example, many ordinary people in Bissau believe that the killing of Thagme in 2009 and the subsequent assassination of Vieira were related to control over the drug trade.[36] While trafficking was said to have declined in the immediate aftermath of the killings, it is speculated that this is only because traffickers sought out new partners in the state, uncertain who could now guarantee their security.[37] While it is hard to conclude definitively that their murders were exclusively the result of competition over the drug trade, the killing first of Thagme and then of Vieira were defining moments in an increasingly fragile polity, heralding a new cycle of coup and counter-coup and the beginnings of important shifts in the local drug economy.

Protecting drug shipments became core business, particularly for some elements of the military. Over the years, ordinary people in rural areas have reported unusual activities.[38] Few are prepared to speak on the record. But one man, who died shortly afterward, recorded what he saw:

> Eight white men arrived. One of them spoke Portuguese properly. The other did not understand anything. We asked what mission they came to perform, and they replied that they came to check the runway, because planes were going to land there to take away sick people. One of them had dark glasses and was clinging to an attaché case. I said to myself, "That's strange!" The plane didn't even have any seats, just crates and a number of bundles. There was only one place for a seat for the co-pilot. I asked, "So the plane does not have any seats?" He said to me, "They're supposed to arrive." I said, "Then we're going to speak to the governor in Catió." He said, "I have nothing to do with the governor, my boss is in Bissau." They came and went every day. Then the soldiers began to prevent other people from having any contact with them. I myself was upset when one day I heard a spokesman of the Army General Staff say that they knew absolutely nothing about this

plane. It's the soldiers who greet this plane, and then they say they know nothing about it. This is bad.[39]

The power of those paid off to protect drug shipments is well illustrated by what happened in the only two cases in Guinea-Bissau in which large consignments of drugs were seized, in 2006 and 2007. In the first case, the judicial police—acting on a tip off from the International Criminal Police Organization, (Interpol)—seized 674 kilograms of cocaine and arrested two Colombian suspects who had arrived at a military airstrip. Subsequently,

> "the Judicial Police facility where the suspects and cocaine were being held was surrounded by heavily armed military officers, who took custody of the cocaine, ostensibly to transport it to a safe in the Ministry of Finance. The drugs later disappeared from the Interior Ministry and the two Colombian suspects were released on bail and fled the country."[40]

In the second case in April 2007, the judicial police seized 635 kilograms of cocaine after apprehending one vehicle in a four-vehicle convoy that had just been loaded at a military airstrip. Two Colombian suspects and two Bissau-Guinean military officers were taken into custody. All suspects were released and the head of the judicial police was removed from his post after a reprimand by the then interior minister Baciro Dabo.[41]

No seizures have been made since, although there is significant evidence that the volume of trafficking has continued to increase, particularly after the April 2012 coup. Indeed, it is misleading to only judge the drugs market on the basis of seizures, especially in a country where the gamekeepers are in fact the poachers who see little incentive to seize drugs when they are also profiting from them. In short, the lack of seizures more likely tells us that the market is highly controlled, not that it is inactive.

FROM TRANSIT TO TRANSITION

The first phase of trafficking, from about 2000 to 2006, was characterized by foreign traffickers, many of whom were openly present in Bissau,

36 Associated Press, "President Malam Bacai Sanhá of Guniea-Bissau Dies at 64," *The New York Times*, January 9, 2012 available at www.nytimes.com/2012/01/10/world/africa/president-malam-bacai-sanha-of-guinea-bissau-dies-at-64.html?_r=0 .

37 Traub, "Africa's Drug Problem."

38 Personal interview with a Guinea-Bissau law-enforcement official, Bissau, Guinea-Bissau, September 18, 2012.

39 Voz di Paz, "Roots of Conflicts in Guinea-Bissau: The Voice of the People," p. 75.

40 Both cases are clearly outlined in Steven E. Bury, "Analysis of West African Drug Trafficking: The Dynamics of Interdiction and State Capacity," Master's Thesis, Naval Postgraduate School, Monterey, California, March 2011, p. 29.

41 Ibid.

paying for protection to bring drugs and then arranging for their onward movement. For cash-strapped politicians, the amounts were hard to resist: between $700,000 to a million dollars for a major consignment. Politico-military-business factions positioned themselves around the protection business. In Bissau, visible signs of new wealth abounded in the form of luxury cars and a boom in construction. It was a relatively unsophisticated and open response. Money was spread through a relatively limited patronage network and among the military units that carried out protection duties.

A thoughtful recent analysis of drug trafficking in West Africa concludes that in Guinea-Bissau intra-elite political rivalries and cocaine trafficking are two distinct phenomena.[42] Indeed, the authors suggest that political instability may be a "brake on trafficking, not its result."[43] The reality is more complex. A scramble to control the profits of drug trafficking is directly related to recent political turmoil in Guinea-Bissau. The influence of drugs in the political process is becoming stronger not weaker. Shifts in who controls the drug trade have important implications for understanding the impact of drugs on politics and security in the country. In a bizarre example of the volatility of local politics, Bubo Na Tchuto—chief of the navy and later designated as a "drug kingpin" by the United States—entered United Nations premises in Bissau unannounced and requested protection, stating that he was afraid for his life.[44] He proceeded to live on UN premises for more than three months, while facing allegations of a coup plot. On his voluntary departure ninety-five days later, he was picked up from the compound by soldiers and promptly emerged as one of leaders of the coup that took place on April 1, 2010.

That said, there is truth to the idea that growing political instability in Guinea-Bissau is also a concern for drug traffickers. After all, criminal groups prefer low-risk environments, and instability can be bad for business. But rather than putting a brake on trafficking, political instability in

Guinea-Bissau and increased international attention on the region have caused the traffickers to adapt their behavior. In this first phase of trafficking, the traffickers faced three challenges: moving the drugs into Guinea-Bissau, protecting them once they got there, and then moving them safely to markets in Europe.

The first two requirements presented challenges of their own. The traffickers, it is reported, became wary of the intentions of some in the fractured elite in Guinea-Bissau and their constant squabbling. As the cycle of coup and counter-coup became overwhelming, traffickers were no longer sure who they could rely on to protect their stocks. For example, locals recount stories that the military, given their "unpredictability," were kept away from drug storage facilities.[45] Instead of having to gamble with the environment, the traffickers changed the rules of the game, preferring to sell on to intermediaries as quickly as possible to mitigate the risk.[46] These groups were then responsible for any future transactions or were themselves involved in onward trafficking to Europe. The result was the growth of local trafficking organizations that opened up new routes across the Sahel to the north, as well as the forward entry of at least one European smuggling operation into the West African market. These changes have made trafficking operations in West Africa much more complex and harder to understand and detect.

One element of the strategy was to hand off local control of operations to domestic and regional criminal groups, empowered by funds and expertise generated since 2000. This reflected the fact that within Guinea-Bissau itself, control over the drug market consolidated in a surprisingly short space of time. As the supply chain moved increasingly into the hands of the West Africans, the portion of profits available became larger, making the industry even more lucrative. This growth of West African organized crime's involvement in cocaine trafficking is a win-win for all concerned: it shields Latin American traffickers

42   See Neil Carrier and Gernot Klantschnig, *Africa and the War on Drugs* (London: Zed, 2012).

43   Quoted from the book review "Africa and the War on Drugs: The West African Cocaine Trade is Not Just Business as Usual – by James Cockayne,"*African Arguments*, October 19, 2012, available at
      http://africanarguments.org/2012/10/19/africa-and-the-war-on-drugs-the-west-african-cocaine-trade-is-not-just-business-as-usual-by-james-cockayne/ .

44   United Nations Integrated Peace-Building Office in Guinea-Bissau, "UNIOGBIS Statement Issued on Former Rear Admiral Americo Bubo Na Tchuto," January 1, 2010, available at http://uniogbis.unmissions.org/Default.aspx?tabid=9921&ctl=Details&mid=12885&ItemID=11827&language=en-US .

45   Personal interview with a Guinea-Bissau law enforcement official, Bissau, Guinea-Bissau, September 19, 2012; personal interview with an investigative journalist, Bissau, Guinea-Bissau, September 20, 2012.

46   Personal interview with an investigative journalist, Bissau, Guinea-Bissau, September 20, 2012.

from the risks associated with onward transport, and it provides greater profits (and power) to locally emerging groups eager for a stake in the market. This impacted local stability further, as evidenced by the increased rate of the coup and counter-coup cycle. At the same time, it made drug trafficking a homegrown industry. Stated in simple terms, drug trafficking is no longer a crime carried out mostly by foreign actors on West African soil. In the cocaine transit and forwarding business, the seeds have been sown, and now West Africans create and propagate a thriving industry in their own right.[47]

As a result, the 2011 Organized Crime Threat Assessment by Europol noted that criminals of West African origin have assumed a prominent role in the organization of cocaine trafficking to the EU by air courier, for example.[48] It also observed, as a growing trend, that West Africans are recruiting European nationals to act as couriers from Latin America. The increasing, proactive engagement of West Africans has been carefully cultivated. Since 2007, there have been records of traffickers paying local collaborators in both cash and cocaine, thereby creating a local consumer market for the drug.[49] Colombian traffickers transporting cocaine through the region often left behind some as payment to West Africans for their assistance—as much as 30 percent of the shipment.[50]

This has also led to a diversification of the traffickers themselves. There are now said to be a variety of nationalities engaged in trafficking in the country: West Africans of Middle Eastern descent,[51] Mauritanians, Angolans, and, most prominently, Nigerians—each with close links to the local elite.[52] Most prominent too, and of great importance, is the rise of at least one organized trafficking group made up of Bissau-Guinean nationals. How these groups relate to each other is difficult to discern.

But it can be concluded that the result is a greater embedding of trafficking in the region. These are generally not outsiders but well-placed individuals, able to cultivate local protection and patronage networks.

Thus, while estimates vary, by 2012 an increasing proportion of all cocaine bound for Europe passed through Guinea-Bissau.[53] The country is the most prominent "front door" for the traffickers; from its territory, drugs move in multiple directions.[54] The most common forward route is through northern Senegal to Mali and Niger and on to Libya and Egypt in trucks.[55] Transport networks are provided by Bissau-based businessmen who, by 2000, had become desperate for new opportunities.

Guinea-Bissau is thus no longer simply a drive-through zone but the location of increasingly powerful criminal groups with an overwhelming interest in ensuring that drugs are delivered onwards. It has become like the piracy towns of old: rather than being just a place of transit, the subregion has increasingly become the preferred place of transaction, a haven where the buyers and sellers meet in safety and find the associates and partners that they need for their next venture. Increasingly, those partners are coming from the region itself.

As has already been suggested, the implications for both local politics and those further afield in the subregion have been profound. Perhaps no recent event has shown this as clearly as the April 2012 coup in Bissau.

DRUG-FUELED POLITICS

While no element of the political-military elite has been immune from the temptations of illicit drug money, by 2011 increasing external pressure and the imposition of sanctions appeared to be pushing the fragile political process in the right direction.

47 Mark Shaw, "Leadership Required: Drug Trafficking and the Crisis of Statehood in West Africa," Policy Brief No. 37, Institute for Security Studies, October 2012, p. 5.

48 European Police Office (EUROPOL), "Organized Crime Threat Assessment 2011," Brussels, 2011, pg. 13.

49 Personal interview with a Guinea-Bissau law enforcement official, Bissau, Guinea-Bissaue, September 18, 2012.

50 UNODC, *World Drug Report 2010*, p. 28.

51 This is a diverse group who are often incorrectly termed "Lebanese." Many carry West African passports and settled before the creation of Lebanon as a country. A second wave of Lebanese settlers arrived more recently.

52 Personal interviews with a UNODC analyst, a UNODC official, a local law enforcement, and an investigative journalist in Dakar, Senegal and Bissau, Guinea-Bissau, September 2012.

53 Personal interview with UNODC officials, Bissau, Guinea-Bissau, September 20, 2012.

54 Luís Filipe Madeira, Stéphane Laurent ,and Sílvia Roque, "The International Cocaine Trade in Guinea-Bissau: Current Trends and Risks," Noref Working Paper, Norwegian Peacebuilding Centre, February 2011.

55 Personal interview with foreign police liaison officers, Dakar, Senegal, September 17 and 21, 2012.

The UN Secretary-General's report of June 2011 notes in its opening sentence that "The reporting period was marked by positive developments contributing to overall political stability in the country."[56] By October 2011, a stronger line against drug trafficking (although still no evidence of seizures) and promises to begin the contested process of scaling down the inflated military by then prime minister Carlos Gomes Júnior saw a mobilization of opposition to the government. Demonstrations were held to protest the fact that the process of security-sector reform impacted negatively on one ethnic group. Opposition parties also demanded a reopening of an investigation into a previous coup attempt in which the former minister of interior (who had reprimanded the judicial police after the 2007 seizure) had been killed, illustrating once again internecine conflict within the ruling elite.

In June 2011, Gomes Júnior signed a much-heralded "Political Declaration to Counter Drug Trafficking and Organized Crime in Guinea-Bissau." The declaration pledged to "keep drug control, organized crime and anti-corruption as national priorities" and was "an expression of the commitment of the Government to fight illicit drug trafficking."[57] Whatever the sincerity of the document (several observers believe that people around Gomes Júnior were themselves involved in trafficking, and it has long been rumored that he himself had been involved in the killing of Vieira), these and the actions around security-sector reform clearly threatened established patterns of control. Gomes Júnior, "whatever his drawbacks," said a senior foreign diplomat with close knowledge of Guinea-Bissau, "was a better alternative than most to try and steer the country forward. We had finally started to make some progress in difficult conditions—and then came the coup."[58]

As an illustration of this forward momentum, in December 2011 a list was said to have been drawn up in Bissau containing the names of 200 of the longstanding cadre of senior military officials who were to be retired—a move that would have cut off their ability to access funds from drug trafficking.[59] In March 2011, ECOWAS and the Community of Portuguese-Speaking Countries adopted a roadmap for security-sector reform and the stabilization of Guinea-Bissau. Crucially, this involved bringing in a 270-strong force of Angolan military advisors to facilitate the process. More ominously, the Angolans were seen by elements in the military as a direct threat and were accused by senior members of the Bissau-Guinean military of attempting to "annihilate" the country's armed forces.[60]

Presidential elections were held in March 2012, and Gomes Júnior was announced as the winner. Foreign election observers, including from the African Union (AU), the Community of Portuguese-speaking Countries, ECOWAS, and a UK parliamentary delegation called the contest "fair and credible."[61] As stipulated by the constitution, a second round of elections was to be held on April 13th, a runoff between Gomes Júnior and Koumba Yalla. Yalla subsequently announced that he would not compete and warned others about campaigning in the runoff. On the eve of the election, elements of the military carried out a coup d'etat.

The military installed a new civilian government under one of the presidential candidates who had contested and lost the first round of elections, Serifo Nhamadjo. Nhamadjo, however, is said to be a placeholder. He has said that his life and the lives of other members of the civilian government may well be in danger.[62] In the immediate period after the coup, the landing strip of the military chief of staff who led the coup, General Antonio Indjai, is said to be "busier than the main international airport in Bissau," as new shipments of drugs are brought into the country.[63]

56 United Nations, "Report of the Secretary-General on Developments in Guinea-Bissau and on the Activities of the United Nations Integrated Peacebuilding Office in that Country," UN Doc. S/2011/370, June 17, 2011, p. 1.

57 Republic of Guinea-Bissau, *Political Declaration to Counter Drug Trafficking and Organized Crime in Guinea-Bissau*, June 24, 2011, p. 3.

58 Personal interview with a senior foreign diplomat, Lisbon, Portugal, October 18, 2012.

59 Personal interview with diplomats, Dakar, Senegal and Bissau, Guinea-Bissau, September 17 and 19, 2012.

60 Alberto Dabo, "Angolan Troops Begin Withdrawal from Guinea-Bissau" *Reuters*, June 6, 2012, available at www.reuters.com/article/2012/06/06/us-bissau-crisis-angola-idUSBRE85515E20120606 .

61 United Nations, *Special Report of the Secretary-General on the Situation in Guinea-Bissau*, UN Doc. S/2012/280, April 20, 2012, p. 2. See quotes from the UK all-parliamentary group at www.guardian.co.uk/world/2012/mar/18/guinea-bissau-vote-president-military-coup .

62 Personal interview with Serifo Nhamadjo, Lisbon, Portugal, October 2012.

63 Phone interview with a foreign diplomat, Dakar, Senegal, October 16, 2012; personal interview with a senior government official, Lisbon, Portugal, October 19, 2012.

Alliances have continued to shift as power—and control over drug trafficking—is consolidated in the wake of the coup. In October 2012 rumors in Bissau suggested that former naval chief of staff, Bubo Na Tchuto, who had sought refuge in the UN headquarters and who was by now a US-designated "major drug kingpin" and archrival to Indjai, would be reappointed.[64] That placed three accused drug traffickers (the air force chief has been on the US Treasury Department's list of drug lords since 2010) at the heart of military control. In April 2013, however, Na Tchuto was arrested at sea in a sting operation by the DEA and charged with drug trafficking and the purchase of surface-to-air missiles and AK-47 assault rifles with grenade launchers for the Revolutionary Armed Forces of Colombia (FARC). A few days later, an indictment was issued for General Indjai on similar charges. Whatever the truth, it is clear that the internal networks that control drug trafficking are realigning, presumably consolidating control over the illicit drug trade. This has enormously important long-term consequences for political stability in Guinea-Bissau.

The reaction to the coup, the indictments of the two kingpins, and the broader response to drug trafficking in Guinea-Bissau and the region all look increasingly muddled. Despite a clear connection between drugs and politics, the two issues are seldom linked by policymakers dealing with Guinea-Bissau. Several diplomats working on the resolution of the conflict, while aware of the extent of drug trafficking, argue that they have no direct evidence to link it to the coup.[65] Indeed, innuendo often takes the place of information, instrumentalizing the drug issue. As the International Crisis Group points out, "Accusations of drug trafficking and murder have become tools to destabilize political adversaries. In the absence of a robust justice system, these accusations are never the object of proper investigations and judgments."[66] Yet the problem is clearly there. It is therefore hard to believe that drug-control strategies are not linked to the peace process. Is this due to a lack of intelli-

gence, or benign neglect? Is it because the international community does not want—or is not sure how—to confront the problem? Or it is because of a lack of political will among key players in Guinea-Bissau who are profiting from the status quo?

There is clearly concern within the international community that Guinea-Bissau is failing. UN Security Council Resolution 2048 of May 2012 provides the strongest and clearest condemnation of the coup, demanding that the military step down and restore the democratic constitutional process. The resolution establishes a travel ban and new sanctions against key individuals involved in the coup. The resolution also requests the UN to be actively engaged in the process "in order to harmonize the respective positions of international bilateral and multilateral partners."[67]

That task falls to the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS). According to former Special Representative of the Secretary-General (SRSG) Joseph Mutaboba, the cycles of violence can only be stopped through an "inclusive process of political dialogue" and real engagement by all parties, including on the topic of past abuses. He was unequivocal in stating that without addressing the issue of impunity, including for drug trafficking, the challenge of achieving a clear and unified consensus on the way forward will be elusive.[68] The key question remains, how can this be done when the external presence in Guinea-Bissau is limited and there is little will from the current government? Also, international and regional actors do not necessarily hold the same view on how to manage the aftermath of the coup.

While all external parties initially condemned the coup, a split soon emerged as to how the response should be shaped. A foreign diplomat in Guinea-Bissau reported to the author in September 2012, "Look, it's too late now, we should have acted earlier, and so this is who we have to deal with." Another acknowledged with a shrug, "There are gangsters on both sides so the choice is one of degree."[69] Sadly, almost everyone working on the

64 Personal interview with a European Government official, Lisbon, Portugal, October 19, 2012.
65 Personal interviews with foreign diplomats in Bissau, Guinea-Bissau, and Dakar, Senegal, September 2012.
66 International Crisis Group, "Beyond Turf Wars: Managing the Post-Coup Transition in Guinea-Bissau," Africa Report No. 190, August 17, 2012, p. 16.
67 UN Security Council Resolution 2048 (May 18, 2012), UN Doc. S/RES/2048.
68 Personal interview with a foreign diplomat, Bissau, Guinea-Bissau, September 19, 2012.
69 Personal interviews with foreign diplomats, Bissau, Guinea-Bissau and Dakar, Senegal, September 20 and 21, 2012.

problem agrees that Guinea-Bissau is not very high on anyone's policy agenda.

Portugal and the European Union have made the argument that there should be no recognition of the new government. For its part, ECOWAS has recognized the interim administration—in effect recognizing the coup itself—and has brought in a peacekeeping force of its own in a bid to stabilize the situation. Several other states, most notably the United States and South Africa, have also argued in favor of engaging with the new government in an effort to bring about new elections. France, with its own regional interests, is said to be quietly making contacts with the new administration. There is some pressure to hold elections within the next year, but the interim government has named a steep price tag (some $50 million), including for installing a state-of-the-art voter recognition system that would be the envy of many countries in the developed world. The money has not been forthcoming, and the request is interpreted by most as an attempt to block the election, "giving time to consolidate control over the drug trade" in the words of an independent journalist in Bissau.[70]

The complexity of the shifting internal alliances within the country and their connections to drug trafficking is made more complex by the broader regional politics. The theories of ordinary citizens are echoed in the chancelleries of major embassies: Nigeria saw Angolan involvement in West Africa as being a threat to its own position as a regional leader, hence the ECOWAS-led intervention in the post-coup environment and the recognition of the interim government despite the fact that it flies in the face of ECOWAS's own policy of not recognizing military takeovers. Senegal, with its close links to France, wants much greater influence in Guinea-Bissau, not only to quell any attempt to support separatists in the Casamanche region, but also to ensure longer-term control over the port in Bissau, to prevent it from developing into a new shipping hub in competition with Dakar.

Conspiracy theories on the one hand, and complacency on the other, creates plenty of gossip and intrigue, but little coordinated action. "Guinea-Bissau is just not a priority for anyone, and so much of the policymaking, with a few exceptions, is left in the hands of ambassadors on the ground," an opposition member of parliament explained.[71] "They have their own prejudices and opinions, and, after all, who wants to be posted in Bissau? So we are not left with the best."[72] Whatever the truth of this statement, there is a palpable feeling of muddling through.

A CASTLE MADE OF ICE?

Quite separate from action around political crises, the response to drug-trafficking challenges in the region and in Guinea-Bissau itself is like "a castle made of ice" in the words of a foreign law-enforcement official. It is impressive on the face of it, but brittle and likely to melt away leaving little to show for its presence.[73]

The ECOWAS Regional Action Plan to Address the Growing Problem of Illicit Drug Trafficking, Organized Crime and Drug Abuse in West Africa—the operational strategy underpinning the Praia Plan of Action approved in 2008—is the primary instrument in play at the regional level. At a June 2012 meeting of heads of state in Côte d'Ivoire, ECOWAS agreed to "urgently reactivate" the expired 2009 Praia Plan, but with only limited implementation and no assessment of its impact. Yet, an observer reported that several heads of state had never heard of the plan and that pressure was required to get it included in the final communiqué of the meeting.[74]

There has been some progress on aspects of the plan—for example, the establishment of the West African Coast Initiative (WACI)—but even here progress has been slower than hoped. WACI focuses on establishing transnational crime units in some of the most badly affected states in the region. In the case of Guinea-Bissau, the unit—which has only eight members—is unable to operate for fear of retribution, and it has received limited funding. As such, the main efforts have focused on law-

70 Personal interview with an independent journalist, Bissau, Guinea-Bissau, September 20, 2012.

71 This is a point that was often made by diplomats dealing with the crisis. "It is hard to get attention on Guinea-Bissau," said one diplomat, "the politics [are] complex and with everything else happening now [globally] it is almost a relief to leave it to the region to sort out." Personal interview, Dakar, Senegal, September 21, 2012.

