

# Organized Crime, Conflict, and Fragility: A New Approach

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**Cover Photo:** Children lie on the ground among silhouettes representing people allegedly killed by soldiers in Mexico's drug war, during a protest in Mexico City on March 4, 2012. © AP Photo/Marco Ugarte.

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## Executive Summary

Transnational organized crime (TOC) is a global challenge posing serious threats to our collective peace and security. But in conflict-affected and fragile states the threats of transnational organized crime present particular and insidious challenges requiring new and innovative responses. Not only does TOC undermine the strength of the state, it further affects the critical and often contested relationship between the state and society. In fragile and conflict-affected states it is precisely the degraded nature of this relationship that often prevents progress toward greater peace and prosperity. While there is now an established correlation between conflict and state fragility, much less is understood about the relationship between transnational organized crime, conflict, and fragility. This report examines the dynamics between conflict, state fragility, and TOC, demonstrating how the three fit together in an uneasy triumvirate, and it presents ideas for a more effective response.

Roughly half of all illicit transactions in the world are taking place in countries experiencing a range of weak enforcement mechanisms, low levels of economic well-being, insufficient government capacity, and significant societal divisions. In these contexts, transnational criminal networks further erode state legitimacy by incentivizing corruption, infiltrating state structures, and competing with the state in the provision of services.

Yet the dominant approach to tackling organized crime, what I term a “law-and-order” approach, frequently fails to account for the complex dynamics associated with criminal networks in fragile and conflict-affected contexts. This approach, which is primarily focused on security, sanctions, and the rule of law, is rarely tailored