72 Personal interview with a senior PAIGC parliamentarian, Bissau, Guinea-Bissau, September 20, 2012.

73 Personal interview with a foreign law enforcement professional, Dakar, Senegal, September 21, 2012.

74 Personal interview with a senior UN official, Dakar, Senegal, September 17, 2012.

enforcement training, but at a scale insufficient to significantly upgrade the capacity of the countries in the region to tackle the drug challenge. Unit members, who seem strongly committed to investigating drug trafficking, point out quite rightly that without any political protection their efforts are bound to fail or be opposed, even violently.[75] Furthermore, as WACI currently only extends to four countries in the region (though there is talk of expanding the initiative), even if its efforts were successful it would probably only result in the shift of trafficking flows to other countries along the coastline.

Another initiative developed in the wake of the increased infiltration of illicit funding in politics in the region is the Praia Declaration on Elections and Stability in West Africa, which includes a provision on preventing the financing of political parties and their campaigns by criminal elements, particularly drug-trafficking networks. The Dakar Initiative, a subregional initiative launched in February 2010 by seven West African countries (Cape Verde, Gambia, Guinea, Guinea-Bissau, Mali, Mauritania, and Senegal), was in follow-up to the Praia Ministerial Conference aimed at helping to implement the political declaration and the ECOWAS Regional Plan of Action.

To varying degrees, the reality of all of these strategies and interventions is that while they have sought to be as comprehensive as possible, they often lack practical and monitorable plans for implementation, which prioritize a clear set of actions. In all cases, they have failed to bring together the requisite levels of funding to have a credible impact. Donors have continued with bilateral initiatives in parallel, although a number of these have now ceased altogether in Guinea-Bissau. For example, in October 2010, the European Union closed down its security-sector reform program in protest against the April 2010 coup.[76] Part of the problem with such plans is that they are often more externally than internally owned and do not address the structural factors underlying the crisis.[77]

And, as already noted, despite the damage being done in the region there is a palpable lack of political will. "Unfortunately this is often seen as a European problem—not one directly of concern to us. After all, we don't have a local drug problem and some people make money," said a West African diplomat.[78]

For its part, the United Nations leads a number of policy, coordination, and operational initiatives that either directly or indirectly support the fight against organized crime and trafficking in West Africa. Most prominently, the UN Regional Office for West Africa (UNOWA) was created in January 2002 to promote an integrated subregional approach to peace and security challenges in the region—the first-ever regional UN political mission. Since then, UNOWA's mandate has been renewed three times (in 2005, 2007, and 2010) for three-year periods. The Secretary-General's special representative for West Africa, Said Djinnit, has taken a close personal interest in the issue of drug trafficking, pushing behind the scenes for a clearer and more strategic response.

But with each mandate renewal, the functions and activities of the office have increased and expanded. By 2007, its mandate involved thirty-three activities[79]—a broad scope given that in 2010 UNOWA had fewer than thirty staff.[80] UNOWA's mandate has transformed as the strategic context in West Africa has changed. Over time, it has grown to include cross-border and crosscutting challenges to peace, security, and stability as part of its core activities. For the first time, in the 2010 mandate renewal, the mandate included a clear directive to combat "new threats to security," including cross-border illicit trafficking, transnational organized crime, and terrorism. But the mission has neither the budget nor the staff capacity to make a tangible difference. A recent evaluation of the performance of UNOWA indicated that the office had focused on three issues: coordination, good offices, and political analysis, but it was struggling to deliver on all three fronts. Moreover, despite the presence of

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75 Personal interviews with a law enforcement officials in Bissau, Bissau, Guinea, September 18–19, 2012.

76 "The EU's Mission in Guinea-Bissau Terminates," European Union External Action Service, available at
     www.consilium.europa.eu/eeas/security-defence/eu-operations/completed-eu-operations/eu-ssr-guinea-bissau/news-in-brief?lang=en .

77 Sílvia Roque, "Peacebuilding in Guinea-Bissau: A Critical Approach," Norwegian Peacebuilding Centre, May 2009, p. 2.

78 Personal interview with a West African diplomat, Bissau, Guinea-Bissau, September 18, 2012.

79 United Nations, "Letter from the Secretary-General to the President of the Security Council," UN. Doc S/2007/753, December 21, 2007.

80 United Nations, "Letter from the Secretary-General to the President of the Security Council," UN. Doc. S/2010/693, December 31, 2010.

UNOWA, the UN does not coordinate its activities in the region under one UN body. While UNOWA has the mandate for UN system coherence, it does not have the capacity to perform this function adequately, and there is no overarching strategic umbrella for the region as a whole.

UNIOGBIS faces a similar challenge in Guinea-Bissau. It is meant to draw on the strengths of various actors in the UN system for a holistic approach to tackling challenges and instability. The office's mandated tasks include support to the UN Peacebuilding Commission, the coordination of security-sector reform efforts, and addressing national reconciliation issues. The integrated mission model was intended to allow more resources to be allocated to these objectives and to improve coordination with the UN country team. While the mission has mandates that speak to governance and the building of state institutions in the country, its efforts to address the trafficking challenges and their impact on statehood have been restricted to the provision of basic resources, advice, mentoring, and training in support of national efforts. Several police officers are included on the staff as part of the mission, but they do not appear to be dealing directly with issues related to drug trafficking.

For a time, the UNODC maintained a small office in Bissau that was focused almost exclusively on the implementation of the WACI and the coordination of law-enforcement training. By the nature of its work, the UNODC relied on cooperation from the authorities to be effective and, as indicated, this was lacking—a reason why some donors suggested that that they were reluctant to support these efforts. Nevertheless, continued support of UNODC would allow the maintenance of a presence, ensuring an ability to keep abreast of ongoing developments, and, where possible, to facilitate cooperation with key partners.

In some ways, the UN has been placed in an unfair position in Guinea-Bissau. All forms of bilateral support have been withdrawn and efforts to fight drug trafficking rely heavily on the political will of the local counterparts. This is absent in Guinea-Bissau. Thus, in the current political context in the country, it makes little sense to support efforts to strengthen the police and other institutions without a broader agreement on the way forward. If and when that is achieved, countering drug trafficking and ending impunity for those who have accumulated illicit profits will have to be central to any externally sponsored political strategy.

CONCLUSION: AN UNCERTAIN FUTURE

The prospects for Guinea-Bissau in the immediate future look bleak. The opening provided by the coup and the dithering around political options for the future appear to have allowed a number of actors to strengthen their control over drug trafficking. Alliances within the politico-military-business elites continue to consolidate; without pressure and focus on a real engagement to build a democratic alternative to the military government, this control will be extremely difficult to roll back. "We are not scared of sanctions," a senior security official close to the center of power said, "they don't have any money outside."[81] Whether this is mere bravado is not clear, but what is unquestionable is that current attempts to end drug trafficking are having little impact. With little investment being made in the development of sustainable and legitimate industries in the country, it is likely that the proceeds from drug trafficking will remain the only source of economic accumulation, and by implication access to political office.

If there is any desire to achieve stability in Guinea-Bissau, then a platform to move forward must rely on three interconnected interventions.

First, a clear signal is needed that impunity for drug trafficking will not be tolerated. Given the current levels of corruption and state complicity in the trade, innovative thinking will be needed to take steps in this direction—including drawing lessons from the response to piracy off the coast of Somalia as to how a regional response may be forged in the context of a failed or criminalized state. One option is a regional tribunal to investigate traffickers and bring them to trial in states in the region that have the capacity to do so. Another option would be a considerable investment within Guinea-Bissau to ensure an internationally backed and staffed tribunal. While diplomats involved in the process suggest that this may risk destabilizing

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81   Personal interview with a senior security official, Bissau, Guinea-Bissau, September 13, 2012.

the very process that it is meant to protect, if the impunity is to be dealt with, there may be little choice.

Second, there needs to be a concerted effort to reduce the size of the military and, in the process, cut its links to the drugs trade. Whether the current ECOWAS intervention has the capacity to do so on its own is doubtful. Substantial external support will ultimately be needed. As developments have already shown, the military elite that benefits from drug trafficking will move to secure its positions. Without any opposing force to stop the elite, it will cling to power for reasons of economic accumulation.

Third, Guinea-Bissau must be moved up the international policy agenda. There has to be more high-level engagement in an attempt to build peace and ensure elections are held. Despite the fact that the country is small, the crisis here is spreading beyond its borders and the volume of drugs and associated illicit funds is having a much wider impact across the West African subregion than has been anticipated, as well as into the Sahel. A more effective regional response, driven by strong political will, is required across the subregion. Europe can absorb the costs of drug use, but West Africa will be hard pressed to manage the changes that illicit drug profits are bringing to the subregion's politics.

A failure to make progress in any of the three areas outlined above will have devastating long-term consequence for West Africa. Past conflicts in the subregion have shown how instability in one of its small states has the capacity to spread, making the resulting contagion harder to manage. This is also true in the current case: already, instability in Mali is in part a result of drug trafficking through Guinea-Bissau. With the broader challenges of governance in the Sahel and the fragile nature of post-authoritarian Libya, all of which are interconnected, the international community may look back on attempts to resolve the crisis in Guinea-Bissau as a lost opportunity to bring long-term peace and security to West Africa.

Chapter Three

Haiti

INTRODUCTION

The landscape of organized crime in Haiti has evolved significantly over the past twenty years. Political violence and armed gangs have long been seen as the biggest challenges to stability in the country. While gang activities, including kidnappings, have decreased in recent years and are now considered more like "disorganized crime," Haiti remains a major transit country for cocaine trafficking in spite of a temporary decrease in the amount of drugs transiting the country following the devastating January 2010 earthquake. However, these transnational trafficking networks are producing less violence than in the past, partly because they enjoy a high degree of complicity with key figures in local and national government, including in the Haitian National Police (HNP). Most recently, the return of individuals with connections to these networks in the highest circles of power has raised concerns that organized crime is once again becoming further embedded within state institutions. Indeed, for these individuals— and the groups they collude with—crime is considered a lucrative opportunity for personal enrichment rather than a threat to national security.

Although it is not a postconflict country, Haiti has hosted a large UN peacekeeping mission, the United Nations Stabilization Mission in Haiti (MINUSTAH), since 2004. Even though MINUSTAH never had an executive policing mandate[1], it carried out robust anti-gang operations in 2006 and 2007 in support of the government, for which it had to develop sophisticated information-gathering and analysis mechanisms. In spite of these early operations, the UN mission's stabilization mandate led it to focus more on preventing civil unrest and developing the HNP's law-enforcement capacities, rather than on complex national and transnational organized-crime issues, which it is not well-equipped to analyze and deal with anyway. The lack of Haitian political l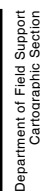eadership on these issues and the chronically weak justice system represented further obstacles to the UN mission's ability to tackle the threat posed by transnational organized crime. There is also a sense that since the United States is the primary destination for most of the cocaine transiting through Haiti, and given its superior interdiction capabilities, the US has the lead role in drug control and crime prevention in the region.

While the UN mission has been and remains a major factor of stability and a strong deterrent for violence, it has not been a deterrent for illicit activities. As a result, organized crime continues to be a hindrance to the very security and development that the UN is trying to encourage. For this reason, an examination of MINUSTAH provides a valuable case study on how a UN peacekeeping operation can tackle armed gang violence, but also on how a militarized approach that does not address the broader political economy has limitations. Failure to address the underlying factors that enable crime to flourish means that the UN risks withdrawing MINUSTAH and leaving law and order in the hands of forces that may be profiting from crime rather than fighting it.

HISTORICAL BACKGROUND: A LAWLESS ENVIRONMENT

Haiti has a history of urban crime perpetrated by armed gangs that have benefited from periodic gaps in law enforcement. At times, some of these armed groups have linked up with various politicians and business elites. In return for arms, funding, and protection from arrest, these groups have been used by crooked elites as both an extension of and a counterweight to regular security forces, in order to protect their interests. In addition to such gangs, Haiti is plagued by criminal groups involved in drug trafficking. Haiti has been a major transit point for drugs—particularly cocaine and marijuana—from the Andean countries to the US since the mid 1980s. Drug transshipment activities have enjoyed varied degrees of support from within

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1 Meaning a mandate to take over law enforcement functions from national authorities, as the UN missions in Timor-Leste and Kosovo did initially. On the notion of executive police functions see Renata Dwan, ed., "Executive Policing: Enforcing the Law in Peace Operations," SIPRI Research Report No. 16 (Oxford: Oxford University Press, 2002).

CUBA

MINUSTAH
February 2013

Force Headquarters
Battalion boundary
International boundary
Departmental boundary
National capital
Departmental capital
Town, village
Main road
Secondary road
Airport

0 5 10 15 20 25 mi
0 10 20 30 40 km

The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations.

DOMINICAN REPUBLIC

ATLANTIC OCEAN

ÎLE DE LA TORTUE

Canal de la Tortue

HAITI

CARIBBEAN SEA

ÎLE DE LA GONÂVE

Golfe de la Gonâve

Canal de la Gonâve

Canal de Saint-Marc

ÎLES CAYÉMITES

PRESQU'ÎLE DES BARADÈRES

ÎLE À VACHE

Étang Saumâtre

Lac de Péligre

Baie de Jacmel

Cap Raymond

Departments:
NORD-OUEST
NORD
NORD-EST
ARTIBONITE
CENTRE
OUEST
GRANDE-ANSE
NIPPES
SUD
SUD-EST

Legend units (left column):
xx HQ MINUSTAH
HQ BRAZIL 1
BRAZIL 2
JORDAN
NEPAL
HQ PHILIPPINES
BOLIVIA
PERU
CHILE
ARGENTINA
CHILE & ECUADOR
BRAZIL
PARAGUAY
ARGENTINA
MP GUATEMALA

FPU BANGLADESH 1
FPU INDIA 1
FPU INDIA 2
FPU JORDAN 1
FPU JORDAN 2
FPU JORDAN (SWAT)

HQ ARGENTINA
ARGENTINA
ARGENTINA
SPT ARGENTINA
INDONESIA
URUGUAY
FPU PAKISTAN (-)

FPU RWANDA
FPU SENEGAL
FPU PAKISTAN

HQ CHILE
CHILE
LOG CHILE
FPU NEPAL

HQ URUGUAY 2
URUGUAY
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JORDAN

Map No. 4224 Rev. 36   UNITED NATIONS
February 2013 (Colour)

the Haitian state apparatus at different times. Therefore, drug trafficking has a bearing on politics, governance, and the economy.

A brief historical overview is helpful when trying to understand the challenges Haiti faces today. In 1959, François "Papa Doc" Duvalier created the brutal paramilitary force known as Tonton Macoute to operate alongside the Haitian Armed Forces (FAd'H), then the only internal security force. When Papa Doc died in 1971, Jean-Claude "Baby Doc" Duvalier succeeded him and became involved in the drug trade as well as other illicit activities, until he was overthrown by a popular uprising in 1986. This left a security vacuum until Jean-Bertrand Aristide became president in Haiti's first free elections in 1990. But Aristide was deposed by a military coup just eight months later. The FAd'H and its intelligence branch (supported by the paramilitary group FRAPH, or Front for the Advancement and Progress of Haiti) ran the country from 1991 to 1994; they were known to be engaged in drug trafficking and were notorious for using political violence against Aristide supporters. A UN Security Council blockade on Haiti, while devastating the licit economy, created lucrative incentives for smuggling weapons and cars, thereby cementing the nexus between criminal groups and the army.[2]

In 1994, a UN Security Council–authorized, US-led multinational force facilitated the return of Aristide, who disbanded the 7,500-strong FAd'H and created the new Haitian National Police (HNP). While Aristide's government tried to restrict the drug trade, it tolerated a degree of police involvement in trafficking in order to win support. In his second term in office, which started in 2000, Aristide faced an armed rebellion led by forces allied with the opposition Group of 184—comprising political parties and the private sector—which would eventually depose him in 2004. Rebel leader Guy Philippe had strong ties to regional drug-trafficking networks and received training from US special forces in Ecuador in 1991 alongside twelve other Haitian Fad'H members (including Youri Latortue). He allegedly escaped several joint

operations by the US Drug Enforcement Agency (DEA) and the HNP and lives in quasi-hiding in Haiti. He recently reappeared in the context of the 2012 ex-FAd'H protests, when he tried but failed to present himself as the protestors' self-proclaimed spokesperson (see below). During the same period, Aristide (and his Lavalas party) politicized the police and justice system, and formed his own armed gangs known as the Chimères, which at times operated in concert with the police and carried out protection rackets. In short, the decade between 1994 and 2004 was less brutal than the Duvalier period but was characterized by lawlessness, despite the presence of US-led forces. One of the main reasons for this instability was the failure of the Haitian government, and its foreign backers, to deal with the underlying conditions that enabled illicit activity—and the corruption and violence that went with it—to flourish.

When a second US-led multinational force returned to Haiti and MINUSTAH took over in June 2004, the Haitian police was in a state of disarray and the security situation was dire, partly due to international forces having failed to disarm the rebels/ex-FAd'H and the Chimères, many of whom were heavily involved in illicit activities and urban gangs. In the absence of public security, these gangs filled a vacuum and became the de facto leaders in the slums of the capital Port-au-Prince. They developed a relationship of interdependence with certain members of the political and business elites, who manipulated them while providing them with arms, funding, and protection from arrest. While gangs engaged mostly in local racketeering and small-scale trafficking, they also developed links with drug traffickers and private security companies.[3] The HNP was either unwilling or unable to deal with the problem. In fact, some of their members even became involved in criminal activities, including kidnappings.

The second presidency of René Préval between 2006 and 2011 was characterized by a general decrease in organized crime.[4] This was partly the result of efforts to depoliticize and clean up the

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2   James Cockayne, "Winning Haiti's Protection Competition: Organized Crime and Peace Operations Past, Present and Future," *International Peacekeeping* 16, No. 1, (February 2009), p. 80.

3   Michael Dziedzic and Robert M. Perito, "Haiti: Confronting the Gangs of Port-au-Prince", United States Institute of Peace Special Report No. 208, Washington DC: USIP, September 2008.

4   After briefly serving as Aristide's prime minister in 1991, René Préval succeeded him in 1996 (elected with 88 percent of the popular vote) and served an uninterrupted five-year term (the constitution does not allow presidents to serve consecutive terms). Aristide created the political party "Fanmi Lavalas," under whose banner he was re-elected president in 2000.

HNP under Director General Mario Andrésol, who enjoys the trust and cooperation of the US and broader international community. But while more than fifty HNP officers were jailed, not a single officer has been dismissed as a result of the joint HNP-MINUSTAH vetting exercise that started in 2006, and Andrésol has said many times that at least a quarter of his force could not be trusted. The decrease in crime was also the result of anti-gang operations by the HNP with robust support from MINUSTAH, which were carried out between May 2006 and February 2007 following Préval's public announcement that the gangs must "surrender or die." Many gang leaders were arrested, and some were killed (see below).

CURRENT SITUATION: A QUIET YET ACTIVE CRIMINAL MARKET

The January 2010 earthquake did not lead to the expected resurgence of gang violence despite the fact that around 5,000 inmates, including gang leaders, "escaped" from the national penitentiary (through gates reportedly left wide open). There also appears to be a decrease in drug trafficking through Haiti. Although reliable data is difficult to come by, the US DEA and State Department reported a decrease from around 11 tons of cocaine transiting through Haiti in 2009 to 3.7 tons in 2011, and from twenty-one drug flights in 2009 to just seven in 2011.[5] This is partly explained by the destruction of infrastructure, including roads and airstrips, which made it more difficult for traffickers to operate in the country. It is also possible that drug traffickers are now using boats rather than planes, or that some of their activities have been displaced to the neighboring Dominican Republic, which is the Caribbean's primary drug hub, mostly sending drugs to Europe. In general, information released by the US Southern Command shows a significant decrease in the number of illegal flights landing in Haiti starting in 2007. That said, drugs and crime continue to plague Haiti, and the US Congress recently assessed that, as the Haitian government rebuilds following the earthquake, an increase in clandestine drug flights and maritime drug movements is likely in the

coming years.[6]

Drug shipments arrive in Haiti from Colombia and Venezuela by boat and plane, primarily on the southern coast and in the Artibonite region. They are then transported across the country in vehicles and reloaded onto speed boats on Haiti's northern coast, destined for the US. Transnational drug-trafficking networks have been known to benefit from accomplices within local authorities, police, and customs, as well as prominent senators (the Haitian constitution grants blanket immunity from prosecution to members of parliament). For example, some drug shipments are apparently hidden in cars with official license plates and therefore not stopped by the police. Despite significant drug flows, crime rates in the regions with the highest volumes of trafficking are low, and there are few drug-related incidents even though there is only a limited police presence. As illustrated in the case study of Guinea-Bissau, this quiet yet active market suggests a high degree of collusion between law breakers and law enforcers. There are exceptions nonetheless. In February 2012, the HNP (backed by the DEA) seized around 300 kilograms of cocaine and arrested a Colombian and a Haitian in one operation in the capital, Port-au-Prince. This was by far the largest drug bust in recent years, compared to a total of 13 kilograms seized in 2011 and 28 kilograms in 2010.

In addition to drug trafficking, the trafficking of persons and weapons remain of concern. For example, Haitian children are trafficked for sex and forced labor, primarily to the Dominican Republic. Various NGOs reported that thousands of boys and girls were smuggled out of Haiti by traffickers in the period following the earthquake.[7] Many traffickers took advantage of relaxed border controls and the confusion caused by the earthquake to enter Haiti. In general, the border with the Dominican Republic is considered to be relatively porous on both sides, with all kinds of small cross-border trafficking taking place. Collaboration between the HNP and Dominican Republic security services is done on an ad hoc basis. Since 2011, regular meetings have taken place between the Dominican police chief

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5   Dianne Feinstein and Charles Grassley, "Preventing a Security Crisis in the Caribbean: A Report by the United States Senate Caucus on International Narcotics Control," US Senate: 112th Congress Second Session, September 2012.

6   Ibid.

7   See, for example Gerardo Reyes and Jacqueline Charles, "Exclusive Investigation: Guards Cash in on Smuggling Haitian Children," *The Miami Herald*, October 26, 2010.

and HNP director (some involving MINUSTAH police), where the topic of organized crime has been discussed. Information sharing and cooperation is, however, poor between the HNP and Haitian customs and immigration services. Former HNP director Mario Andrésol had suggested creating a HNP-customs-immigration taskforce, but this did not materialize due to entrenched interests.[8] The HNP also supports the work of the Haitian anti-corruption and anti-money-laundering agencies.

The capacity of the Haitian state to address these issues is limited on a number of levels. Sea and land borders are very porous, and Haiti lacks adequate border management (both customs and HNP) and a coastguard (HNP is building its capacities in this area with international support—see below). The HNP remains relatively small with only 10,000 police officers, most of whom are concentrated in the capital where 70 percent of the (reported) crime occurs. While there are no longer no-go areas controlled by the gangs in the slums of Port-au-Prince and the HNP is now visible day and night, this does not mean that it controls the whole territory. Areas such as Saint-Michel-de-l'Attalaye in the Artibonite district and the hills between Jacmel in the South-East district and Kenskoff are said to be hiding places for criminals—including some of the gang leaders that escaped from the national penitentiary at the time of the January 2010 earthquake. These areas are used by traffickers as their staging posts. While MINUSTAH and the HNP may be patrolling these areas, they do not have a permanent presence.

A new HNP development plan for 2012–2016 was adopted by the Supreme Council of National Police (CSPN) in August 2012. The key objective is to bring the strength of the HNP up to at least 15,000 officers by 2016, when the 12,000 UN peacekeepers are scheduled to leave the country. There are also roughly 6,500 armed private security guards in Haiti. This compares to neighboring Dominican Republic's national police force of 32,000, which is supported by an army of 65,000 and whose functions include border management, for a population roughly the same size. The Dominican armed forces (including a navy and air force) are primarily tasked with carrying out counter-narcotics operations and stemming the flow of illegal migrants from Haiti. They work closely with American counterparts: they recently agreed to US drone surveillance and carried out large joint anti-drug operations, seizing nearly five tons of cocaine during the summer of 2012.

Haiti's surveillance capacities in general remain severely limited and the HNP counter-narcotics unit relies heavily on tips and information provided by the US DEA and to a lesser degree Interpol, which are the main sources of drug-related arrests. This unit, based in Port-au-Prince, is made up of 152 staff who have to pass through a higher level of vetting than normal police. A bilateral extradition treaty entered into force in 1904 and, although the Haitian constitution prohibits extradition of Haitian nationals, the government has in practice willingly surrendered Haitian nationals under indictment in the United States to US law enforcement agencies.[9] The above-mentioned 2012 US Senate report suggested that it could be helpful for the Haitian authorities to formally allow for the extradition of their own nationals to the United States. A major source of concern is the weak and corrupt justice system in Haiti, as well as old laws that do not address "modern" crimes such as organized crime and trafficking in persons. Nor does the legal system currently enable the use of surveillance or provide for the protection of victims and witnesses. The idea of mixed international-national courts and of bringing temporary outside judicial capacity to assist in reforming the Haitian legal systems from the inside—as occurred with the International Commission Against Impunity in Guatemala[10]—has been proposed in the past as a possible way to increase judicial transparency and efficiency. This has the advantage of both reducing corruption and providing some level of cover to

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8   Personal interview with a Haiti National Police (HNP) official, Port-au-Prince, Haiti, September 2012.

9   See the Haiti section of United States Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL), "International Narcotics Control Strategy Report," Washington DC: US Department of State, March 2012.

10 The UN supported the establishment of the International Commission Against Impunity in Guatemala (CICIG) in response to a request for assistance from the government of Guatemala. Acting as an independent international body mandated by the UN General Assembly, CICIG aims to investigate illegal criminal groups and organizations believed to have infiltrated state institutions, fostering impunity and undermining democratic gains in Guatemala since the end of the country's armed conflict in the 1990s. The commission's mandate permits it to carry out independent investigations, to act as a complementary prosecutor and to recommend public policies to help fight the criminal groups that are the subject of its investigations.

national judges dealing with serious crimes, while promoting judicial reform from the inside. However, such a hybrid model has been rejected by the Haitian government on grounds of national sovereignty.

THE MARTELLY PRESIDENCY: "OPEN FOR BUSINESS"

There are serious concerns that the election of President Michel Martelly in April 2011 may have opened a new and more permissive era in which drug traffickers will be able to further infiltrate the Haitian political spheres. In February 2012, the HNP director Mario Andrésol (whose term came to an end in August 2012) gave an interview to the Haitian newspaper *Le Nouvelliste* in which he openly denounced the return of certain individuals enjoying political protection, who had been involved in kidnappings, murders, and the trafficking of drugs, arms, and stolen vehicles in the early 2000s.[11] Since late 2011, tensions have been building between the presidency and both the parliament and police leadership, particularly after the widely publicized incident in which President Martelly ordered the detention of elected Deputy Belizaire, in spite of his immunity, in October 2011. Reportedly, President Martelly even attempted to push Andrésol out before the end of his term and appoint loyalists in senior police positions. The HNP inspector general resigned in September 2011 after he allegedly faced political pressure for investigating human rights abuses committed by HNP members. Similarly, the Haitian National Network to Defend Human Rights (RNDDH) in a June 2012 open letter drew attention to the presence of "several ex-policemen of dubious morality" in President Martelly's entourage. In July 2012, in spite of the RNDDH letter, Martelly named ex-policeman Carel Alexander as director general of the newly created Ministry of Defense. Human rights organizations have also expressed concerns over Martelly's suggestion that he might pardon former dictator Jean-Claude Duvalier, who returned to Haiti in January 2011.

The return of individuals with connections to both the former Duvalier regime and trafficking networks in the highest circles of power has raised concerns that organized crime is once again becoming further embedded in state institutions. Allegations against Martelly's entourage point primarily to his wife Sophia Saint-Rémy Martelly's family connections in the former Duvalier clique, particularly her brother Kiko Saint-Rémy. They also point to two former senators: Youri Latortue and Joseph Lambert, who are allegedly connected to drug trafficking. The senators' terms expired in May 2012, and they have since been brought in to the presidential palace as advisers. Another source of concern is the recent change at the head of the HNP with the appointment by President Martelly of Director Godson Aurélus, who will not necessarily be immune to political pressure. The director of judicial police since June 2011, Aurélus—who is from the same hometown as the Saint-Rémy family—served as head of the HNP in the two most strategic drug transshipment regions (Jacmel and Artibonite), raising concerns that he may have established links to local politicians there, including senators Lambert and Latortue.[12] Additional fears of politicization of the HNP come from the lessons of the first UN-supported attempt to build a professional Haitian police in the late 1990s, which failed in part due to the high level of corruption in the HNP.

The Haitian government under the leadership of Prime Minister Laurent Lamothe—the fourth prime minister since Martelly took office—has made fighting contraband, tax evasion, and corruption a priority. It recently announced the creation of a national commission (composed of the Haitian anti-corruption and anti-money-laundering agencies, the HNP, and the Port-au-Prince prosecutor's office) to fight trafficking along the border with the Dominican Republic. However, this initiative is primarily geared toward increasing government customs revenues rather than fighting illegal activity taking place along the border, like trafficking in drugs, weapons, and persons, and smuggling stolen cars. In August 2012, the Haitian internal revenue service produced a list of sixty Haitian businessmen and businesswomen accused of tax evasion and forbidden from leaving the country. But this backfired after notorious

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11 " Les trafiquants de drogue sont de retour, craint Andrésol," *Le Nouvelliste*, February 29, 2012.
12 Personal interviews with MINUSTAH officials Port-au-Prince, Haiti, September 2012.

businessman André Apaid reacted vigorously in an open letter to the president (after being stopped at the airport as he was about to board a plane) denouncing Duvalier-like methods. He was thereafter cleared of any wrongdoing. This—in addition to the weak rule of law—does not send the right signal to potential foreign investors, which Martelly has been trying to attract by declaring "Haiti—Open for Business" in November 2011. Aside from the $257 million Korean industrial park near Cap-Haïtien inaugurated at that time and the plan to build an international hotel operated by Marriott, virtually no foreign investments have been made in Haiti since the earthquake. On the other hand, there are strong suspicions that some recent small- to medium-size investments (hotels, supermarkets, retirement homes), including on the southern coast and in Port-au-Prince, may be at least partly funded through drug-money laundering. So it appears that Haiti is still "open to business" of all kinds.

Since late 2011, Haiti has experienced a surge in violent crime, including homicides and kidnappings.[13] July 2012 was the most violent month since the January 2010 earthquake. Various explanations are possible, including the fact that gangs formerly associated with and financed by politicians may become less organized and more criminal at the same time. Other explanations relate to the possibility that criminals may be testing the new HNP leadership. Increased criminal activity or unrest in certain parts of the country may also reflect attempts by drug traffickers to distract and keep the HNP busy while large amounts of drugs are being moved elsewhere.

EARLY UN ATTEMPTS TO STABILIZE HAITI

United Nations involvement in Haiti started in the 1990s, initially with a joint undertaking with the Organization of American States known as the International Civilian Mission in Haiti (MICIVIH), which deployed in February 1993. Following the July 1994 intervention of a 20,000-strong US-led multinational force to facilitate the return of the legitimate Haitian authorities, UN peacekeeping

missions were present in Haiti from 1994 to 2000.[14] Meanwhile, the MICIVIH expanded its work after the return of constitutional order in October 1994 to include the promotion of human rights and institution building. The naval blockade imposed by the Security Council on Haiti after 1993 had the unintended consequence of strengthening the nexus between the military regime and criminal groups, while devastating the licit economy.

However, the mandates of UN missions in Haiti in the 1990s did not refer to the issue of organized crime. Furthermore, with no troops on the ground after November 1997, limited capacities, and no executive mandate, the UN felt it did not have the means to address the issue nor confront criminal spoilers. It therefore looked the other way. While the UN screened candidates for the newly created Haitian National Police for their involvement in organized crime, this did not prevent the politicization and corruption of the HNP—including by regional drug trafficking networks—by the time the UN left in 2000. The UN would return only four years later, after the Security Council adopted Resolution 1529 (2004), which authorized a second intervention by a multinational interim force composed of US, French, and Canadian troops and declared the council's readiness to establish a follow-on United Nations stabilization force.

The UN Stabilization Mission in Haiti (MINUSTAH) was established in mid-2004, with 1,622 civilian police and 6,700 troops—mostly from Latin America. It was very different from the previous peacekeeping missions in Haiti. Acting under Chapter VII, it was tasked with supporting the transitional government with maintenance of a secure and stable environment, and assisting with the reform of the Haitian National Police and "comprehensive and sustainable Disarmament, Demobilization and Reintegration (DDR) programs for all armed groups ... as well as weapons control and public security measures."[15] However, there was no explicit mention of organized crime. MINUSTAH almost immediately faced an upsurge of violent crime in urban centers. Many of the perpetrators were from former Chimères and ex-

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13 Athena R. Kolbe and Robert Muggah, "Haiti's Urban Crime Wave? Results from Monthly Household Surveys, August 2011-February 2012," Strategic Brief, Institute Igarapé, March 2012.

14 The missions consisted of UNMIH, UNSMIH, UNTMIH, and a civilian police mission, MIPONUH.

15 UN Security Council Resolution 1542 (April 30, 2004), UN Doc. S/RES/1542.

FAd'H rebels, which the multinational interim force and MINUSTAH had failed to disarm and who had formed organized criminal and armed gangs with links to local politicians, businessmen, and regional traffickers. These gangs operated with impunity out of the capital's slums, carrying out kidnappings that touched every level of society, while inter-gang fighting also produced violence.

THE UN FIGHTS BACK: INTELLIGENCE-LED ANTI-GANG OPERATIONS

No longer able to ignore the problem, MINUSTAH troops attempted a couple of anti-gang operations in Port-au-Prince's largest slum, Cité Soleil, in December 2004 and July 2005, but they had only limited success. The absence of an elected government to work with led to some questioning of the legitimacy of such heavy-handed operations. And the need to secure the 2006 elections led to the redeployment of MINUSTAH troops all over the country. The end of the transition period and the arrival of the democratically elected President Préval in power was a turning point. MINUSTAH now had a legitimate Haitian partner to work with and Préval requested MINUSTAH's armed support following a public announcement that the gangs must "surrender or die" when efforts to negotiate with them proved futile. Joint MINUSTAH-HNP anti-gang operations were the result of the work of MINUSTAH's Joint Mission Analysis Center (JMAC) in collecting and analyzing actionable intelligence, which later became a prototype for JMACs in other UN missions.

The JMAC, composed of civilian, military, and police staff, started collecting information on key gang leaders in 2006 in order to mount anti-gang operations together with the HNP. Despite initial opposition within the mission, the JMAC made extensive use of local informants, which it remunerated (including by giving out phone cards)—something that few other peacekeeping missions have done to date. It also benefited from the surveillance and intelligence capacities of certain MINUSTAH contingents, such as those from Brazil, as well as Chilean helicopters, a Uruguayan fixed-wing aircraft, and information gathered in the course of operations. The HNP

counterpart would most of the time be brought on board only in the last stages of operation planning, and their phones would be held in a UN safe until the operation was complete in order to avoid leaking information. However, HNP SWAT teams would always be in the front line when carrying out arrests of gang leaders, with MINUSTAH troops and "formed police units" in support to cordon off the area. While these operations resulted in some civilian casualties and damages, the majority of slum residents supported them, and MINUSTAH's tough stance against the gangs gave it more credibility vis-à-vis both the Haitian population and authorities.[16]

Many within the UN now suggest that these were unique circumstances that made it both essential and possible for the UN mission to collect and act upon intelligence. Beyond the pressure on MINUSTAH to do something about rising gang violence, the presence of contingents from the region (Latin America) and the leadership of the mission played important roles in making such robust operations possible. However, the collection of intelligence on gang members did not extend to looking at larger organized crime networks even when the two were related. There are many reasons for this. It would have been more difficult to justify as part of the mission's stabilization mandate. It also ran the risk of further exposing mission staff and informants who the mission would not have been in a position to protect. Furthermore, the mission did not have the financial, technical, and human resources needed to carry out sophisticated investigations that would likely extend beyond Haitian territory. While MINUSTAH continued carrying out occasional anti-gang operations after 2008, the intensity of such operations decreased. Instead the mission focused on building the capacity of the Haitian law-enforcement agencies. But this was like treating the symptoms without addressing the source of the illness.

Starting in 2007, the UN complemented its robust anti-gang approach with a community violence reduction (CVR) program, which tried to address the issue of the political economy of organized crime at the local level in the capital's

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16 For detailed accounts of MINUSTAH's anti-gang operations, see Guy Hammond, "Saving Port-au-Prince: United Nations Efforts to Protect Civilians in Haiti in 2006–2007," Washington DC: Stimson Center, June 2012, and James Cockayne, "Winning Haiti's Protection Competition," p. 86.

slums. The program targeted crowded areas and marginalized neighborhoods under the influence and partial control of armed gangs and aimed to provide employment opportunities to former gang members and at-risk youth. Since the earthquake of January 2010, the CVR Section has expanded its scope of intervention in areas particularly affected by the earthquake, where communities were severely weakened. It also provides psycho-social support to youth and ex-prisoners for their reintegration, as well as legal and judicial assistance, as violence is often linked to a lack of access to justice.

LIMITED CRIME-FIGHTING MANDATES AND CAPACITIES

While organized crime—and kidnappings in particular—had previously been identified by the UN as one of the main security threats in Haiti alongside armed violence and civil unrest, the term did not appear in early Security Council resolutions. Starting in 2006 with Resolution 1702, MINUSTAH was mandated to "provide operational support to the Haitian Coast guard, and invite[d] Member States, in coordination with MINUSTAH, to engage with the Government of Haiti in order to address cross-border drugs and arms trafficking control."[17] Resolution 1780 (2007) also mandated MINUSTAH to provide technical expertise in support of the government's efforts to pursue a comprehensive border-management approach, to contribute to strengthening HNP capacity in areas of cross-border illicit trafficking, and "to establish patrols along maritime and land border areas in support of border security activities by the HNP."[18] The most recent post-earthquake mandate of June 2010 was the first time organized crime was explicitly mentioned: the Security Council recognized "the need for MINUSTAH to assist the Government of Haiti ... to tackle the risk of resurgence in gang violence, organized crime and trafficking of children."[19]

Because the HNP remains the only Haitian security force to date, this is where most of MINUSTAH's efforts have been concentrated. As part of its capacity-building support to the HNP, the police component of MINUSTAH has posted some UN Police (UNPOL) officers in two key offices dealing with organized crime: the counter-narcotics unit and the financial crimes investigative unit dealing with money laundering. (These have included American police officers from the New York Police Department and of Haitian-American origin.) A joint program involving HNP-UNPOL, the US Narcotics Affairs Section, the US Drug Enforcement Administration, and officers from Colombia and the Dominican Republic has trained a HNP K-9 Unit with six HNP handlers and six dogs, currently utilized at the international airport in Port-au-Prince, smaller Haitian airports, and at the seaports. The creation of the K-9 unit is only one step in a comprehensive strategy on the part of the US Narcotics Affairs Section to support the HNP counter-narcotics unit. Further steps include the creation of departmental offices throughout the country, training courses, and logistical support.[20] An anti-kidnapping unit is also being trained with support from Colombian UNPOL experts.

While this approach has improved the capacities of these HNP units to deal with petty crime, there is currently no coordinated UNPOL or HNP approach to fighting organized crime. While UNPOL retains an "operations" branch (in addition to the "HNP development" branch), for most of the HNP drug busts, MINUSTAH only arrives at the scene after the end of the operation. In a couple of instances, UNPOL officers on joint patrols with HNP found themselves by coincidence engaging suspected drug traffickers in a hot pursuit, but this was not as a result of planned joint operations.

In 2008, MINUSTAH was reinforced with a maritime unit composed of sixteen boats in seven different locations to support the HNP's coast guard in patrolling the maritime borders of Haiti. A serious drawback for the UN maritime unit stems from its limited communication with MINUSTAH troops on land, but also from the fact that it cannot search a suspicious boat or make arrests without the presence of HNP officers on board. Moreover, the UN has faced considerable challenges in implementing these tasks, due in part to limited staffing and a lack of training of the HNP's coast

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17 UN Security Council Resolution 1702 (August 15, 2006), UN Doc. S/RES/1702.
18 UN Security Council Resolution 1780 (October 15, 2007), UN Doc. S/RES/1780.
19 UN Security Council Resolution 1927 (June 4, 2010), UN Doc. S/RES/1927.
20 HNP Development Plan 2012-2016, August 2012. Internal HNP document.

guard, which has a total of 148 persons with operating bases only in Cap-Haïtien in the north and in the vicinity of Port-au-Prince. Haitian coast-guard vessels currently do not have the range and endurance to cover more than a fraction of Haiti's coastline. With no permanent base of operations in the southern claw, it does not regularly patrol the 200 miles of coast from Jérémie to the Haiti-Dominican border. While MINUSTAH is considering donating some of its boats to the Haitian coast guard, the US and Canada—as the main bilateral donors—have already provided patrol boats and are building coast-guard bases to help address this issue, including on the southern coast at Les Cayes.[21] In addition to the police component of the mission, a small border-management unit was created within MINUSTAH, but it is currently staffed with only one technical adviser.

THE MINUSTAH JMAC: A PROTOTYPE, BUT WITH WHAT IMPACT?

In a context where the focus of the UN has been and continues to be the strengthening of the capacities of the HNP in anticipation of MINUSTAH's downsizing, the JMAC has become less operational. Instead, it generates integrated analytical products based on the many reports received from the police and military components of MINUSTAH, as well as civilian sections such as civil affairs, political affairs, justice, human rights, and public information. Based on these, it produces a number of its own reports, such as the daily Civil Unrest Report, weekly MINUSTAH Select Intelligence, and bi-annual Departmental Threat Assessment. It also produces threat-assessment and intelligence-analysis products upon request from the SRSG or on the initiative of the JMAC itself, some of which are deemed sensitive and therefore not widely disseminated. The mission leadership therefore heavily influences the work that the JMAC undertakes and how much follow-up is done on sensitive issues. A supportive SRSG and a proactive JMAC chief can make a tremendous difference, as it did at the time of MINUSTAH's anti-gang operations.[22]

While sensitive topics such as the trafficking of drugs, children, and weapons have been the subject of the MINUSTAH JMAC's work in the past, most of the information gathered and analysis done by the JMAC on a daily basis relates to specific incidents of civil unrest or crime. Organized crime and its impact on politics are seldom analyzed in detail. The absence of an executive mandate is a limitation to the work of the JMAC since MINUSTAH is not able to act and carry out arrests based on its own investigations. Another limitation to MINUSTAH's crime-fighting ability is the high turnover of staff, particularly police and military, which does not allow for the development of lasting relations of trust with local communities. Furthermore, JMAC recruitment has not always focused on getting qualified civilian and uniformed personnel with the necessary "intelligence" background.

There is also a sense that more in-depth investigations into organized crime networks could point a finger to powerful political and business interests, and therefore damage MINUSTAH's relations with the host government and potentially put UN staff in harm's way. There is also a feeling that if Haitian officials are not committed to fighting crime and corruption, there is little chance of the UN making progress. As one staff member put it, "no UN staff is willing to die for this country ... especially when the key to the problem lies with the Haitian leadership."[23] However, following this logic, if the problem is endemic to the system, nothing will change until it is addressed. In other words, what hope is there of the UN making any progress in Haiti if it fails to tackle the problem of organized crime? This, of course, begs the question of what can be done, especially if parts of the leadership are complicit in criminal activity—a question tackled elsewhere in this report.

That said, the JMAC has considerable information-gathering and analysis capacities. The presence within the JMAC of a few US and Canadian UNPOLs of Haitian origin who speak the language, in addition to trained military and police intelligence officers, has proven an invaluable asset. The JMAC also continues to run a network of Haitian informants. However, the mission offers informants limited monetary compensation in

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21 INL, "International Narcotics Control Strategy Report."
22 Personal interview with a former MINUSTAH official, Port-au-Prince, Haiti, August 2012.
23 Personal interview with a MINUSTAH official, Port-au-Prince, Haiti, August 2012.

exchange for information and limited confiden-tiality and protection, which represents serious impediments to gathering information on serious and organized crime.

In 2009, MINUSTAH's JMAC acquired an important analytical product known as "i2 software," which is used by governmental intelli-gence and law-enforcement agencies, militaries, and private organizations. It produces effective link and timeline analyses in complex cases—for example, charting terrorism linkages, drug cartel movements, or industrial and business crimes. However, the effective use of this software by the mission has been delayed—first by the fact that the "keys" were lost in the January 2010 earthquake and later due to the need for specialized training of JMAC staff on how to use the software.[24]

While the UN mission as a whole comes across a wealth of information related to organized crime, it does not analyze it in a systematic and in-depth manner. Part of the problem is that unlike the issue of gangs, which is restricted to certain urban neighborhoods, drug trafficking is transnational and therefore requires an analysis beyond the borders of Haiti. Hence the Security Council mandate that "invites Member States, in coordina-tion with MINUSTAH, to engage with the Government of Haiti in order to address cross-border drugs and arms trafficking control."[25]

But member states seldom like to be coordinated, especially by the UN. There is a sense that, since the primary destination of the drugs transiting through Haiti is the United States, and since the US has superior surveillance and operational abilities, the US has the lead in counter-narcotics. Its approach is primarily bilateral. As mentioned above, the US Drug Enforcement Administration runs a capacity-building program for the HNP's counter-narcotics unit, with which it collaborates on the capture and transfer of defendants wanted on trafficking charges in the US. The US Department of Treasury and the State Department Narcotics Affairs Section provide further technical expertise to Haiti, including on anti-money laundering and anti-corruption.

Meanwhile, the US Southern Command remains

the lead US agency responsible for directing anti-trafficking detection and monitoring activities in the region. While information sharing between MINUSTAH and the US on these issues has always taken place in an informal fashion, the level of cooperation has varied, largely depending on a few senior individuals in the UN mission. Some MINUSTAH staff, however, felt that the US has at times discouraged or ignored MINUSTAH's efforts to deal with organized crime issues (such as its attempts to support to HNP's coast guard).

The feeling is the US would prefer to carry out bilateral cooperation with Haiti rather than to internationalize it through MINUSTAH, and that the focus of US policies has also been more on preventing illegal immigration (Haitian boat people) rather than fighting drug trafficking. As discussed below, this is the approach taken by other states in other theaters as well.

DOWNSIZING MINUSTAH AND THE WAY FORWARD

By June 2013, MINUSTAH will complete a drawdown of the post-2010 earthquake surge from the current level of approximately 10,500 troops and police to 8,800, with a view to a complete drawdown of the mission's uniformed personnel by 2016. The mission's consolidation plan also assumes that its military component will withdraw first and hand over responsibility for security to formed police units (FPUs) designed to deal with crowd control during a transition period, until the HNP assumes full responsibility. This plan priori-tizes areas where crime is reportedly the lowest, which are also the areas where most drug transshipments take place (particularly the south and northwest). The Haitian police presence in these same areas remains low as the HNP is mostly deployed in the capital. MINUSTAH and the HNP's focus on the capital Port-au-Prince over the last few years may even have facilitated the increasing influence of organized crime in certain regions.

This in itself shows the limited attention given to organized crime in the context of the MINUSTAH transition and withdrawal plan. The withdrawal of the UN military contingents will severely hamper the mission's ability to monitor organized crime,

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24 Personal interview with a MINUSTAH official, Port-au-Prince, Haiti, September 2012.
25 UN Security Council Resolution 1702 (August 16, 2006), UN Doc. S/RES/1702.

even in places where FPUs remain since they do not have the same surveillance and information-collection abilities as military contingents. The withdrawal plan includes the departure of MINUSTAH's maritime element—composed of Uruguayan patrol boats and crews—from certain key drug transshipment points. The September 2011 scandal over the alleged abuse of an eighteen-year-old Haitian and the subsequent protests also led to their departure from the very strategic southern Haitian city of Port-Salut (closest route to Jamaica), leading some observers to suggest the protests may have been supported by politicians linked to organized-crime interests. Others, however, suggest that the mere presence of MINUSTAH's maritime element has never been a deterrent for traffickers.

In early 2012, the United Kingdom approached MINUSTAH and offered to embed a specialized organized crime unit from its Serious Organised Crime Agency (SOCA). A similar initiative also emerged from Norway and Canada, which may jointly pledge a serious-crime police team to MINUSTAH.[26] While this remains in the very early stages and practical details need to be worked out, it would represent a major step in terms of a UN peacekeeping mission acquiring such specialized expertise. It would allow MINUSTAH to break with its so far piecemeal approach and instead have a holistic approach to organized crime. Nonetheless, many questions remain, starting with whether the Haitian authorities would be interested in receiving such support. Also, there is currently no obvious counterpart to such a unit on the Haitian side, as no such equivalent integrated organized-crime unit exists in the Haitian police. As part of the West Africa Coast Initiative, the United Nations Office on Drugs and Crime, the UN Department of Peacekeeping Operations' Police Division, and Interpol has helped countries establish such national interagency units. These "transnational crime units" are manned with staff seconded from national law-enforcement agencies.[27] Last but not least, language may be an issue in working with Haitian counterparts. This may encourage Europeans—who have already been working with the authorities in the Dominican Republic on the fight against drug trafficking toward the EU—to expand their collaboration with Haiti.

CONCLUSION

The most recent UN Secretary-General's report on Haiti to the Security Council concluded that "the political process in Haiti remains vulnerable to setbacks linked to political instability, lack of respect for the rule of law and unmet social grievances."[28] The most recent October 2012 Security Council resolution on MINUSTAH, while still under Chapter VII, does not include language used in previous years indicating that the situation in Haiti constitutes a threat to international peace and security in the region. This may have been, in part, in response to Haiti's sensitivity about the UN presence dissuading foreign investors. Furthermore, and harder to understand, is the fact that neither the Secretary-General's report nor the Security Council resolution makes reference to the impact that drug trafficking and organized crime have on politics, business, and governance in Haiti. And yet, a scenario in which Haiti becomes a "narco-state, in which the state and narco-trafficking networks exist in symbiosis, with the population subjected to permanent conflict and crisis, politics corrupted, and democratic processes controlled by drug money providing cover for organized crime"[29] cannot be ruled out. Most recently, the return of individuals with connections to these networks in the highest circles of power has raised concerns that organized crime is becoming more deeply embedded within state institutions. So why is this not mentioned in official UN documents? Ignoring the problem is not going to make it go away. On the contrary, as has been noted in other cases—including the case study of Kosovo in this report—it can make the problem harder to deal with later on.

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26 In light of the scourge of sexual and gender-based violence (SGBV) in Haiti following the January 2010 earthquake, Norway deployed as a pilot project a small team of five Norwegian police SGBV experts as UNPOLs within MINUSTAH. They trained Haitian police to prevent and investigate gender-based crimes. This project was reinforced by the fact that the Norwegian Government also donated funds to build and equip police offices for the Haitian National Police coordinator for gender and women's affairs and regional offices where SGBV units can work. Specialized police officers from Canada and Sweden have also assisted with this program. While this Norwegian "team model" initially faced some resistance from the part of the UN Secretariat as the UN generally deploys individual UNPOLs, it has since been recognized as a potentially useful model for UN missions to bring on board specialized police expertise.

27 See UNODC, "West Africa Coast Initiative," available at www.unodc.org/westandcentralafrica/en/west-africa-coast-initiative.html .

28 United Nations Security Council, *Report of the Secretary-General on the United Nations Stabilization Mission in Haiti*, UN Doc. S/2012/678, August 31, 2012.

29 James Cockayne, "Winning Haiti's Protection Competition," p. 90.

Notwithstanding the impact of the cholera epidemic since late 2010 on the public perceptions of MINUSTAH,[30] the large UN presence in Haiti has no doubt been and remains a major factor of stability and a strong deterrent to violence. Intelligence-led anti-gang operations have largely contributed to this success, as well as to the credibility of the peacekeeping force. However, this robust militarized approach only treated some of the symptoms; it did not address the underlying factors that enable crime to flourish. Nor has the UN mission been a deterrent to illicit activities. MINUSTAH's efforts have been concentrated in Port-au-Prince and have focused on developing an effective Haitian police force. UN and other donor-supported projects in support of the HNP's counter-narcotics, anti-kidnapping, and coast-guard units have not been part of a coordinated and coherent approach to addressing the issue of organized crime. The UN mission's mandate and activities have largely overlooked the political economy of organized crime and its links to political violence, which continues to act as a hindrance to the very security and development that the UN is trying to encourage. Failure to address such challenges means that the UN risks withdrawing MINUSTAH and leaving law and order in the hands of forces that may be profiting from crime rather than fighting it.

This raises some fundamental questions related to MINUSTAH's stabilization peacekeeping mandate. While some UN member states, particularly Latin American countries, have supported the idea of MINUSTAH taking on a greater economic-development role, the UN Security Council and financial contributors have opposed this and are likely to continue to do so, given the current financial constraints. Short of a long-term "economic transformation" mandate, there are a number of things a UN mission can do, starting by carrying out more in-depth and comprehensive analysis of the impact of criminal networks. This would require better criminal-intelligence experts within the mission, more suitable tools and capacities for carrying out political-economy analysis, and willing leadership at the top of the UN mission.

Beyond analysis, more thinking should focus on developing strategies that can build on bottom-up approaches, such as the community violence reduction initiative described above.

Given the limited mandates, capacities, and durations of peacekeeping missions, as well as the frequent rotations of both uniformed and civilian staff, perhaps other organizations and donors may be better placed to engage in longer-term special-ized support to national capacities to counter organized crime. While it is conceivable that organized crime experts or full units could be—at least initially—embedded within a UN mission such as MINUSTAH, including through means suggested by the civilian capacity review, clear terms of reference and national counterparts would be needed.[31] Cooperation and information sharing with key regional organizations and powers would still be crucial to the success of such endeavors.

While a long-term commitment to institution building and strengthening regional and international cooperation is essential to finding durable solutions to organized crime, UN peacekeeping missions can help establish an enabling environment,[32] not least by attempting to nip the problem in the bud early on. To this effect, MINUSTAH's effort cannot be focused solely on increasing the numbers of the Haitian National Police. More thoughts need to go into broader criminal-justice support, including through the use of hybrid international-national court models or even acquiring and retaining certain executive responsi-bilities for investigation and prosecution of serious crime, as was the case in Timor-Leste and Kosovo.

It may, however, already be too late in Haiti to introduce such models, and Haitian authorities have rejected hybrid courts in the past. But as the problem is endemic to the system, nothing will change until the vicious circle is broken. Even though President Martelly declared "Haiti—Open for Business," foreign investors will not come unless there are minimum rule-of-law guarantees. And without foreign investment and the sustainable jobs that come with it, Haitians will remain vulnerable and more likely to opt for the illicit economy for survival. This begs the question of what can be

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30 United Nations General Assembly, *Report of the Independent Expert on the situation of human rights in Haiti, Michel Forst*, UN Doc. A/HRC/20/35, April 23, 2012.

31 United Nations, "Civilian Capacity in the Aftermath of Conflict: Independent Report of the Senior Advisory Group," New York, 2011.

32 World Bank, *World Development Report 2011*.

done, especially if parts of the Haitian political and economic leadership are complicit in some of the criminal activity, and if Haitian citizens do not call on their elected government to assume its responsibilities. No solution can be imposed from the outside. A good starting point would be to build a minimal consensus between the international community (the UN mission, major donors including the US, and the regional group of friends of Haiti), the Haitian leadership, and all sectors of Haitian society, on the way forward. Ultimately, by helping to restore the rule of law, the UN and the international community would not undermine Haitian sovereignty, but rather strengthen it.

Chapter Four

Kosovo

INTRODUCTION

Kosovo provides an interesting case study on the impact of organized crime on a fragile region. It is a classic example of triangular links among crime, politics, and business, and how unstable political conditions in postconflict settings can create a permissive environment for illicit activity. The Kosovo case study is also interesting because of the fact that there are four organizations—the UN, the OSCE, the EU, and NATO—that are trying to address the threat posed by criminal activity.

Kosovo covers an area of approximately 10,887 kilometers (almost the size of Jamaica), and has a population of around 1.7 million people. The 1974 constitution of the Socialist Federal Republic of Yugoslavia gave Kosovo the status of an autonomous province. This was revoked by Slobodan Milosěvić in 1989. As a result, the Kosovar Albanians (who make up an overwhelming percentage of the population) developed parallel institutions. Peaceful resistance, led by Ibrahim Rugova, soon gave way to an armed struggle led by the Kosovo Liberation Army (KLA) that received support from the Kosovo Albanian diaspora. Increasingly, weapons flowed into Kosovo, especially after the complete breakdown of law and order and the looting of weapons depots in neighboring Albania in 1997. The KLA campaign intensified in 1998 with attacks on police, and the capture of villages. A brutal response by Serbian police and the military unleashed a wave of ethnic cleansing and forced displacement. Diplomatic efforts to broker a peace agreement failed at the Rambouillet Conference of February 1999, leading to NATO air strikes that began on March 23rd and concluded with President Milosěvić's agreement to a peace plan in June 1999. A NATO peacekeeping force (KFOR) entered Kosovo at the end of June. On June 10, 1999, the UN Security Council adopted Resolution 1244, which suspended Belgrade's governance over Kosovo and established the United Nations Interim Administration Mission in Kosovo (UNMIK).

Almost fifteen years later, Kosovo's status is still not resolved. While more than ninety countries have recognized Kosovo's independence, several powerful ones (including China and Russia) have not, nor have all members of the European Union. Serbia does not recognize the independence of Kosovo, nor do Serbs living in the north of Kosovo. Indeed, when one passes into Serb-controlled areas of northern Kosovo, there are Serb flags everywhere, cars have Serb license plates, and there are parallel institutions, including for the administration of justice.[1] As a result, the de facto authorities of northern Kosovo administer an unrecognized entity that is part of what, for many, is still an unrecognized state.

NORTHERN KOSOVO: A GANGSTER'S PARADISE

The situation of legal limbo in the north creates a permissive environment for illicit activity. Border management between the Serb-controlled regions of Kosovo and the Republic of Serbia is limited, because the Serbs do not recognize that there is a border and the Kosovar authorities are not in a position to enforce customs or border controls. The delicate compromise is that the European Union Rule of Law Mission in Kosovo (EULEX)—protected by KFOR—has personnel at the two official border crossings, referred to as gates 1 and 31. The Kosovo Police are present but keep a low profile. However, these officials simply monitor the flow of traffic; they do not search vehicles or act as customs officers. Furthermore, there are a number of alternative roads in and out of the north of Kosovo that are sometimes blocked but never monitored. As a result, northern Kosovo is a gangster's paradise. Fuel and weapons are trafficked south, while cigarettes, drugs, and people are

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1 For a good explanation of the current situation, see IIir Deda and Shpend Kursani, "The Unsupervised State: Internally Divided, Internationally Half-Legitimate," Policy Brief No. 1/12, Prishtina: Kosovo Institute for Policy Research and Development, August 2012, International Crisis Group, "North Kosovo: Dual Sovereignty in Practice," Europe Report No. 211, March 14, 2011, and International Crisis Group, "Setting Kosovo Free: Remaining Challenges," Europe Report No. 218, September 10, 2012.

KOSOVO REGION

HUNGARY
CROATIA
ROMANIA
BOSNIA AND
HERZEGOVINA
Belgrade
SERBIA
MONTENEGRO
BULGARIA
KOSOVO
THE FORMER
YUGOSLAV REPUBLIC OF
MACEDONIA
ADRIATIC SEA
ITALY
ALBANIA
GREECE

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Jošanicka-Banja
Brus
Zlatari
21°30'
Lepenac
Raška
S E R B I A
Prokuplje
Beloljin
Blace
Toplica
Lešak
Dren
Kuršumlija
Žitni Potok
Leposavić
Sočanica
Bojnik
43°00'
Banjska
Lece
Lebane
Jablanica
Kosovska Mitrovica
Podujevo
Glavnik
G. Lapaštica
Zubin Potok
Zvečan
Batlava
Orlane
Gazivodsko Jezero
Vučitrn
Nevoljane
Belo Polje
Istok
Rakoš
Rudnik
Propaštica
Ravna Banja
Vrela
Kladernica
Srbica
Đurakovac
Poljance
N. Selo
Dobruša
Lauša
Čirez
Obilić
Priština
Marevce
Peć
Vitomirica
Zlokućane
Dobrosévac
Glogovac
Kosovo Polje
V. Belaćevac
Ogošte
Novo Brdo
Rausić
Klina
Sićevo
Komorane
Janjevo
Streoc
Barane
Iglarevo
Lapušnik
Kosovska Kamenica
Dečanska Bistrica
Dečani
Rznić
Vlaški Drenovac
Lipljan
Krajište
Brasaljce
Dobrčane
42°30'
Jablanica
Kraljane
Krajmirovce
Štimlje
Gnjilane
Junik
Mališevo
Tropojë
Blace
Požaranje
Žegra
Rajince
Ratkovac
Orahovac
Suva Reka
Movljane
Uroševac
Binačka Morava
Biljača
Đakovica
Zrze
Topluga
D. Plešina
Vitina
Preševo
Bajram Curri
Rogovo
V. Kruša
Pirane
Mušutište
Grebno
Gatnje
Dělekare
Šašare
Miratovac
Erenik
Paci
Damjane
Koriša
Brod
Vrbeštica
Liqeni i Fierzës
Krumë
Beli Drim
Prizren
Mušnikovo
Štrpce
Kačanik
Vaksince
Tabanovce
Hoča-Zagradska
Slupčane
ALBANIA
Zur
Brodosavce
G.-Lubinje
Tearce
Vardar
Kumanovo
Dukagjin
Kalimash
Kukës
Dragaš
Šipkovica
Lepenac
Skopje
Brod
Želino
Golema-Rečica
Tetovo
42°00'
Restelica
Žirovnica
Vrapčište
Čajle
Brodec
Gostivar
Dračevo
THE FORMER
YUGOSLAV REPUBLIC OF
MACEDONIA
Treska
Titov Veles
Vardar
Pčinja

Legend

- National capital
- Regional capital
- Town, village
- Airport
- International boundary
- Major road
- Secondary road
- Railroad

20°30'
21°00'

0 10 20 30 40 50 km
0 10 20 30 mi

trafficked north, mostly heading toward Subotica, on the border between Serbia and Hungary, and then into the EU. Indeed, despite complaints by some local Serb officials about restrictions on freedom of movement, smugglers seem to move freely.

Smugglers have little to fear since they have close links with local officials. The Kosovo Police (mostly ethnic Serbs) operate in the north, but they seldom take action against major criminals for fear of reprisals against themselves, their families, and their property. Few crimes are solved, and even the parallel Serb legal institutions in the north admit that they do not have the capacity to deal with serious crime.[2] The irony is that local Serbs say that they are sometimes afraid in this lawless environment. Unlike when UNMIK had a major police presence in the north, the Kosovo Police and EULEX are seldom visible, and Serbs feel that there is no recourse to justice. This can result in odd situations, like armed gangs of Albanians stealing timber from Serbs in the north, with almost no consequences.

EULEX is trying to become increasingly active in the north, but its access is regularly hindered by Serbs manning roadblocks. Indeed, EULEX personnel are frequently attacked at gates 1 and 31, and when they try to enter Serb-controlled areas. This has resulted in a number of tense standoffs between armed Serbs and EULEX personnel backed up by KFOR. For several months EULEX staff and the Kosovo Police had to be air-lifted to work at border crossings.

Minimizing an international presence in northern Kosovo suits the interests of Serb nationalists as well as criminal groups. Indeed, criminals effectively play the nationalist card to defend their own interests. When KFOR tries to remove a roadblock or when EULEX tries to arrest a suspect, thugs (or "broken noses" as some locals call them) argue that the international community is attacking the interests of Serbs, and they quickly mobilize large crowds (often by sounding an air-raid siren). By keeping out internationals and the Kosovo Police in the north, criminals and their nationalist

allies can claim to be defending their national interests while having a free rein to carry on their illicit activities with impunity. This is what has been described as "selfish-determination."[3]

A good example of the nationalist-criminal nexus is the "bridge watchers" of Mitrovica. After 1999, Serbs in northern Mitrovica guarded their side of the main bridge of this divided town. If Albanians tried to cross, they were repelled—with KFOR forces often caught in the middle. Shopkeepers on the Serb side were encouraged to either close their stores during times of trouble, or to pay the "bridge watchers" for protection. What started as a type of nationalist neighborhood watch scheme evolved into a protection racket, exploiting local Serb businesses. Many of these "bridge watchers" later moved up the criminal food chain, graduating to other more lucrative kinds of crime and even into politics.

Despite the fact that Serb criminal groups instrumentalize the checkpoints issue for their own gains, and despite a recent history of conflict and ongoing ethnic tensions, Serb and Albanian criminal networks seem to have no problems working together. As one observer put it, "if you want to see a model of interethnic harmony, just watch how the Serb and Albanian criminals do business."[4] For example, fuel is shipped from Serbia into northern Kosovo in trucks with Serbian license plates. As one local official put it, "since we are part of Serbia, there is nothing illegal about that."[5] Indeed, this is a good manifestation of what has been described as "patriotic smuggling."[6] However, it should be noted that this trade is depriving the Republic of Serbia of millions of dollars worth of revenue every year since these truckers are not paying the standard 18 percent duty on exports. One could argue that from Belgrade's perspective this is a worthwhile subsidy. However, much of the profit of the multimillion dollar business is landing in the hands of Kosovar Albanian "businessmen," who switch the fuel (or sometimes just the license plates) from Serb trucks to ones registered in Kosovo and then sell the fuel at a significant mark-up (and sometimes also diluted) either in Kosovo or in neighboring states.

2 Personal interview with a Serb prosecutor, Mitrovica, Kosovo, August 2012.

3 Walter Kemp, "Selfish Determination: The Questionable Ownership of Autonomy Movements," *Ethnopolitics* 4, No. 1, (March 2005): 85–104.

4 Personal interview with an EU Rule of Law Mission (EULEX) official, Pristina, Kosovo, August 2012.

5 Personal interview with a local Serb official, northern Kosovo, August 2012.

6 See Peter Andreas, "Criminalizing Consequences of Sanctions: Embargo Busting and Its Legacy," *International Studies Quarterly* 49, No. 2 (2005): p.341.

So "patriotic smuggling" appears to enrich Kosovar Albanian criminals more than their Serb collaborators.

KOSOVO: A MAFIA STATE?

While northern Kosovo receives a lot of negative publicity, the rest of Kosovo also has its share of crime-related problems. Indeed, many leading figures, including the prime minister, are alleged to have been involved in illicit activity.[7]

One reason why criminal activity is so pervasive in Kosovo is the recent history of instability in the region. In the decade between the elimination of Kosovo's autonomy in 1989 and its liberation in 1999, illicit activity was a question of survival for many, particularly during the dark days of the Milosevic crackdown. It was also a way to "bust" international sanctions against Serbia and Montenegro (e.g., through fuel smuggling) during the Balkan wars of the mid-1990s. High unemployment created a pool of young men willing to take part in illegal activities and young women vulnerable to human trafficking.

Furthermore, illicit activity—particularly drug smuggling (mostly heroin)—was a lucrative source of revenue for the armed uprising in the late 1990s, especially to support the KLA. Indeed, as has been noted in other conflict situations, there seems to have been a close relationship between insurgency and criminality: the KLA used criminal activity to fund its struggle, while the instability caused by the war created a more permissive environment for criminal activities. A detailed report on the situation has noted that "the main KLA units and their respective zones of operational command corresponded in an almost perfect mirror image to the structures that controlled the various forms of organized crime in the territories in which the KLA was active."[8]

After 1999, illicit activity became a means of social mobility and a springboard into politics.[9] After the withdrawal of Serb police and military in June 1999, and before UNMIK police were up to strength in June 2001, KLA fighters—operating mostly out of bases in Albania—created facts on the ground by seizing land and assets, as well as power. They also allegedly used the postwar power vacuum to intimidate and even kill rivals.[10] In this two-year power vacuum, networks that had developed in the course of the struggle for independence (like the so-called Drenica Group led by Hashim Thaqi, who is now the prime minister of Kosovo) became the basis for a new political elite with close ties to businesses, both licit and illicit. Since the international community needed the KLA leadership in order to restore order, the latter's crimes and misdemeanors were overlooked. As a result of this situation, certain serious crimes allegedly committed by members of the KLA, including some top KLA leaders, were effectively concealed and remain unpunished.[11]

Today, it is estimated that there are over a dozen—mostly clan-based—criminal groups in Kosovo, often referred to as the "fifteen families." They tend to control routes rather than specific commodities. As a senior Kosovo Police official explained, "we categorize criminal activity by family names rather than types of crime because regardless of the type of crime, the same names keep popping up."[12]

The main illicit flows include drug smuggling: marijuana from Albania and heroin from Turkey. Trafficking in persons, stolen cars, and cigarettes are also big business. So too is extortion. Weapons smuggling has apparently diminished, probably since the local market is saturated, and there are no more violent conflicts in the region. Illicit activity is facilitated by corrupt or lax border controls, large Kosovar Albanian diasporas in Western Europe, and ethnic Albanian communities straddling borders (for example, between Kosovo and Albania, or Serbia and the former Yugoslav Republic of Macedonia).

The tell-tale signs of money laundering are everywhere: a disproportionate number of gas stations, dodgy banks offering high interest rates, villas in the middle of nowhere, half-empty hotels and shopping malls, and plenty of casinos. Money

7   See for example Dick Marty, "Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo," Report to the Committee on Legal Affairs of the Parliamentary Assembly of Council of Europe, AS/Jur (2010) 46, December 12, 2010.

8   Ibid., p. 14.

9   For more on this phenomenon, particularly in the context of the Federal Republic of Yugoslavia, see ibid.

10   Ibid., p. 20.

11   Ibid., p. 7.

12   Personal interview with a senior KPS intelligence officer, Pristina, Kosovo, August 2012.

laundering allows illegal actors to appear legal, thus making them legitimate and powerful participants in the higher echelons of society.[13]

There are concerns that the conditions that make Kosovo an appealing environment for local criminals also make it attractive for criminals from abroad. Since Kosovo does not have extradition treaties, it is a good place to hide. The alarm has also been raised that Kosovo could be a haven for religious extremists and terrorist cells.

The rule of law is weak. In comparison to other countries, Kosovo has a low number of prosecutors (less than 3 per 100,000 inhabitants) and judges (around 12 per 100,000 inhabitants), and they are insufficiently resourced.[14] According to one report, more than 200,000 civil and criminal cases remain unsolved.[15] Judges and prosecutors, due to outside interference or fear of possible repercussions, hesitate to initiate sensitive cases, in particular cases related to war crimes, organized crime, and corruption.[16] Under such conditions, justice is either delayed or denied.

Anti-corruption measures and financial intelligence mechanisms are weak. There are allegations that powerful groups were able to buy votes in the 2010 elections.[17] Once in power, the main political parties divide up the spoils between themselves, enabling the perpetuation of patronage networks based on personal, political, and clan contacts.[18] This is facilitated by the fact that there are few checks and balances to prevent abuse of lucrative tendering and privatization processes. As one report has stated, "lack of political will to tackle corruption and organized crime as well as political interferences with the structures to tackle corruption are worrisome."[19] "This is a mafia state," said one foreign intelligence official.[20] And yet, few "big fish" have been caught, even by EULEX.

The impact is that there is little foreign investment (since the market is considered uncompeti-tive), low-quality public services (due to low public revenues caused by corruption and loss of tax and customs revenue), a brain drain of the country's young and well-educated population, and self-serving relations among business, political, and criminal elites that are creating growing inequality and undermining public trust in state institutions. These conditions are not unique to Kosovo; they are evident throughout the Balkans.[21] As one analyst put it, "the situation is no different than anywhere else in the region, it's just a smaller country, so it's more obvious."[22]

THE ROLE OF INTERNATIONALS

What is different from other parts of the Balkans is the number of multilateral organizations that are trying to deal with the problem of organized crime.

Under Security Council Resolution 1244 of June 10, 1999, UNMIK was mandated to have an international civilian presence in Kosovo responsible for "maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo" and "in the final stage, overseeing the transfer of authority from Kosovo's provisional institutions established under a political settlement." It was also tasked with establishing a new Kosovo Police Service (KPS), which was set up with assistance from the Organization for Security and Co-operation in Europe (OSCE). Assuming responsibility for policing and KPS development were two monumental tasks never before assigned to UN peacekeeping operations. It was almost like the old trusteeship system since UNMIK became responsible for law and order in Kosovo.

Dealing with organized crime was low on the list of priorities for the international community in the postwar period. As in other postconflict settings, the prevailing logic appears to have been rather short-sighted: "restore a semblance of order as

13 Nika Stražišar Teran, "Peacebuilding and Organized Crime: The Cases of Kosovo and Liberia," Working Paper No. 1, Bern: Swisspeace, 2007, p. 18.

14 Ariana Qosaj-Mustafa, "Strengthening Rule of Law in Kosovo: The Fight Against Organized Crime and Corruption," Policy Paper 2010/8, Prishtina: Kosovar Institute for Policy Research and Development, November 2010, pp. 12 and 16.

15 Ibid., p. 27.

16 Ibid., p. 29.

17 See Betim Musliu and Adem Gashi, "Organized Crime in Election Process: An Analysis of Prosecution and Adjudication Policy," Pristina: Friedrich Ebert Stiftung, June 2012.

18 See *The Weakest Link: Corruption and Organized Crime, Ten Years of Coexistence with the Politics*, Forum 2015, Pristina, 2011.

19 Ariana Qosaj-Mustafa, "Strengthening Rule of Law in Kosovo: The Fight Against Organized Crime and Corruption," p. 20.

20 Personal interview with a foreign intelligence official, Pristina, Kosovo, August 2012.

21 See UNODC, "Crime and Its Impact on the Balkans and Affected Countries," Vienna, March 2008.

22 Personal interview with a political analyst, Pristina, Kosovo, August 2012.

quickly as possible, while avoiding anything that might be liable to destabilise a region still in a state of very fragile equilibrium."[23] As a former senior UNMIK official admitted, "We had so many other things to do. We knew that there were some tough guys around, but we figured they would drift away once the situation normalized."[24] While UNMIK had—at its peak—some 4,000 police on the ground, their main role was community policing, not dealing with organized crime.

Yet, with time, the criminals did not drift away, they consolidated their positions (in the north and south), hindering a political settlement and efforts to promote the rule of law. The problem could no longer be ignored. In his October 2005 report on the situation in Kosovo, Kai Eide—the UN Secretary-General's Special Envoy—stated that "organized crime and corruption have been characterized as the biggest threats to the stability of Kosovo and to the sustainability of its institutions."[25]

As these criminal groups became an increasing threat to security, the reaction of the international community became more robust. UNMIK developed a "first intervention team" that was a SWAT-type unit comprised of elite police forces from different countries that stood permanently ready for high-risk arrest operations.[26] In 2002, UNMIK established the Kosovo Organized Crime Bureau. Its tasks included legal reform, capacity building against TOC, cooperation with other law enforcement agencies, and integration of the KPS into the fight against organized crime.[27]

KFOR also had a police function, especially in the immediate postwar period before UNMIK was fully deployed. Indeed, law enforcement was explicitly part of KFOR's mandate according to UN Security Council Resolution 1244 that said KFOR was "to ensure public safety and order until the international civil presence can take responsibility for this task."[28] KFOR troops arrested suspects and challenged smugglers and traffickers, often applying their own national laws in the process.[29] They were also involved in securing the border, including against criminal activities. But most NATO contingents are not trained to carry out police functions. Therefore, the response was ad hoc and disjointed. Lack of law-enforcement training meant that soldiers often failed to collect and preserve evidence, which meant that arrests seldom led to prosecutions. The situation was improved with the creation of the Multinational Specialized Unit, mostly Italian *carabinieri* with experience in policing. They took an active crime-fighting role, seizing weapons and contraband, and arresting suspects. Their success was enabled by effective intelligence gathering. However, their work was undermined by a lack of a coherent strategy to deal with organized crime, and a weak criminal justice system.

Since 2008, the main international actor for dealing with organized crime in Kosovo has been EULEX, which was established pursuant to a decision of the Council of the European Union on February 4, 2008. According to its unusually robust and intrusive mandate, EULEX's main task is to "monitor, mentor and advise the competent Kosovo institutions on all areas related to the wider rule of law (including a customs service), whilst retaining certain executive responsibilities." These executive responsibilities include ensuring the maintenance and promotion of the rule of law, public order and security "including, as necessary [sic], in consultation with the relevant international civilian authorities in Kosovo, through reversing or annulling operational decisions taken by the competent Kosovo authorities."[30] In other words, when it comes to the rule of law, EULEX has the last word.

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23 Marty, "Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo," p. 7.

24 Personal interview with a former UNMIK official, Vienna, Austria, July 2012.

25 UN Security Council, *Annex: A Comprehensive Review of the Situation in Kosovo*, UN Doc. S/2005/635, October 7, 2005, p. 13.

26 Cornelius Friesendorf, "Problems of Crime-Fighting by 'Internationals' in Kosovo," in *Peace Operations and Organized Crime: Enemies or Allies?* edited by James Cockayne and Adam Lupel (New York: Routledge, 2011), p. 52.

27 Teran, "Peacebuilding and Organized Crime: The Cases of Kosovo and Liberia," p. 15.

28 UN Security Council Resolution 1244 (June 10, 1999), UN. Doc., S/RES/1244.

29 Friesendorf, "Problems of Crime-Fighting by 'Internationals' in Kosovo," p. 53.

30 European Union Council Joint Action 2008/124/CFSP, "On the European Union Rule of Law Mission in Kosovo, EULEX Kosovo," February 4, 2008. For more on the background on the creation of EULEX and the difficulties encountered in deploying the mission, see Labinot Greiçevci, "EU Actorness in International Affairs: the Case of EULEX Mission in Kosovo," *Perspectives on European Politics and Society* 12, No. 3 (2011): 283–303, and Giovanni Grevi, "EULEX Kosovo," in *European Security and Defence Policy: The First Ten Years (1999-2009)*, edited by Giovanni Grevi, Damien Helly, and Daniel Keohane (Paris: European Union Institute, 2009).

Concerning organized crime, EULEX's mandate is to ensure that cases related to organized crime "are properly investigated, prosecuted, adjudicated and enforced, according to the applicable law, including where appropriate by international investigators, prosecutors and judges" jointly with Kosovo counterparts or independently. Its mandate is to "contribute to strengthening cooperation and coordination throughout the whole judicial process, particularly in the area of organised crime."[31] It also has a mandate to contribute to the fight against corruption, fraud, and financial crime.

EULEX has approximately 1,180 international staff (judges, prosecutors, police and customs officers), mostly Europeans but also a number of Americans, as well as 975 local staff.[32] Although this is below the target size, it still makes EULEX the largest mission ever deployed under the European Security and Defence Policy (ESDP). It is also worth noting that EULEX is the first fully integrated EU rule-of-law mission spanning across the fields of justice, police, and customs.[33]

Compared to other international crime-fighting operations, EULEX has a very sophisticated set of tools at its disposal. It collects intelligence (including financial intelligence), works with informants, and carries out surveillance (including wiretapping). It has the power to arrest, prosecute, and convict criminals.

However, EULEX lacks local knowledge. The crime-related database developed by UNMIK was destroyed by a fire in 2010 (and there was no back-up!). All information has to be translated from Albanian, and evidence gathering is slow. A high turnover among EULEX staff means that new staff members have to spend considerable time studying case histories and past intelligence reports.

From the outset, EULEX has been hampered by what has been described as "ambiguous recognition" of its mission.[34] EULEX is not respected by some sections of society (particularly in the north), and even by some of its peers, including members of the Kosovo Police. The feeling is that EULEX is either too heavy-handed (swooping into villages with large KFOR escorts to make an arrest) or completely absent (for example, in terms of community policing). There are also allegations that decisions about which cases to pursue (or not) are politically motivated by senior EULEX officials. Some Kosovo Police resent what they regard as the arrogance of EULEX officials (and other "internationals") telling them what to do ("they are guests in our country, so they should ask us for things, not demand them"[35]). At the same time, EULEX staff members tend not to trust their Kosovo Police (KP) counterparts ("if we share information with the KP, by the time we go to arrest someone he has disappeared"[36]). The result is that there are very few joint investigations, and EULEX has failed to bring any major criminals to justice. There is talk of winding down EULEX by 2014.

Meanwhile, KFOR—particularly the Multinational Specialized Unit (MSU)—continues to gather intelligence on criminal activity, but it uses it mostly for force protection. When it comes to fighting crime, KFOR is only the third responder after the KP and EULEX. There are discussions about scaling down the MSU, and indeed the entire KFOR presence.

The situation is further complicated by the fact that most major embassies in Kosovo have police liaison officers and provide bilateral assistance to the Kosovo Police. In most cases these are the same countries that have nationals in EULEX.

For its part, the OSCE mostly carries out capacity building for the Kosovo Police to improve their skills in preventing and combating organized crime, particularly through promoting intelligence-led policing.

Interpol does not have a presence in Pristina because it does not recognize Kosovo's independence. Requests for information are handled via UNMIK. As a senior Kosovo Police official pointed out, "this situation hurts Europe more than it hurts Kosovo since there are almost no foreign criminals in Kosovo, but plenty of Kosovar criminals abroad. If we were plugged into the Interpol network, we

31   European Union Council Joint Action 2008/124/CFSP, "On the European Union Rule of Law Mission in Kosovo, EULEX Kosovo," February 4, 2008, Article 3(c).
32   Figures as of June 2012, provided by EULEX.
33   Grevi, "EULEX Kosovo," p. 360.
34   Greiçevci, "EULEX Kosovo," p. 294.
35   Personal interview with a senior KPS official, Pristina, Kosovo, August 2012.
36   Personal interview with a EULEX official, Pristina, Kosovo, August 2012.

could help them catch these guys."[37]

Increasingly, the Kosovo Police works with neighboring countries, including Serbia, on a bilateral basis and through the International Law Enforcement Cooperation Unit (ILECU). The ILECU, which was established in 2010, is a network linking law-enforcement officials in Southeastern Europe. "The more contacts we have, the easier it is to work together. Borders, language, politics, and ethnicity don't stop the crooks from cooperating, so they shouldn't hold us back either," said a senior Kosovo Police official.[38]

LESSONS (TO BE) LEARNED

Kosovo has received more economic assistance than any other war-torn country, and has had the highest number of foreign security personnel per capita in the world.[39] During the peak of the international presence in Kosovo, there were more than 15,000 soldiers and 4,000 international police deployed in this small country. Now Kosovo hosts a very well-funded EU rule-of-law mission with a robust mandate. And yet, crime persists. What lessons can be learned?

First, and perhaps most significantly, the international community was slow to respond to the threat posed by organized crime. By the time UNMIK and the OSCE were well established, old-boy KLA networks had created facts on the ground. As occurred in East Timor, Afghanistan, and other postconflict situations, criminal groups are among the first to move into a power vacuum. As one observer put it, "once the international community figures out what's going on, it's too late."[40] As ex-combatants and their cronies move into positions of power, the international community is happy to have a modicum of stability. It turns a blind eye to past indiscretions—with the exception of war crimes—in order to get on with the job of postconflict rehabilitation.

In the meantime, peacekeepers are supposed to provide security: they have no interest in taking on well-armed groups, not least for their own safety. International police arrive, but they are supposed to provide community policing, not go after the high-value targets. Anyway, if the high-value targets are also in positions of power, "internationals" are wary of taking them on since they are their counterparts and are needed to maintain stability and build peace. As in other theaters where the UN is trying to keep and build peace, there is a trade-off between justice and stability for the sake of political expediency. Furthermore, in Kosovo, strongmen are seen as local (war) heroes and are democratically elected representatives of the people. "What do you want us to do, arrest the whole government? What would that achieve, and who would replace them?," commented one senior international official.[41] As a result, the elites act with impunity.

Therefore, one lesson learned is to try to nip the problem in the bud. That means carrying out an organized crime threat assessment in the pre-deployment period, including a strong rule-of-law component in the mission's mandate, and deploying experts on transnational organized crime and criminal justice at an early stage. It does not necessarily follow that the international community should engage in a head-on confrontation with powerful local figures at an early stage. Nevertheless, serious crimes should not go unpunished, and the longer criminals are able to remain at large—and even go into business or government—the more entrenched their positions will become, and the higher the likelihood of a criminalized state. Therefore, dealing with organized crime should be considered as part of conflict prevention and peacebuilding, not just crime fighting. Similarly, mediation efforts should take the political economy of the situation into account in order to better understand the motivating factors of key players.

Another lesson from Kosovo is the need to control borders. Kosovo is a small part of a bigger regional network of transnational organized crime. Criminals would face greater risks if there were more effective border and customs management. The EU Border Assistance Mission to Moldova and Ukraine (EUBAM) is an example that could be copied in Kosovo, and elsewhere. As Serbia moves closer to Europe, another idea would be to have

37 Personal interview with a senior KPS official, Pristina, Kosovo, August 2012.

38 Ibid.

39 Ariana Qosaj-Mustafa, "Strengthening Rule of Law in Kosovo: The Fight Against Organized Crime and Corruption," p. 62.

40 Personal interview, Pristina, Kosovo, August 2012.

41 Personal interview with a senior international official, Pristina, Kosovo, August 2012.

FRONTEX[42] work with Serbian border guards on the Serbian side of the border.

The problem is that Kosovo's status is not finalized, therefore the very issue of its borders is contested. The lack of a political settlement also means that there is a lack of justice in the north of the country. This creates a conundrum. Some argue that the issue of organized crime cannot be addressed properly until the country's status is resolved. Others argue that without tackling crime, there will be no incentive for elites to seek alternatives to the status quo.

Community policing is vital, particularly as a confidence-building measure within ethnically mixed communities, and between the international community and locals. KFOR's MSU carries out foot patrols in Mitrovica, for example, which are useful for checking on local conditions and gathering information, as well as putting a more human face on NATO troops. UNMIK police are badly missed in the north, and it would make sense to continue international mentoring with Kosovo Police units there and in minority areas in the rest of the country.

Another lesson from the Kosovo case is that there can be too many cooks. First it was UNMIK, KFOR, and the OSCE. Now it is EULEX and the Kosovo Police, while UNMIK and KFOR have reduced roles. This creates competition, confusion, and wastes resources. Responsibility for dealing with organized crime should be clearly in the hands of one institution, working closely with the Kosovo Police. EULEX has an impressive mandate, major resources, and good people. The problem lies in the implementation of its mandate. Failure to gear up fast enough has weakened its credibility in the eyes of the people and the international community. Furthermore, lack of cooperation with local police and prosecutors is self-defeating. EULEX cannot stay in Kosovo forever, nor can it wait until there is a perfect environment for the rule of law in order to decide that its mission has been accomplished. Institutions like EULEX should work from day one on putting themselves out of business by building local capacity.

Even more so than other missions in theaters

where the rule of law is weak, EULEX has to strike the right balance between the direct exercise of executive functions and the transfer of ownership and responsibility to Kosovo authorities.[43] If Kosovo is going to stand on its own feet, it needs to be trusted, and it needs to take responsibility. For example, it does not seem to be an effective use of resources to keep several hundred EULEX police on stand-by in containers in case they are needed for crowd control. This is a function that could be carried out by the KP or, in an emergency, KFOR. More generally, since the international community has invested so much in training the Kosovo Police, it should allow them to get on with the job. In cases that deal with politically exposed persons, EULEX could step in. But otherwise, EULEX should mentor the KP rather than work in parallel, especially if it is already looking toward an exit strategy. Independently carrying out investigations does little to build capacity or trust. The argument that the KP can't be trusted because everybody knows everybody (and therefore there will either be leaks or reprisals) cuts both ways. Precisely because the community is so close knit, KP officers can more easily identify suspects than their international counterparts. "Give me the guy's name and I can tell you which village he is from, his alias, and the network associated with his clan," said a senior Kosovo policeman.[44]

This leads to another observation about data collection and use. Slow data exchange or even a refusal to share information hampers investigations. At least a small group of Kosovo Police should be vetted and given access to EULEX and Interpol databases, not least to assist in the arrest of Kosovo nationals abroad. Information is necessary for intelligence-led and proactive operations.

Since the crime problem is transnational, regional cooperation is vital. ILECU shows that regional cooperation is improving—a trend that should be encouraged further, including through more face-to-face meetings between contact points so that in emergency situations they know and trust the person at the other end of the phone. "By the time I fill out all the paperwork to enable mutual legal assistance, the criminal is long gone. But if a

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42 Frontex's full title is the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.
43 Grevi, "EULEX Kosovo," p. 366.
44 Personal interview with a KPS senior official, Pristina, Kosovo, August 2012.

colleague in a police service in a neighboring country needs something quickly, we can always find a way to help," observed a senior Kosovo Police official.[45]

The Kosovo case also points to the need for clearer procedures for handing over from one mission to the next—for example, the exchange of data (or lack thereof), between UNMIK and EULEX. Many cases have been dropped because of incomplete records, lost documents, and uncollected witness testimony.[46]

Greater care needs to be taken to protect witnesses. A code of silence is part of Kosovo's culture: you don't snitch on your kin, not least to avoid a blood feud. But brave people who are willing to come forward lack confidence in the system because of weak witness protection programs and insufficient legislation. For example, in the high-profile case of former KLA commander and prime minister Ramush Haradinaj a number of key witnesses have been intimidated, disappeared, or have died.

A major lacuna is the lack of a serious organized crime unit in Kosovo. At the moment, police that are trained to deal with organized crime are soon rotated out to deal with other functions. The result is a large number of generalists but few specialists. EULEX also lacks a specialized team of crime fighters, although it has plenty of experts with top-quality skills and many years of national experience. There are "heavies" in EULEX and the KP (for example the "intervention group") who are in the vanguard when it comes to arresting suspects, but they are usually of a military rather than a police background and lack special investigative techniques.

The special prosecutor, working with EULEX, needs to show results. As has been observed, "there can be no lingering ambiguity as to the need to pursue all those suspected of crimes, even in cases where the suspects hold important institutional and political positions."[47]

The case of Kosovo illustrates the need for wide-ranging criminal justice support, not just police. Investigations, prosecution, prison services, witness protection, and financial intelligence are all areas where Kosovo needs support. Fighting corruption is also badly needed in order to strengthen integrity, accountability, and good governance; attract foreign investment; and improve aid effectiveness.

A major problem in Kosovo (and in peace operations elsewhere) is a high and frequent turnover of staff. Normal periods of service are one year. Short rotations may suit the military and some types of police units, but it is counterproductive in the case of intelligence experts, judges, and prosecutors. A longer stay—say two to three years—could enable them to develop a better knowledge of local actors, conditions, and cases, and build a good rapport with local counterparts. This is particularly important since such specialists (who often have many years of experience) are difficult to attract in the first place. Therefore, once they are on board, they should be kept for a reasonable period of time.

In conclusion, the international community's engagement in Kosovo cannot afford to fail. Because so many human and financial resources have been invested in this small entity over the past decade, and because important precedents have been made in Kosovo (like the creation of the Kosovo Police Service and the strong executive mandates of UNMIK and EULEX), the international community needs to see progress in strengthening the rule of law in Kosovo. Most of all, the people of Kosovo—regardless of ethnicity—should be given the opportunity to live in an environment free from the bullet and the bribe in order to build a more peaceful future.

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45   Personal interview with a KPS senior official, Pristina, Kosovo, August 2012.
46   See Marty, "Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo," p. 2.
47   Marty, "Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo," p. 8.

Chapter Five

Observations and Recommendations

INTRODUCTION

Chapter one identified the scope and impact of organized crime in theaters where the UN has peace operations.[1] It also highlighted the mismatch between the problem and the mandates and resources that exist to tackle it. Chapters two, three, and four demonstrated the characteristics and impact of organized crime in three fragile states—Guinea-Bissau, Haiti, and Kosovo—and the efforts of peace operations with very different formats, mandates, and capacities to deal with this threat. This concluding chapter makes observations and recommendations on how peace operations, partic-ularly within the United Nations, can more effectively deal with the threat posed by organized crime.

As noted in chapter one, to understand the crime-conflict nexus it is essential to understand the local political and socioeconomic factors that can enable crime to flourish in a particular country. At the same time, as the three case studies have shown, an assessment of criminal groups and markets can explain their effect on politics, peace processes, governance, business, and society. But what are the operational implications of this information? Once international organizations are alerted to the threat posed by organized crime, what can they do about it?

TIMING: A CASE OF MORTON'S FORK?

Peace operations, particularly in fragile states, face a dilemma. On the one hand, when they arrive in a country, their priority is to establish themselves quickly and focus on basic stability. As Collette Rausch points out, under these circumstances, policymakers may be wary of taking on criminals since it may add to instability, especially where links exist between serious crimes and various powerful actors whose support is needed if the peace process is to proceed.[2] Therefore, tackling organized crime is usually a low priority. On the other hand, it is precisely during this period of transition that criminal groups take advantage of political uncertainty and weak rule of law in order to create facts on the ground and exploit new opportunities.

As demonstrated in the case study on Kosovo, and as has been evident in Afghanistan and elsewhere, failing to address the threat posed by organized crime at an early stage can turn out to be costly in the long term since it enables criminal networks to consolidate their position. The resources that criminal groups generate may distort the political process by, for instance, funding the activities of some political parties and not others, or they may corrupt senior officials in state structures and the private sector. Criminal groups may also disrupt peace processes by teaming up with other spoilers—including terrorist groups, as in Mali—who, like themselves, profit from the absence or weakness of state authority.

Against this backdrop, which is more risky: addressing the issue of organized crime at an early stage and potentially stirring up a hornet's nest of armed and dangerous groups, or waiting a few years until the same groups have exchanged their uniforms for suits and control business, politics, and the security apparatus, not just illicit markets? This is a classic case of Morton's fork—the choice between two undesirable options. What should be done?

Of course peace operations personnel should not be put at risk or be set up for failure by being mandated to deal with issues they may not be equipped to deal with. International organizations have a duty to care for their staff. Yet, neither should they ignore the threat of organized crime and hope that it just goes away. Little elephants grow into big elephants, and big elephants are even harder to deal with. Therefore, peace operations should be better prepared and equipped to deal with organized crime, particularly in the early stage of their deployment. The following recommenda-tions can help.

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1 In this report, the term "peace operations" is used to refer to peacekeeping, peacebuilding, and special political missions collectively.
2 Collette Rausch, ed., *Combating Serious Crimes in Post-Conflict Societies* (Washington, DC: United States Institute of Peace, 2006).

THREAT ASSESSMENTS

The starting point is credible information. In order to more effectively confront the threat posed by organized crime, policymakers and practitioners first need a good idea of the markets and actors involved and the links among politics, crime, and business—both within the target state and across its borders. This requires threat assessments and conflict analyses that focus on the political economy of theaters where crime is an impediment to peace.

Thus far, threat assessments that consider the impact of organized crime have not been part of the mainstream of mission planning. Indeed, currently there are no UN guidelines to help assessors focus on the threat posed by organized crime,[3] so UN staff involved in pre-mandate, pre-deployment, or mandate-review processes may not be attuned to looking for crime-related problems. Nor is there a shared analytical framework to harmonize the work of various actors in a particular theater and to develop adequate, integrated policy responses on strategic, operational, and tactical levels. As a result, UN peace operations have a blind spot when it comes to organized crime. This helps to explain the discrepancy highlighted in chapter one and the Annex between the serious threat posed by organized crime and the weak or absent crime-fighting mandates and capacities.

This is symptomatic of a bigger problem in the UN related to the gathering and analysis of information. As pointed out by the Senior Advisory Group on Civilian Capacity in the Aftermath of Conflict, "the United Nations often prepares its plans when it knows the least about a country and its capacities."[4] The International Dialogue on Peacebuilding and Statebuilding has also identified "lack of context and conflict analysis" as one of the major challenges to achieving peacebuilding and statebuilding goals.[5] As pointed out in a report by the Center on International Cooperation, without

improved analytical capacities and arrangements leading to a shared strategic direction, the executive bodies of international organizations risk leaving these political missions flying blind.[6] This is echoed by a report by the United States Institute of Peace that says, "failure to understand the political, economic, and social contexts will mean failure to develop effective solutions."[7]

To rectify this situation, information gathering and analysis on organized crime should be part of integrated assessment and planning processes, which apply to field missions led by both the UN Department of Peacekeeping Operations (DPKO) and Department of Political Affairs (DPA). As noted in the Integrated Mission Planning Process (IMPP) guidelines first issued in 2006, these processes should ensure that there is a shared vision among all UN actors as to the strategic objective of the UN presence at country level.[8] The success of such integrated missions depends on a shared, in-depth understanding of the specific country setting. That understanding is derived from a strategic assessment that is usually carried out in the planning stage of deploying an integrated mission.[9] Such assessments are also vital for postconflict needs assessments. This point has been acknowledged in the New Partnership Agenda (2009) on charting a new course for UN peacekeeping, which stresses that "the strengthening of system-wide conflict assessment must be a priority of ongoing UN integration efforts."[10]

Therefore, Integrated (Mission) Task Forces involved in strategic assessments should include experts on organized crime, or at least on the relevant economic, political, and social dimensions of conflict. It is worth noting that the Security Council, in a 2011 presidential statement, invited the Secretary-General to ensure that his reporting contains reference to the social and economic drivers of conflict.[11]

As Mats Berdal points out, a political-economy

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3   See Mark Shaw, "Know Your Enemy: An Overview of Organized Crime Threat Assessments," New York: International Peace Institute, October 2011.

4   UN General Assembly and Security Council, *Civilian Capacity in the Aftermath of Conflict: Independent Report of the Senior Advisory Group*, UN Doc. A/65/747-S/2011/85, February 22, 2011, p. 26.

5   *Dili Declaration: A New Vision for Peacebuilding and Statebuilding*, International Dialogue on Peacebuilding and Statebuilding, Dili, East-Timor, April 9, 2010.

6   Cockayne and Kavanagh, "Flying Blind?," p. 28.

7   Rausch, *Combating Serious Crimes*, p. 21.

8   See United Nations, "Integrated Missions Planning Process (IMPP) Guidelines Endorsed by the Secretary-General on 13 June 2006," June 13, 2006.

9   The IMPP has recently been updated by the 2013 Policy on Integrated Assessment and Planning (IAP), which sets out minimum requirements for joint analysis, common priorities, integrated structures, and integrated monitoring.

10 DPKO and DFS, "A New Partnership Agenda," p. 11.

11 See UN Security Council, "Statement by the President of the Security Council," UN Doc. S/PRST/2011/4, February 11, 2011.

approach can help to unveil the complex but not unintelligible structures of incentives and disincentives for continued violence, enabling a "stakeholder analysis of conflict" to be undertaken.[12] For example, who has access to wealth and power, and how? This will, inter alia, make it easier to identify points of leverage for dealing with the tensions that exacerbate the crisis and threaten the peacekeeping mission.[13]

A threat assessment can also be used as a planning tool. As Colette Rausch observes, "an assessment provides the necessary baseline information from which realistic goals and a strategy to address serious crimes, including prioritization, timing, and sequencing of actions, can be developed."[14]

To help practitioners and policymakers carry out organized crime threat assessments, IPI—as part of its Peace without Crime project—has created a guide called "Spotting the Spoilers."[15] It is designed to identify warning signs of organized criminal activity, assess the impact caused by organized crime, and prepare assessments that can be used by policymakers to take remedial action. Not least, it can help build national capacity to spot the spoilers.

The challenge is to "mainstream" such tools so that they become part of standard operating procedure. It is therefore vital to develop and implement training on organized crime threat assessments and to create a pool of experts (from within and outside the UN) who could be called on to assist in UN strategic assessments.

A CULTURE OF ANALYSIS

What is vital is to have assessments that are reliable, timely, and tailored to the specific situation on the ground. After all, the point is not to have an exhaustive study; rather, the aim should be to produce the evidence and analysis that can enable a quick and effective policy and/or operational response.

Situation assessments should not be a one-off exercise. As pointed out in the World Development Report 2011, "To adapt to the reality of repeated cycles of violence and multiple transitions, assessment processes would become lighter and more flexible to provide regular, repeated assessments of risks and opportunities."[16] Furthermore, they should be translated easily into strategic and operational options.[17] As an IPI study has observed, such assessments should stimulate a culture of analysis.[18]

For this to happen, threat assessments should become part of multidimensional peace missions, by establishing standard operating procedures, rules of engagement, information-sharing mechanisms, and appropriate analytical capacities. Indeed, it is worth noting that the Security Council—in its presidential statement of February 24, 2010—invited the Secretary-General to integrate analysis of transnational threats into conflict analysis, mission planning, and reporting. However, this has yet to translate into a shared UN strategic direction on how to address these threats.[19]

A regional perspective is essential to combat transnational organized crime. Therefore, regional offices, like the UN Office for West Africa in Dakar and the UN Regional Centre for Preventive Diplomacy for Central Asia in Ashgabat could be key hubs of regional information gathering and analysis. The West Africa Coastal Initiative is an example of a relatively successful attempt to exchange and pool information, and so is inter-mission cooperation on border control between UNMIL in Liberia and UNOCI in Côte d'Ivoire. More effective use should be made of existing analytical capabilities that relate to transnational organized crime. For example, the United Nations Office on Drugs and Crime (UNODC) produces periodic threat assessments, usually about regions (rather than countries) affected by transnational organized crime. UN Panels of Experts have carried out high-quality assessments, for example of the

12 Mats Berdal, "Building Peace After War", Adelphi Papers No. 407, London: International Institute for Strategic Studies, 2009, p. 93.
13 See Patrice Sartre, "Making UN Peacekeeping More Robust: Protecting the Mission, Persuading the Actors," New York: International Peace Institute, August 2011, p. 13.
14 Rausch, Combating Serious Crimes, p. 18.
15 Shaw and Kemp, "Spotting the Spoilers."
16 World Bank, World Development Report 2011, p. 272.
17 Jenna Slotin, Vanessa Wyeth, and Paul Romita, "Power, Politics and Change: How International Actors Assess Local Context," New York: International Peace Institute, June 2010, p. 13.
18 Ibid., pp. 2 and 15.
19 Cockayne and Kavanagh, "Flying Blind?"

Democratic Republic of the Congo and Somalia, which contain plenty of detailed information on organized crime and the political economy of conflict.[20] Furthermore, on a case by case basis, the UN draws on available information from national law-enforcement agencies and Interpol. This should be done more systematically—for example, plugging crime experts into UN field operations via the existing Interpol I/24/7 network.[21]

As Melanie Ramjoue points out, the UN is actually well positioned to collect large quantities of data. "It deploys tens of thousands of staff, many of whom have valuable cultural and linguistic skills and who become privy to information through their daily interactions with local communities and political actors."[22] The problem is not the collection of information; it is the analysis of this information and its management in order to transform it into actionable intelligence.[23]

In this respect, it would be worth revisiting a proposal made in the Brahimi Report to create an Information and Strategic Analysis Secretariat at UN headquarters that would consolidate the various departmental units that are assigned policy- and information-analysis roles related to peace and security.[24] As Brahimi said, the UN system needs "a professional system for accumulating knowledge about conflict situations, distributing that knowledge efficiently to a wide user base, generating policy analyses, and formulating long-term strategies. That system does not exist at present."[25] More than a decade later, this is still the case.

Based on past experience, efforts to set up a strong analytical unit within the Secretariat would probably be rejected. But there is plenty of scope for making more effective use of existing resources. For example, the UN Task Force on Transnational Organized Crime and Drug Trafficking could be used as a clearing house for exchanging information and coordinating policy on issues related to transnational organized crime within the UN system. The Situation Centre of the Departments of Peacekeeping Operations and Field Support could be used more effectively to consolidate information relating to transnational organized crime from across the UN system (UN Secretariat, agencies, funds, and programs) and beyond (e.g., Interpol and outside experts). In order to be truly strategic, the Centre team will require specific political-economy analytical skills, and its analysis should be regularly updated and fed into mission start-up and reconfiguration processes. It could service peace operations, relevant departments (like DPA and DPKO), sanctions committees, and other UN agencies.[26]

INTELLIGENCE

Let us be clear. The United Nations does not need to gather intelligence on its member states, nor would its member states want it to do that. However, the UN needs to be aware of developments on the ground, not least—though not exclusively—in theaters where it has peace operations. Fortunately, member states seem to be increasingly aware that the type of intelligence required in contemporary peace operations is different from traditional military intelligence, and it does not pose a threat to their own security.[27] As a result, peace operations are becoming better equipped to gather and analyze information relevant to the security interests of the mission.

Until recently, it has been hard to even use the word "intelligence" in the UN, not least in the Special Committee on Peacekeeping Operations of the General Assembly (C-34). After all, the term "intelligence," which is usually associated with military, secrecy, and national interests, conflicts with the ethos of international organizations

20 See Alix J. Boucher, "UN Panels of Experts and UN Peace Operations: Exploiting Synergies for Peacebuilding," Washington, DC: The Stimson Center, September 2010.

21 See Interpol, "Data Exchange—I-24/7: A Secure Global Police Network," available at www.interpol.int/INTERPOL-expertise/Data-exchange/I-24-7

22 Melanie Ramjoué, "Improving UN Intelligence Through Civil-Military Cooperation: Lessons from the Joint Missions Analysis Centres," *International Peacekeeping* 18, No. 4 (2011), p. 468.

23 Ibid.

24 See the Brahimi Report, p.12.

25 Ibid.

26 See James Cockayne, "Providers, Platforms or Partners? Possible Roles for Peace Operations in Fighting Organized Crime," paper commissioned for the International Forum for the Challenges of Peace Operations, November 9, 2009, p. 96. See also recommendation thirty-nine in International Peace Institute, "Transnational Organized Crime," IPI Blue Paper No. 2, 2009, p. 17.

27 Per Martin Norheim Martinsen and Jacob Aasland Ravndal, "Toward Intelligence-Driven Peace Operations? The Evolution of UN and EU Intelligence Structures," *International Peacekeeping* 18, No. 4 (August 2011), p. 459.

founded on the principles of transparency and multilateral cooperation.[28] The initial pushback in the C-34 from certain member states against DPKO Under-Secretary-General Ladsous' proposal to use unarmed drones in peacekeeping operations tasked with monitoring borders is yet another example.[29] But as the UN has increasingly become a target for terrorist attacks, and as UN operations become more exposed to complex situations involving armed groups and criminal networks, there is a growing realization and acceptance that peace operations need to have access to intelligence.

To figure out who the illicit actors are, their impact on society, and what to do about them, peace operations require a detailed knowledge of the motivations, modi operandi, and enabling structural conditions of peace spoilers.[30] Information gathering and analysis at field level are therefore crucial. As in the case of counterinsurgency, "the sole and simple but difficult requirement is to first understand the environment, then diagnose the problem in detail and in its own terms, and then build a tailored set of situation-specific techniques to deal with it."[31]

As has been demonstrated by the case studies in this report, peace operations need to know who the criminal groups are, what the illicit markets are, the links between criminals and their enablers (for example, in business and politics), and the political economy of the area in which they are operating. As Karen Ballentine and Jake Sherman observed, "[A]n improved understanding of the factors that shape an opportunity structure favorable to organized violence and large-scale armed conflict may yield policy measures that can more effectively reduce combatant access to finances and perhaps alter their cost-benefit calculus in favor of peace."[32] Peace operations also need to understand the threat posed by criminals for the sake of security—for example, in relation to force protection.

The main source of information gathering and analysis within UN peacekeeping missions is the Joint Mission Analysis Centre (JMAC). JMACs were established through a DPKO policy directive on July 1, 2006. The rationale for the JMAC is "to monitor developments and to understand the operational environment on a continuous basis."[33] As demonstrated in the case study on Haiti in chapter three, JMACs can enable intelligence-led policymaking and support integrated mission management, mission security, and strategic planning and forecasting.

JMACs, which are headed by a civilian staff member, are composed of a mix of military, police, and civilian personnel. Indeed, they are a good example of what integrated missions should look like. JMACs have been fully established in seven of the fifteen missions administered by DPKO.[34] Where the JMAC can provide quality analysis and where the Special Representative of the Secretary-General and his or her senior staff realize that using that information is in their own interests—for the sake of operational success and staff safety—then the JMAC is a key resource. However, there are no JMAC equivalents within political or peacebuilding missions. This is a major lacuna.

It is worth noting that some EU operations, like EUPM in Bosnia and EULEX in Kosovo, developed an intelligence-gathering capacity. Unlike the UN, the EU also has a strategic analysis center for analyzing crime-related information—namely, its Single Intelligence Analysis Capacity—as well as a Situation Centre (SITCEN).[35]

There has been considerable cooperation between the UN and Interpol. For example, Interpol granted the UN Peacekeeping Mission in Liberia (UNMIL) and Interim Administration in Kosovo (UNMIK) temporary access to its telecommunications network and databases. Interpol also cooperated with the UN Special Tribunal for

28 Ibid., p. 454.

29 See Fiona Blyth, "UN Peacekeeping Deploys Unarmed Drones to Eastern Congo," The Global Observatory, February 27, 2013, available at http://theglobalobservatory.org/analysis/445-un-peacekeeping-deploys-unarmed-drones-to-eastern-congo.html .

30 Cockayne and Lupel, *Peace Operations*, p. 196.

31 See David Kilcullen, *The Accidental Guerrilla: Fighting Small Wars in the Midst of a Big One* (Oxford University Press, 2009), p. 183.

32 Karen Ballentine and Jake Sherman, "Introduction," in *The Political Economy of Armed Conflict*, edited by Karen Ballentine and Jake Sherman (Boulder, CO: Lynne Rienner, 2003) pp. 5-6

33 DPKO, DPKO Policy Directive: Joint Operations Centres and Joint Mission Analysis Centres, July 1, 2006, p. 2.

34 Ramjoué, "Improving UN Intelligence through Civil-Military Cooperation," p. 473.

35 To compare and contrast the EU and UN's approaches to collecting and using intelligence, see Norheim Martinsen and Aasland Ravndal, "Toward Intelligence-Driven Peace Operations?," pp. 454-467.

Lebanon, the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, and the Special Court for Sierra Leone in relation to investigations and proceedings about crimes within their jurisdictions. This included the exchange of police information, access to Interpol's police information system, assistance in the search for fugitives and suspects, the issuance and circulation of Interpol notices, and the conduct of criminal analysis. Interpol also helped UN sanctions committees to fulfill their mandates—for example, in relation to asset freezes, travel bans, and arms embargoes, as well as through the use of the I-24/7 global police communications system.[36] This type of cooperation should be built upon.

RAPID-REACTION JUSTICE SUPPORT

Not only does the UN suffer from limited information and analysis to identify organized crime, it has limited capacity to deal with the problem. It is striking that despite the threat posed by transnational organized crime in so many theaters where the UN is active, and despite its impact on so many aspects of the UN's work, the UN has limited capacity in this field. While there are more than 80,000 blue helmets and 12,500 blue berets, there are only a few dozen organized-crime experts in the UN system.

DPKO finds it difficult to attract military and police experts with the skill-set needed to deal with organized crime. As a DPKO report observes, "Military peacekeeping rarely succeeds without a civilian component—but finding sufficient highly qualified civilian staff is often as hard, or harder, than finding troops."[37] This is particularly the case in the justice sector. As pointed out in the *World Development Report 2011*, "The supply of personnel is constrained, since states do not have the kinds of reserve capacities in police and criminal justice that they do in their militaries."[38]

The lack of available expertise in this field means

that there are few practitioners able to assist in rebuilding the rule of law and developing national justice capacity, including in crime fighting. Worse than that, it increases the risk of relapse into conflict.[39] As Jean-Marie Guéhenno has pointed out, "The journey from war to sustainable peace is not possible in the absence of stronger civilian capacity. Without this capacity, there may be breaks in the fighting, but resilient institutions will not take root and the risk of renewed violence will remain."[40] As a result, "The current systems of the United Nations can neither rapidly provide civilian capacities aligned with national needs nor cope with constantly changing circumstances."[41]

Fortunately, the issue is now getting serious attention as a result of the follow-up to the independent review on civilian capacity (CIVCAP). The UN is trying to create a platform for qualified experts. This Civilian Partnership Cell would be a "docking mechanism" (in the Department of Field Support) that makes it simple to establish and operate successful partnerships.[42] But this will only work if the UN can attract people to "dock in." Therefore, the UN needs to simplify the system of attracting and accepting short-term civilian experts, while member states need to make it easier for such experts—not least in the justice sector—to take on short-term assignments. The UN is heading in this direction with the launch in September 2012 of an online platform, known as CAPMATCH, for the exchange of information on such expertise—in particular from the global South—to support countries emerging from conflict in building institutions.[43]

Furthermore, training on how to identify, understand, and deal with organized crime should be mandatory for police, military personnel, mediators, development experts, and senior management involved in peace operations. At the moment neither the training materials nor training courses exist.

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36 See UN Security Council Resolution 1699 (August 8, 2006), S/RES/1699.

37 DPKO and DFS, "A New Partnership Agenda," p. 38.

38 World Bank, *World Development Report 2011*, p. 199.

39 UN General Assembly and Security Council, *Civilian Capacity in the Aftermath of Conflict*, UN Doc. A/65/747-S/2011/85, p. 5.

40 UN General Assembly and Security Council, "Letter Dated 31 January 2011 from the Chair of the Senior Advisory Group to the Secretary-General," (Letter by Jean-Marie Gueheno) UN Doc. A/65/747-S/2011/85.

41 UN General Assembly and Security Council, *Civilian Capacity in the Aftermath of Conflict*, UN Doc. A/65/747-S/2011/85, p. 19.

42 UN General Assembly and Security Council, *Civilian Capacity in the Aftermath of Conflict*, UN Doc. A/65/747-S/2011/85, p. 15.

43 The first participants include expertise from Indonesia, South Africa, Morocco, Brazil, Egypt, Benin, Kenya, Thailand, and Nigeria—as well as organizations from Norway, Canada, Germany, United Kingdom, Sweden, and Switzerland, who maintain networks of skilled individuals from both North and South. See www.un.org/News/Press/docs/2012/pko319.doc.htm .

One way to augment capacity is to create a rapid-reaction criminal-justice team, similar to the Mediation Support Unit (in DPA) or the Rapid Response Unit of the Office of the High Commissioner for Human Rights.[44] This would enable a short-term surge of international experts to strengthen national rule of law capacity. One way to do this would be to scale up the existing Justice Rapid Response network—an intergovernmental standby facility of criminal-justice experts. Of course, this is just the thin edge of the wedge. What is required in the long-term is justice reform that can strengthen capacity and the rule of law.

Another idea, currently being explored by UN Police (UNPOL), is to embed pre-formed organized crime experts within field operations such as MINUSTAH (as described in the case study on Haiti). These so-called Serious Crime Support Units would enable the rapid deployment of national crime experts to a peacekeeping operation in order to help build local crime-fighting capacity and, indirectly, help improve intelligence gathering and law enforcement. Ideally, these units would eventually put themselves out of business by supporting the establishment of national crime-fighting agencies and/or enhancing the capacity of Interpol National Crime Bureaus.

There should also be a pool of organized-crime experts as part of the UN's Standing Police Capacity.[45] When not deployed to hot spots, they could be used as part of threat-assessment teams and for training incoming UN police on organized-crime issues.

Because it is so difficult to get organized-crime experts to join peace operations (because they are usually in short supply), once they are deployed, rules should be such that they should be allowed to stay in theater for a more reasonable period for time (i.e., two to three years). Otherwise, as has been noted in the case of EULEX in Kosovo, staff turnover is too high.

Another way of overcoming the shortage of personnel with expertise in dealing with transnational organized crime would be to more effectively engage nontraditional troop- and/or police-contributing countries that have expertise in dealing with organized crime. For example, countries like Brazil, Indonesia, Mexico, South Africa, Turkey, and Colombia all have significant national expertise in dealing with organized crime. Drawing on their experience would raise the profile of these countries within the operational work of the UN, and give them a leadership role in dealing with one of the greatest threats to international peace and security.

Whatever the model, the aim should be to provide peace operations with the capacity to more effectively identify and deal with organized crime. This means sensitizing all staff to the problem, and engaging specialized crime and justice experts.

In this respect, creating specialized crime-fighting capacity fits in well with "lighter footprint" peacekeeping models like the United Nations Support Mission in Libya (UNSMIL). This DPA-led political mission, made up mostly of civilians, is helping Libyan authorities coordinate international engagement and providing technical expertise in a few strategic areas—to contribute to the establishment of credible and legitimate institutions. While UNSMIL has no peacekeeping troops, in other contexts "light-footprint" civilian missions (whether as start-up or follow-on to a larger peacekeeping or stabilization mission) may require the support of small UN or non-UN "over-the-horizon" or "rapid-reaction" military or police units to allow them to operate in risky environments even when the host government may be reluctant to accept a larger blue-helmet presence on its territory. In the future, the UN "lighter footprint" model will likely require innovative partnerships to be built (with member-states and regional, subregional, and nongovernmental organizations, etc.) to be able to benefit from highly capable and specialized civilian and uniformed expertise, including in relation to fighting organized crime.

New peacekeeping missions in Mali and Somalia are an excellent opportunity to "mainstream" crime-fighting experts into peace operations. Indeed, because of the impact of organized crime on the stability of these troubled countries, it is hard to imagine how these missions could be successful

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44 This unit, established in 2006, is designed to swiftly prevent or address deteriorating human rights situations on the ground. The unit has a roster of over seventy human rights experts. Since its inception it has carried out more than thirty-two rapid deployments.

45 A UN Standing Police Capacity was created in October 2007 with an initial twenty-seven police officers, which increased to forty-one in 2010. It now includes three judicial affairs officers and two corrections officers but does not include any expert on transnational organized crime.

without tackling the threat posed by illicit activities, criminal groups, and their links to other actors.

NATIONAL OWNERSHIP

While international assistance may be necessary, particularly in the immediate postconflict period, solutions imposed from the outside will not last long. It is therefore essential to ensure that criminal-justice support is part of a sustainable national strategy, and that crime-fighting capacity is enhanced from within, and not only parachuted in from outside. It is worth noting that, for the first time, the C-34 referred to the need for "building the capabilities of host nations to address transnational organized crime" in its 2012 annual report.[46]

There may be times when the penetration of criminal groups into a society is so deep and the rule of law so weak that international actors must temporarily take over justice functions. This is often the case in fragile states—for example, in postconflict situations. In several cases (like Bosnia, Fiji, the Solomon Islands, and the case of Kosovo discussed in Chapter Four), judges and prosecutors have been brought in to supplement national capacity. The international community, usually under UN auspices, has also helped to establish and run commissions of inquiry and criminal courts. In such situations, it is important to stress to the affected governments that they are not surrendering their sovereignty; rather, they are reasserting it.

Perhaps the most prominent example of a law-enforcement institution established as a partnership with external actors is The International Commission against Impunity in Guatemala, known by its Spanish acronym CICIG. CICIG was established by a treaty agreement between the United Nations and Guatemala and began work in January 2008. The specific objective of CICIG is to assist Guatemala in investigating and dismantling violent criminal organizations. The commission operates under Guatemalan law, in the country's courts, and following Guatemalan criminal procedure. Yet CICIG also has some elements of an international prosecutor. Key staff—including the head of the commission, who is appointed by the UN Secretary-General—are internationals.[47]

The challenge with such arrangements—which outsource key aspects of the justice system—is to ensure a smooth transition during which the international community can scale down its assistance, and ultimately leave. Otherwise, transitional justice becomes increasingly permanent, building dependence rather than building capacity. It is therefore advisable to integrate national experts as much as possible into the internationally supported justice structures in order to build the capacity and ownership needed to enable a successful handover and a sustainable justice system. Involving members of the diaspora can also help to smooth the transition process.

Policies to address organized crime should be part of a broader strategy to reduce vulnerability and strengthen security-sector reform and the rule of law.[48] It is therefore useful to have a national strategy, in order to ensure national ownership of the approach as well as clear objectives and a framework that is common to external and local actors. Here the "New Deal for Engagement in Fragile States" of the g7+ group and its partners in transitioning out of fragility and building peaceful states can be instructive. Otherwise, it is too often the case that support is supply- rather than needs-driven; too many countries provide the same things, and there is an over-emphasis on the securitization of responses rather than a more comprehensive approach that also takes into account criminal-justice needs, anti-corruption measures, and development assistance.

That is why the UN can provide the framework to ensure coordination, even if it has a limited role in providing technical assistance. Therefore, dealing with transnational organized crime should be part of comprehensive peacebuilding strategies. How this can be done will in part be the subject of our

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46   UN General Assembly, *Report of the Special Committee on Peacekeeping Operations 2012 Substantive Session (New York, 21 February-16 March and 11 September 2012)*, UN Doc. A/66/19, September 11, 2012, para. 95.

47   See *Agreement Between the United Nations and the State of Guatemala on the Establishment of an International Commission Against Impunity in Guatemala ("CICIG")*, December 12, 2006.

48   The UN Inter-Agency Security Sector Reform Task Force (co-chaired by DPKO and UNDP) is currently in the process of developing an "Interim Technical Guidance Note" on security-sector reform and transnational organized crime, with support from the UN Office on Drugs and Crime. However, this is not a system-wide policy on how to deal with organized crime in peacekeeping theaters; rather, it is an attempt to factor the issue of organized crime into existing UN security-sector reform activities—in response to two Security Council presidential statements (December 2009 and February 2010) inviting the Secretary-General to mainstream the issue of organized crime.

next report, "Peace without Crime."

CONTAIN THE PROBLEM, CONTROL THE PERIMETERS

Criminals are entrepreneurs: they seek opportunities to maximize their profits based on low risks and high returns. To increase the risk of trafficking and other illicit activity, peace operations—and law-enforcement agencies providing bilateral assistance—should improve control of borders, ports, and airspace. If possible, they should also help to control financial flows into and out of the country. This would make it more difficult, and less attractive, to engage in illicit activity. It would also help the state concerned to reassert its sovereignty. This would not only contribute to reducing organized crime, it could also reduce armed violence and make conflict situations more tractable. After all, as numerous cases including Afghanistan, the Democratic Republic of the Congo, Kosovo, Mali, and Somalia have demonstrated, the smuggling of weapons into a country and the trafficking of commodities out of it keep many conflicts alive and many criminals in business.

Of course, the control of territorial integrity should be the chief responsibility of the state itself. Indeed, it is one of the defining features of sovereignty. Therefore it is not surprising that UN resolutions call on the parties, or neighboring states (rather than the UN per se), to contain illicit flows. For example, the mandate of the UN Mission in Côte d'Ivoire (MINUCI) in 2003 called on all states neighboring Côte d'Ivoire to support the peace process by, inter alia, preventing the illicit trafficking and proliferation of arms in the region, particularly small arms and light weapons.[49] Resolution 1881 (2009) called on Sudan and Chad to normalize their relations, including by ceasing support for armed groups, strengthening actions to combat armed trafficking in the region, and establishing effective joint border monitoring.[50] Resolution 1868 (2009) called upon states to strengthen international and regional cooperation to counter the threat to the international

community posed by the illicit production and trafficking of drugs originating in Afghanistan, including through cooperation in three areas: border management for drug control, the fight against the illicit trafficking in drugs and precursors, and the fight against money laundering linked to such trafficking.[51]

But states may sometimes need help to control their borders, especially in a postconflict environment and where their capacities are stretched. Thus far, most peace operations have focused on what goes on in a particular state, not what flows across the borders. This is a tactical mistake since states—particularly fragile ones—are vulnerable to the inflow of weapons and the outflow or transit of natural resources, drugs, and people. Border control can not only cut crime, it can enhance stability, generate badly needed revenue, and strengthen sovereignty.

Therefore, as General Patrice Sartre points out, "it is strange that sealing off crisis areas has never been a condition for managing a violent crisis, or even a factor essential for its robust management."[52] As he passionately maintains, "It is high time that the crisis-managers' club—the UN, the EU, and NATO—adopt a doctrine, procedures, legal instruments, and, above all, techniques for sealing off a crisis area, and integrate them into the design and planning of their operations."[53]

There have been some innovative border-management operations, particularly in Europe. For example, effective controls have been introduced along the Transdniestrian stretch of the border between Moldova and Ukraine, thanks to the European Union Border Assistance Mission to Moldova and Ukraine (EUBAM). The EU's Border Management Programme in Central Asia (BOMCA) has provided capacity-building support and improved cooperation. Between 1999 and 2004, the OSCE had a border-monitoring mission in Georgia along the borders with Chechnya, Dagestan, and Ingushetia. The UN Preventive Deployment Force in the former Yugoslav Republic of Macedonia (UNPREDEP), while strictly

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49 See UN Security Council Resolution 1464 (February 4, 2003), UN Doc. S/RES/1464 and UN Security Council Resolution 1479 (May 13, 2003), S/RES/1479.

50 UNAMID-African Union-UN Hybrid Operation in Darfur UN Security Council Resolution 1881 (August 6, 2009), UN Doc. S/RES/1881, para. 9.

51 Security Council Resolution 1868 (March 23, 2009), UN Doc. S/RES/1868, para. 22. See also UN Security Council Resolution 1817 (June 17, 2008), UN Doc. S/RES/1817.

52 Sartre, "Making UN Peacekeeping More Robust," p. 18.

53 Ibid., p. 18.

speaking not crime related, was nevertheless a good example of how a preventive operation could monitor and report any developments in the border areas that could undermine confidence and stability of the former Yugoslav Republic of Macedonia and threaten its territory. In Africa, the UN and ECOWAS have been cooperating to strengthen port, air, and border security to combat drug trafficking through West Africa as part of the West Africa Coast Initiative (discussed in chapter 3). During and after the Libya crisis, a number of neighboring countries, including Chad and Tunisia, asked for bilateral support in monitoring or controlling their border with Libya—including modern air surveillance techniques. Therefore, a regional approach is essential for tackling this transnational threat and ensuring that an effective response in one country does not displace the problem to a neighboring state.

Critics may point out that the costs of such border operations, especially in large countries, can be high. This may be true. But, as we have seen, the costs of failing to control borders can also be enormous—in terms of sovereignty, security, and trade.

KNOCK THEM OFF BALANCE

While a regional and ultimately a global strategy is needed to tackle transnational organized crime, within a particular theater it is possible to change the calculus of crime. Unlike terrorists, insurgents, or other armed groups, criminal groups do not have political motives. They are trying to make money. They operate in zones of impunity where there are enabling factors that maximize profits with the lowest possible resistance (usually facilitated by either corruption or intimidation). Hit them in this center of gravity and they can be knocked off balance.

One way to do so, as just noted, is to increase the risks of illicit activity. Another is to cut off the oxygen of crime—namely, the flow of money. Therefore, peace operations in theaters where crime is a serious threat need expertise that can identify and disrupt money flows. This includes wiretapping, surveillance, financial intelligence,

specialized investigation techniques, and the type of international cooperation that can enable asset seizure and recovery. The skill-set of Italy's Guardia di Finanza is a good example.

DON'T BECOME PART OF THE PROBLEM

It may seem self-evident, but staff of peace operations should not become part of the problem. In the past, there have been far too many examples of peacekeepers either creating a market for illicit goods and services (particularly human trafficking), or being engaged in smuggling activities, including trafficking of persons, fuel, weapons, cigarettes, and natural resources.

To combat this problem, codes of conduct have been introduced, more attention has been given to awareness and training, and talks of a UN peacekeeper blacklist re-emerge from time to time.[54] This is an issue that deserves greater attention.

DIFFERENTIATED RESPONSES: A SCALPEL OR A SWORD?

Groups involved in illicit activities can take a number of different approaches—predatory, parasitic, and symbiotic.[55] These different approaches require differentiated responses.

For example, a predator is attacking a state. In such cases (like Afghanistan or Mali), one needs to stop the attack and reduce vulnerability to further attacks. This may require a response similar to counterinsurgency.[56] One may also try to negotiate exits from such violent economies, especially if the perpetrators have political and not just economic incentives (as was attempted with the Revolutionary Armed Forces of Colombia [FARC], for example). Satisfy the legitimate claims of groups that use illicit activity as a means to an end and you isolate those for whom organized crime is an end itself. This can be done, for example, by disaggregating local forces from foreign ones (as has been attempted in Iraq and Mali), thereby reducing the transnational threat.

In the case of a parasitic scenario, one should starve the parasites by increasing the resistance and

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54 See Arthur Boutellis and Adam Smith, "A UN Peacekeeping Blacklist?" *The Global Observatory*, January 26, 2012, available at http://theglobalobservatory.org/analysis/198-a-un-peacekeeping-blacklist.html .

55 Cockayne and Lupel, *Peace Operations*, pp. 7-9.

56 For inspiration on "Turning an Elephant into A Mouse," see Kilcullen's eight counterinsurgency "best practices," in *The Accidental Guerrilla*, p. 265.

integrity of their hosts and give the system a blood transfusion by reducing vulnerability (for example, through development and justice reform) and by strengthening capacity to reduce the chances of the parasites returning.

Where there is a symbiotic relationship (like the three case studies featured in this report), one needs to cut the ties between criminal groups and their collaborators. This may require naming and shaming the culprits, freezing and seizing their assets, and/or compensating for the fact that the leadership is rotten by working from below to strengthen societal antibodies.

Obviously, peace operations are not suitable for carrying out all of these tasks—for example, counterinsurgency. But there may be times when robust action is needed, either by military or police units operating as part of peacekeeping forces. In the past, robust action against criminal groups has exposed grey zones between the police and the military.[57] The latter are not used to the subtleties of policing (like collecting evidence), whereas the former may lack the firepower to take on well-armed groups. According to Cornelius Friesendorf, "As distinctions between crime and war, and internal and external security, collapsed, so did distinctions between police and military tasks."[58] As illustrated in the cases of Haiti and Kosovo, gendarmerie and SWAT-type units can sometimes fill this gap between UNPOLs and military contingents.

Because crime manifests itself in different ways depending on the situation, there can be no "one size fits all" approach. There has to be a differenti-ated response depending on the circumstances, or what Friesendorf calls "versatile force." As one criminal intelligence expert put it, "we don't just need the tough guys (like a rapid intervention unit) who can kick down doors and bang heads together, we need crime scene investigators, people with specialized skills to carry out sophisticated operations."[59] So while a robust presence may be needed, there are also times when a scalpel rather than a sword is more appropriate.

Furthermore, it should be recalled that law

enforcement is only one element of a much wider set of interventions that are needed, including security-sector reform, economic development, anti-corruption measures, and policies to support the rule of law and reduce vulnerability to crime.

WHEN YOUR INTERLOCUTORS ARE PART OF THE PROBLEM

There is one final point that needs to be considered in relation to peace operations and the rule of law, and it is probably the most sensitive. What happens when there is clearly a problem related to organized crime, but some of the local actors (or segments of the national government or authorities) do not want external assistance? As has been pointed out by James Cockayne and Adam Lupel in their book *Peace Operations and Organized Crime,*

> Since peace operations function on the basis of host-state consent, many countries may resist efforts by the Security Council or other international authority to mandate peace operations to take preventive action against potential peace spoilers, not least because some of them may be connected to, or protected by, the host-state government.[60]

In such cases, what can be done?

A range of options exist, although most presup-pose that there is some international presence in the country concerned. For example, one could work with the corrupt elite and try to take a long-term perspective, hoping that constructive engage-ment could change them for the better. They are, after all, the authorities. But, as has been noted, this may actually empower corrupt officials and it implies that the international community condones the behavior of the kleptocracy.

If possible, the international community could promote more robust anti-corruption measures, and more independent anti-corruption and financial intelligence units. Making financial assistance conditional on good governance can help, as long as the population at large is not hurt by any sanctions. It might be more effective to go after the proceeds of crime and stolen assets, and thereby target those who are profiting from criminal activity. This would put an end to their impunity,

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57 Ibid., p. 12.

58 Cornelius Friesendorf, *International Intervention and the Use of Force: Military and Police Roles*, Geneva: Geneva Centre for the Democratic Control of Armed Forces (DCAF), Security Sector Reform Paper No. 4, 2012, p. 14.

59 Personal interview with EULEX official, Pristina, August 24, 2012.

60 Cockayne and Lupel, *Peace Operations*, pp. 201-202.

and make it more risky for them to be involved in criminal or corrupt activities.

Another possibility is to name and shame the perpetrators, as the UN Panels of Experts do. This could increase the reputational risks of people in high places, along with their collaborators. Independent Panels of Experts can sometimes say things that the head of a mission based in the country cannot say publicly without risking being expelled or designated a persona non grata—although in some cases host-country governments have not distinguished between UN panels and missions. Furthermore, most locals know who the criminals are anyway. If there are no consequences after naming and shaming, individual sanctions, or even rulings by the International Criminal Court, then the international community will look powerless.

One could try to buy off the criminal groups, but this would create a protection racket where the extortionists would keep coming back. It would be more fruitful to try to provide incentives and opportunities for members of armed groups to find licit employment. Furthermore, with good information, one could identify the patronage networks and focus on giving the main players viable alternatives to the power and money generated by crime and corruption. But this would require walking a fine line; otherwise, one simply rewards bad behavior.

Should peace operations tackle organized crime in a robust way, as MINUSTAH has done in Haiti, or ISAF forces did in Afghanistan? Should there be greater use of "executive policing," as has been done with EULEX and the UN Transitional Administration in East Timor (UNTAET)? Would this reduce the threat, or would it create more instability (and greater risks to the peacekeepers)?

Should one negotiate with criminal groups? Indeed, should they be labeled "criminals" at all, or can some of these actors involved in illicit activities be weaned away from their line of work into more honest and sustainable livelihoods? Is this rewarding bad behavior, or is it realpolitik? After all,

there may be "bad guys" who do good things and "good guys" who do bad things. In some cases the state may prey on its own people, while the "criminals" provide a modicum of stability and support. One must therefore be careful of labeling individuals or groups as "criminal" since this risks painting them into a corner that either they or their interlocutors (like the international community) may find it hard to get out of. More general expressions, like the "political-economy" of the situation, are more value neutral and leave open more options. Because of the delicate nature of negotiating with spoilers involved in illicit activity, guidance notes and specialized training are required for mediators.

Dealing with actors involved in illicit activities has been described as "spoiler management."[61] As Berdal and Malone have pointed out, the key to dealing with such situations is to differentiate between greed and grievance. By mediating on legitimate issues of power sharing, the justification for crime as a means to an end can be reduced. If the spoilers are not interested in compromise, they can at least be identified and isolated. The advantage of such a "spoiler management" approach is that peace operations, rather than getting involved in a vague and seamlessly endless "fight" against organized crime (which they may not be willing or able to carry out), can at least try to manage organized crime to prevent it from jeopardizing the process of delivering a system of governance based on social legitimacy and responsible regulation of political competition, and doing so with minimal violence.[62]

Another option is to arrest the guilty parties. This is not a role for the UN, but the UN could at least alert the relevant authorities. But under whose law and on whose authority could they be arrested? And where should they be taken? Although extradition treaty or arrangements exist, as in the case of Haiti,[63] arrests still need to be made by national law-enforcement authorities.

If the government concerned is part of the problem, another option is to work with neighboring states that may be more sympathetic and which have the political will to contain the

61 See James Cockayne and Daniel Pfister, "Peace Operations and Organized Crime," Geneva Papers No. 2, Geneva: Geneva Centre for Security Policy 2008, p. 31.

62 Cockayne and Pfister, "Peace Operations and Organized Crime," p. 32.

63 See the Haiti section of United States Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL), "International Narcotics Control Strategy Report," Washington, DC: US Department of State, March 2012.

problem for fear of a spillover into their own countries.

If a top-down approach is not possible, a bottom-up one could be attempted. As the United Nations Development Programme (UNDP) has demonstrated through its "citizen security" projects in Central America, as UN-Habitat has shown through its "safer cities" program, and as seen in the community violence reduction program in Haiti, if crime is considered as a disease, local environments can be mobilized to build resilience and strengthen their social antibodies. Instead of (or as well as) going after the bad guys, protect the good guys.[64] Here development and governance projects that engage civil society and local government are crucial. It is worth noting that although Security Council mandates continue to be state-centric, they increasingly make reference to civil society as an important interlocutor for UN missions.

In short, taking a tough approach may make it difficult for the mission to operate in the affected country, but ignoring the problem will empower those who profit from instability and further exacerbate the problem. As James Cockayne points out, "the transformation of an illicit political economy requires guidance in how to trade off the goals of political stability, effective statebuilding and law enforcement in countering organized crime."[65] This is a tough call. Getting it right is essential for the effectiveness of peace operations and their ability to uphold the rule of law.

CONCLUSION: NEED FOR NEW THINKING

Like never before, organized crime is presenting challenges to peace operations that have a serious impact on their effectiveness. Without understanding the underlying conditions of the environments in which they are operating, those involved in peace operations may endanger their lives and the success of their mission while empowering those who profit from instability. Tackling this issue requires some fresh thinking among those dealing with peace operations, a new skill set for those involved in them, and new ideas on how to alter the incentives of potential spoilers who are involved in illicit activities.

Ignoring the problem is not the solution. Peace operations need to acknowledge that there is an elephant in the room and figure out ways to deal with it. As former French General Patrice Sartre points out, the UN "needs to become more realistic, perhaps even more cynical, in the way it treats the real actors in the crisis, those who will benefit from it continuing."[66]

Crime will become less of an impediment to peace if actors in peace operations understand the motivations of criminal groups, the political-economy of the environments in which they operate, and the factors and collaborators who enable them to prosper. By ensuring that peace operations are properly mandated, staffed, and equipped to deal with this threat, its prospects for obstructing peace will be reduced.

This is not an academic exercise, it is crucial to the success of many peace operations. There is no time to waste. Recent developments in Afghanistan, the DRC, Mali, and Somalia show that organized crime is a serious threat to peace. To tackle this threat, new and more effective approaches are urgently needed. It is time to acknowledge and deal with the elephant in the room.

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64   As David Kilkullen points out, counterintuitively, this approach has been shown (in the context of counterinsurgency) to produce quicker and more effective results than targeting insurgents directly.
65   Cockayne, "Winning Haiti's Protection Competition," in Cockayne and Lupel, Peace Operations, p. 129.
66   Sartre, "Making UN Peacekeeping More Robust," p. 13.

Annex

REFERENCES TO TRANSNATIONAL ORGANIZED CRIME IN THE MANDATES OF CURRENT UN PEACE OPERATIONS
as of April 2013

No	Location	Types of Crime	Peace Operations	Mandate: TOC-related references*
1.	**Abyei**	• Human Trafficking • Small Arms and Light Weapons (SALW) Trafficking	**UNISFA** (2011) United Nations Interim Security Force for Abyei DPKO *31 May 2013*	**S/RES/1990(2011), S/RES/2024(2011), S/RES/2075(2012)**: no references.
2.	**Afghanistan**	• Drug Trafficking (heroin, opium) • Kidnapping • Rape • Contract Killing • Assassinations • Money Laundering • Black Marketeering	**UNAMA** (2002) United Nations Assistance Mission in Afghanistan DPA* *23 March 2013* * Special political mission, directed and supported by DPKO.	**S/RES/1401(2002)**: "1. … mandate and structure laid out in the report of the Secretary-General of 18 March 2002 (S/2002/278)"; 　↘ **S/2002/278**: "Fulfilling the tasks and responsibilities … entrusted to the United Nations in the Bonn Agreement; 　↘ **Bonn Agreement**: V.3 "The Interim Authority shall cooperate with the international community in the fight against terrorism, drugs and organized crime." **S/RES/1662(2006), S/RES/1746(2007)**: no references; **S/RES/1806(2008)**: 4. (c) "promote at the local level the implementation of the Compact, of the ANDS and of the National Drugs Control Strategy"; 4. (e) "support efforts, including through the Independent Directorate for Local Governance, to improve governance and the rule of law and to combat corruption"; **S/RES/1868(2009), S/RES/1917(2010)**: no additional references; **S/RES/1974(2011)**: 5. (a) "direction of the contributions of United Nations agencies, funds and programmes, in particular for counter-narcotics"; 6. (b) "through a strengthened UNAMA presence, promote … implementation of the Kabul Process throughout the country including through enhanced cooperation with the United Nations Office on Drugs and Crime"; 6. (c) "support the efforts of the Afghan Government … to improve governance and the rule of law including … the fight against corruption"; **S/RES/2041(2012)**: no additional references.

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* Shaded boxes indicate no or limited references to organized crime.

3.	**Burundi**	• Mineral Smuggling (gold) • Human Trafficking • Child Soldiering • SALW Trafficking	**BNUB** (2011) United Nations Office in Burundi DPA *15 February 2013*	**S/RES/1959(2010)**: 7. "support of BNUB and other international partners to redouble its efforts to pursue structural reforms aimed at improving political, economic and administrative governance and tackling corruption"; **S/RES/2027(2011)**: no additional references.
4.	**Central Africa**	• Diamond Mining • Illegal Diamond Trade • Ivory Smuggling & Illegal Hunting	**UNOCA** (2011) United Nations Regional Office for Central Africa DPA *28 February 2014*	**S/2009/697**: no references; **S/2011/704**: 4. (c) "Support regional efforts to address cross-cutting issues of concern"; **S/2012/656 - S/2012/657**: no references.
5.	**Central African Republic**	• Timber Trafficking • Human Trafficking • Child Soldiering • Piracy • Drug Production and Trafficking (cannabis) • SALW Trafficking	**BINUCA** (2010) United Nations Integrated Peacebuilding Office in the Central African Republic DPA *31 January 2014*	**S/2009/128 - S/PRST/2009/5**:no references; **S/RES/2031(2011), S/RES/2088(2013)**: no references.
6.	**Central Asia**	• Drug Trafficking • Human Trafficking	**UNRCCA** (2007) United Nations Regional Centre for Preventive Diplomacy for Central Asia DPA *no expiration date*	**S/2007/279**: "took into consideration the multiple threats that face Central Asia, including international terrorism and extremism, drug trafficking, organized crime."
7.	**Côte d'Ivoire**	• Drug Trade • Refining, Bunkering, and Smuggling of Stolen Nigerian Oil • Smuggling of Minerals • Human Trafficking • Smuggling of Migrants • SALW Trafficking • Smuggling of Contraband Goods (cigarettes)	**UNOCI** (2004) United Nations Operation in Côte d'Ivoire DPKO *31 July 2013*	**S/RES/1528(2004)**: 4. "to carry out its mandate in close liaison with the United Nations missions in Sierra Leone and in Liberia, including especially in the prevention of movements of arms and combatants across shared borders", also 6 (c), (f), and (h); **S/RES/1584(2005)**: 2. (a) "To monitor the implementation of the measures imposed by paragraph 7 of resolution 1572 (2004) [arms embargo], … including by inspecting, as they deem it necessary and as appropriate without notice, the cargo of aircraft and of any transport vehicle"; 2. (b) "To collect, as appropriate, arms and any related materiel brought into Côte d'Ivoire … and to dispose of such arms and related materiel as appropriate"; **S/RES/1609(2005), S/RES/1652(2006), S/RES/1726(2006), S/RES/1739 (2007), S/RES/1763(2007), S/RES/1765(2007), S/RES/1795(2008), S/RES/1826(2008), S/RES/1865(2009), S/RES/1880(2009), S/RES/1911 (2010), S/RES/1924(2010)**: no new references; **S/RES/1933(2010)**: 16. (a) "To assist the Government of Côte d'Ivoire in monitoring

			the borders, with particular attention to any crossborder movement of combatants or transfer of arms"; **S/RES/1962(2010), S/RES/1981(2011)**: no new references; **S/RES/2000(2011)**: 4. "Decides to authorize an increase of the individual police personnel by 205 advisers, with the appropriate skills, who should be experts in the specialized areas identified in the Secretary General's report"; ↘ **S/2011/387**: 75. "police strength by 205 individual specialists in the areas of … criminal investigation, forensics, sexual- and gender-based violence, organized crime and border management to assist in building the capacity of the Ivorian law enforcement agencies"; **S/RES/2062(2012)**: no new references.
8.	**Cyprus**	• Prostitution • Human Trafficking • Drug Smuggling • Trafficking of Antiquities • SALW Trafficking • Money Laundering	**UNFICYP** (1964) United Nations Peacekeeping Force in Cyprus DPKO *31 July 2013*	**S/RES/186(1964)**: no references, broad mandate, virtually unchanged: 5. "to use its best efforts to prevent a recurrence of fighting and, as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions"; **1964-20012 resolutions**: no references; **S/RES/2089(2013)**: no references.
9.	**Darfur**	• Diamond Smuggling • Human Trafficking • Rape • SALW Trafficking • Carjacking • Aid Theft and Diversion	**UNAMID***(2008) African Union - United Nations Hybrid Operation in Darfur DPKO *31 July 2013* * Joint African Union and United Nations peacekeeping mission.	**S/RES/1769(2007), S/RES/1828(2008), S/RES/1881(2009), S/RES/1935 (2010), S/RES/2003(2011)**: no references; **S/RES/2063(2012)**: 6. "requests UNAMID to support the implementation of the DDPD"; ↘ **Doha Document for Peace in Darfur (DDPD)**: Art. 47, § 238: "The Parties underscore their commitment to fight child abduction and trafficking."
10.	**Democratic Republic of the Congo**	• Minerals, Gold, Diamond, and Ivory Smuggling • Illegal Mahogany and Teak Logging • Child Soldiering • Rape • Drugs (cannabis) • SALW Trafficking	**MONUSCO** (2010) United Nations Organ-ization Stabilization Mission in the Democratic Republic of the Congo DPKO *30 June 2013*	**S/RES/1925(2010)**: 12. (c) "protection of civilians from violations of international humanitarian law and human rights abuses, including all forms of sexual and gender-based violence"; 12. (r) "With respect to the urgent need to fight illegal exploitation and trade of, natural resources in the Democratic Republic of the Congo, support the Government's efforts and enhance its capabilities, along with international partners and neighbouring countries, to prevent the provision of support to armed groups, in particular support derived from

			illic economic activities and illicit trade in natural resources …"; 12. (t) "Monitor the implementation of the measures imposed by paragraph 1 of resolution 1896 (2009) … seize or collect any arms or related material … and dispose of them as appropriate"; ↘ **S/RES/1896(2009)**: "illegal exploita tion of natural resources, illicit trade in such resources and the proliferation and trafficking of arms"; **S/RES/1991(2011)**: no new references; **S/RES/2053(2012)**: 25. "calls upon MONUSCO to support the relevant Congolese authorities in preventing the provision of support to armed groups from illicit economic activities and illicit trade and natural resources, including to carry out spot checks and regular visits to mining sites, trade routes and markets, in the vici- nity of the five pilot trading counters …"
11.	**Golan Heights**		**UNDOF** (1974) United Nations Disengagement Observer Force DPKO *30 June 2013*	**S/RES/350(1974), 1974-2012 resolutions, S/RES/2084(2012): no references.**
12.	**Guinea-Bissau**	• Drug Trafficking (cocaine) • SALW Trafficking • Illegal Immigration • Human Trafficking (child labor/trafficking)	**UNIOGBIS** (2009) United Nations Integra- ted Peacebuilding Office in Guinea-Bissau DPA *28 February 2013*	**S/RES/1876(2009)**: 3. (f) "Assisting national authorities to combat drug trafficking and organized crime, as well as human traffick ing, especially child trafficking"; 3. (g) Supporting the national efforts to curb the proliferation of small arms and light weapons"; **S/RES/1949(2010)**: no new references; **S/RES/2030(2011)**: 3. "the fight against illicit drug trafficking remain priority sectors for peace consolidation … the work of UNIOGBIS in support of efforts by the relevant authorities of Guinea- Bissau in those sectors."
13.	**Haiti**	• Kidnappings • Gang Violence • Rape • Homicides • Fuels Weapons Trafficking • Narcotics Trafficking	**MINUSTAH** (2004) United Nations Stabili- zation Mission in Haiti DPKO *15 October 2013*	**S/RES/1542(2004), S/RES/1576(2004), S/RES/1601(2005), S/RES/1608(2005), S/RES/1658(2006): no references; S/RES/1702(2006)**: 10. "Strongly supports in this regard the Secretary-General's intention to maximize MINUSTAH's crime prevention role, particularly with regard to the threat of gang violence and kidnapping"; 13. "… invites Member States, in coordina- tion with MINUSTAH, to engage with the Government of Haiti in order to address cross-border drugs and arms trafficking

				control"; **S/RES/1743(2007)**: no new references; **S/RES/1780(2007)**: instead of above references: 11. "Recognizes the need for MINUSTAH to establish patrols along maritime and land border areas in support of border security activities by the HNP, and encourages MINUSTAH to continue discussions with the Government of Haiti and member states to assess the threats along Haiti's land and maritime borders"; S/RES/1840(2008): 11. "Invites Member States, including neighbouring and regional States, in coordination with MINUSTAH, to engage with the Government of Haiti to address cross border illicit trafficking of persons, drugs, arms and other illegal activities, and to contribute to strengthening HNP capacity in these areas"; 21. "… requests MINUSTAH to continue to promote and protect the rights of women and children as set out in Security Council resolutions 1325 (2000), 1612 (2005), and 1820 (2008)"; **S/RES/1892(2009)**: 10. "encourages MINUSTAH and the Government of Haiti to continue to undertake coordinated deterrent actions to further decrease the level of crime and violence"; 11. "Invites Member States, including neighbouring and regional States, in coordination with MINUSTAH, to strengthen their engagement with the Government of Haiti to address cross-border illicit trafficking of persons, in particular children, and the trafficking of drugs, arms and other illegal activities, and to contribute to strengthening HNP capacity in these areas, including through the provision by MINUSTAH of technical expertise in support of efforts to implement an integrated border management approach, with emphasis on state capacity-building, and underlines the need for coordinated international support for Government efforts in this area"; **S/RES/1908(2010), S/RES/1927(2010)**: no references; **S/RES/1944(2010)**: 13. "Encourages also MINUSTAH to assist the Government in tackling the risk of a resurgence in gang violence, organized crime, drug trafficking and trafficking of children"; 19. "Requests MINUSTAH to continue to

			support the Haitian authorities in their efforts to control the flow of small arms…"; S/RES/2012(2011), S/RES/2070(2012): no additional references.
14.	**Iraq**	• Drug Trafficking • Illegal Oil Bunkering • Kidnapping • Human Trafficking • Rape • Extortion and Protectionism	**UNAMI** (2003) United Nations Assistance Mission for Iraq DPA *25 July 2013*	S/RES/1483(2003), S/RES/1500(2003), S/RES/1483(2003), S/RES/1500(2003), S/2003/715, S/RES/1546(2004), S/RES/1557(2004), S/RES/1619(2005), S/RES/1637(2005), S/RES/1700(2006), S/RES/1770(2007), S/RES/1790(2007), S/RES/1830(2008), S/RES/1883(2009), S/RES/1936(2010), S/RES/2001(2011), S/RES/2061(2012): no references
15.	**Lebanon**	• Drug Trafficking (cocaine, heroin) • Money Laundering • Human Trafficking • Kidnapping • SALW Trafficking	**UNIFIL** (1978) United Nations Interim Force in Lebanon DPKO *31 Aug 2013*	S/RES/425(1978), S/RES/426(1978), S/12611, 1978-2006 resolutions: no references; S/RES/1701(2006): 14. "Calls upon the Government of Lebanon to secure its borders and other entry points to prevent the entry in Lebanon without its consent of arms or related materiel and requests UNIFIL as authorized in paragraph 11 to assist the Government of Lebanon at its request"; S/RES/2064(2012): no references.
16.			**UNSCOL** (2007) United Nations Special Coordinator for Lebanon DPA *no expiration date*	S/2000/718, S/2007/85, S/2007/86: no references.
17.	**Liberia**	• Drug Trafficking (heroin, cocaine) • Trade in Blood Diamonds • Human Trafficking • SALW Trafficking • Illegal Logging • Rape	**UNMIL** (2003) United Nations Mission in Liberia DPKO *30 September 2013*	S/RES/1509(2003): 3. (l) "to contribute towards international efforts to protect and promote human rights in Liberia, with particular attention to vulnerable groups including refugees, returning refugees and internally displaced persons, women, children, and demobilized child soldiers"; (r) "to assist the transitional government in restoring proper administration of natural resources"; S/RES/1561(2004): no references; S/RES/1607(2005): 10. "Urges UNMIL to intensify its efforts, as mandated in resolution 1509 (2003), to assist the National Transitional Government of Liberia in re-establishing its authority throughout Liberia, including diamond-producing and timber-producing areas, and restoring proper administration of natural resources"; 11. "Reiterates the importance of UNMIL's

| | | | continuing assistance … in the following areas:
(c) collecting, as appropriate, arms and any related materiel brought into Liberia in violation of the measures taken by States to implement paragraph 2 of resolution 1521 (2003), and disposing of such arms and related materiel as appropriate";
11. (d) "assisting the National Transitional Government of Liberia in monitoring the recruitment and movement of ex-combat-ants, and reporting any relevant informa-tion to the Panel and the Committee, in order to reduce the opportunity for ex-combatants to undermine the peace process or provoke renewed instability in Liberia and the subregion";
S/RES/1626(2005), S/RES/1638(2005), S/RES/1667(2006), S/RES/1712(2006), S/RES/1750(2007), S/RES/1777(2007), S/RES/1836(2008), S/RES/1885(2009), S/RES/1938(2010), S/RES/2008(2011): no references;
S/RES/2066(2012): 7. "… requests the Secretary-General to ensure that UNMIL has the requisite qualified specialist advisers who have the professional skills and experience appropriate to this transi-tion phase in order to enhance mentoring in priority areas, as outlined in the Secretary-General's report S/2012/230";
↘ **S/2012/230:** 47. "… UNMIL should be reconfigured on the basis of a gradual drawdown strategy … [Police compo-nent] 54. … It would also be essential for police-contributing countries to provide UNMIL with qualified specialist advisers to enhance mentoring in priority areas, including … forensics; crime investigation; specialized crime enforcement/investigation, including for sexual and gender-based violence; crime and data analysis; intelligence; border management." |
| 18. | **Kashmir** | | **UNMOGIP** (1949) United Nations Military Observer Group in India and Pakistan DPKO *until terminated by SC* | **S/RES/39(1948), S/RES/47(1948), S/RES/91(1951), S/RES/209(1965), S/RES/307(1971):** no references. |
| 19. | **Kosovo** | • Drug Trafficking
• Human Trafficking
• Sex Trafficking Trade | **UNMIK** (1999) United Nations Interim Admi-nistration Mission in | **S/1999/648 (Rambouillet Accords), S/RES/1244(1999):** no references;
see for KFOR: 9. (g) "Conducting border |

		(women/young girls trafficking for forced prostitution)	Kosovo DPKO *until terminated by SC*	monitoring duties as required"; **S/2008/354**: no reference; **S/2008/692**: 19. "UNMIK Customs continued to have no presence [in northern Kosovo]. Smuggling levels, especially with regard to fuel, are significant, resulting in a high level of illicit profit for organized crime." **S/PRST/2008/44, S/2009/300**: no references.
20.	**Libya**	• Migrant Smuggling • Arms Trafficking • Drug Trafficking • Extortion and Protectionism • Smuggling of Contraband	**UNSMIL** (2011) United Nations Support Mission in Libya DPA *12 March 2013*	**S/RES/2009(2011)**: 12. (e) "take the immediate steps required to initiate economic recovery"; **S/RES/2022(2011)**: 2. "to address the threats of proliferation of all arms and related materiel of all types"; **S/RES/2040(2012)**: 6. (d) "counter illicit proliferation of all arms and related materiel of all types, … secure and manage Libya's borders."
21.	**Mali**	• Kidnapping (for ransom) • Drug Trafficking • Smuggling of Migrants • Arms Trafficking • Contraband Smuggling	**MINUSMA** (July 2013) United Nations Stabilization Mission in Mali DPKO *after 12 months*	**S/RES/2100(2013)**: "exacerbated by the presence of armed groups, terrorist and criminal networks, and their activities"; "Expressing its continued concern over the serious threats posed by transnational organized crime in the Sahel region, and its increasing links, in some cases, with terrorism"; 29. "Urges Sahel and Maghreb States to enhance interregional cooperation and coordination in order to develop inclusive and effective strategies to combat in a comprehensive and integrated manner the activities of terrorist groups … and prevent the expansion of those groups as well as to limit the proliferation of all arms and transnational organized crime and, in this regard"; 28. "Calls upon the transitional authorities of Mali, with the assistance of MINUSMA, consistent with paragraph 16 above, and international partners, to address the issue of the proliferation and illicit trafficking of small arms and light weapons."
			UNOM (2013) United Nations Office in Mali DPA *subsumed into MINUSMA as of April 25, 2013*	**S/2013/37**: no references; **S/2013/189**: 33. "terrorist attacks, weapons proliferation, drug smuggling and other related criminal activities … are likely to continue."
22.	**Middle East**	• Drug Trafficking • Money Laundering	**UNTSO** (1948) United Nations Truce Super-	**S/RES/50(1948), S/RES/54(1948), S/RES/73(1949), S/RES/101(1953),**

		• Contraband Smuggling • Kidnapping • Human Trafficking • Sex Trafficking • Piracy	vision Organization DPKO *until terminated by SC*	**S/RES/114(1956), S/RES/236(1967), S/RES/339(1973)**: no references.
23.			**UNSCO** (1994) United Nations Special Coordinator for the Middle East Peace Process DPA *no expiration date*	**S/1999/983, S/1999/984**: no references.
24.	**Sierra Leone**	• Diamond Smuggling • Human Trafficking • SALW Trafficking • Illegal Logging	**UNIPSIL** (2008) United Nations Integrated Peacebuilding Office in Sierra Leone DPA *31 March 2013*	**S/RES/1829(2008)**: 3. (b) "Monitoring and promoting human rights, democratic institutions and the rule of law, including efforts to counter transnational organized crime and drug trafficking"; (c) "Consolidating good governance reforms, with a special focus on anti-corruption instruments such as the Anti-Corruption Commission"; **S/RES/1886(2009)**: 6. "to increase their efforts to promote good governance, including through continued measures to combat corruption, improve accountability, promote the development of the private sector to generate wealth and employment opportunities, intensify efforts against drug trafficking"; **S/RES/1941(2010)**: 2. (iv) "providing assistance to the Government in promoting good governance, the rule of law and human rights, including institutional reform; combating illicit drug trafficking and organized crime; combating corruption; providing support to the Human Rights Commission; and assisting in strengthening national capacity building in the areas of law enforcement, forensics, border management, money laundering and the strengthening of criminal justice institutions"; 4. "to continue good governance reform by supporting the Anti-Corruption Commission to increase the transparency and management of Sierra Leone's natural and mineral resources for the benefit of all Sierra Leoneans and mitigating the risk of resource based conflict; to intensify efforts against illicit drug trafficking through strengthening the Transnational Organised Crime Unit"; **S/RES/2005(2011), S/RES/2065(2012)**: no additional references.
25.	**Somalia**	• Piracy • Counterfeit	**UNSOM** (2013) United Nations Assistance	**S/RES/2102(2013)**: no reference.

			Mission in Somalia DPA *2 May 2014*	
		• Rape and Other Human Rights • Violations • Illegal Fishing • Illegal Charcoal Trade • Deforestation • Human Trafficking • Child Soldiering • SALW Trafficking	**UNPOS** (1995) United Nations Political Office for Somalia DPA *no expiration date*	**S/RES/1863(2009)**: no references; [for a potential UN peacekeeping operation:] 6. (c) "to support in the monitoring of illegal weapons traffic"; **S/RES/1976(2011)**: 4. "to assist the TFG and regional authorities in Somalia in establishing a system of governance, rule of law and police control in lawless areas where land-based activities related to piracy are taking place and also requests the TFG and regional authorities in Somalia to increase their own efforts in this regard"; 24. "strengthen UNPOS as the United Nations focal point for counter-piracy, including the Kampala process"; **S/RES/2010(2011)**: 24. "reiterates its request to the Secretary-General to strengthen the child protection component of UNPOS and to ensure continued monitoring and reporting of the situation of children in Somalia"; 27. "to mobilise resources and support from the international community for both the immediate recovery and long-term economic development of Somalia taking into account the recommendations contained in his report (S/2009/684)"; Note: (a) UNPOS implemented the project on the operationalizing CGPCS Communication Strategy in order to combat the piracy. (b) The UN presence in Somalia is expected to be revised in 2013.
26.	**South Sudan**	• Cattle Rustling • Human Trafficking • Elephant Poaching (ivory) • Smuggling	**UNMISS** (2011) United Nations Mission in the Republic of South Sudan DPKO *15 July 2013*	**S/RES/1996(2011)**: 5. "requests UNMISS to observe and report on any flow of personnel, arms, and related materiel across the border with Sudan"; **S/RES/2057(2012)**: no new references.
27.	**West Africa**	• Drug Smuggling (cocaine) • Human Trafficking • Smuggling of Migrants • Sex Trafficking • Cybercrime • SALW Trafficking • Smuggling of Contraband Goods (cigarettes)	**UNOWA** (2002) United Nations Office for West Africa DPA *31 December 2013*	**S/2002/294, S/2002/770**: no references; **S/2005/16**: 3. (f) "Facilitate the identification of practical ways of curbing or minimizing emerging or potential tensions in specific border areas of the West African region"; 3. (g) (i) "undertake studies, organize forums and seminars, and help develop practical and concerted strategies for addressing current forefront and emerging

		• Piracy		issues in West Africa, including … the proliferation of small arms and light weapons"; 3. (g) (iii) "develop targeted public information strategies on cross-border and subregional issues in West Africa"; **S/2007/753**: II. 1.1. "Identify and raise awareness on emerging threats to peace and security (i.e., drug trafficking, human trafficking …)"; 2.1. "Promote good governance practices and confidence-building measures, including curbing corruption"; "Facilitate the identification of practical ways of curbing or minimizing emerging or potential tensions in specific border areas of West Africa"; 2.3. "Undertake studies, organize forum and seminars and help develop practical and concerted strategies for addressing current and emerging issues, including the subregional dimensions of … the proliferation of small arms and light weapons, drug and human trafficking, piracy and terrorist threats"; 3.1. "Assist the Cameroon-Nigeria Mixed Commission to make recommendations on confidence-building measures, such as the development of projects to promote joint economic ventures"; **S/2010/660**: 2. "Enhance subregional capacities to address cross-border and cross-cutting threats to peace and security, in particular, … transnational organized crime, illicit trafficking and terrorism"; 2.2. "Support the development of networks of practitioners and subregional frameworks and mechanisms to address challenges related to security sector reform, transnational organized crime, illicit trafficking and terrorism."
28.	**Western Sahara**	• Smuggling of Contraband • Drug Trafficking (cocaine) • Kidnapping • Smuggling of Migrants	**MINURSO** (1991) United Nations Mission for the Referendum in Western Sahara DPKO *30 April 2013*	**S/RES/690(1991), S/21360, S/22464**: no references; **1991-2012 resolutions**: no references; **S/RES/2044(2012)**: no references.

The various Special Envoys of the Secretary-General and Good Offices Missions are not included in the table.
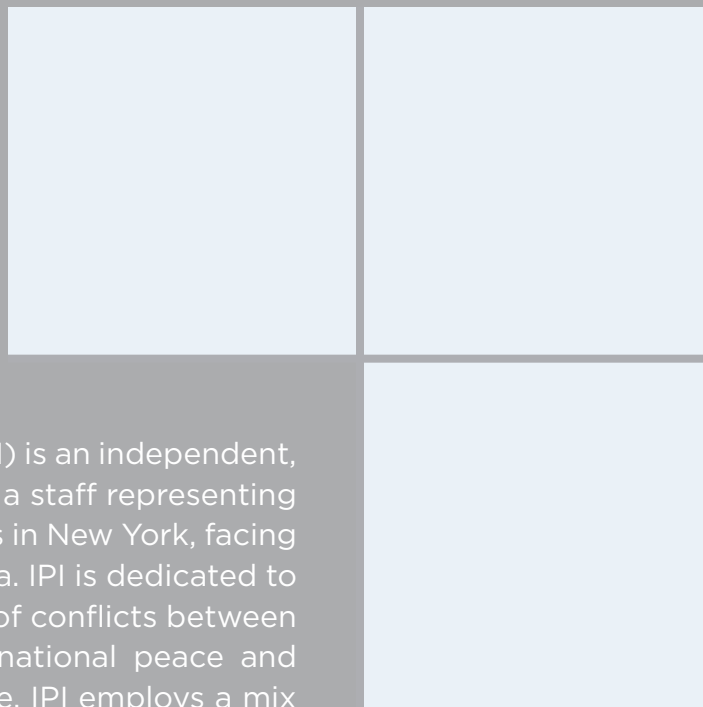
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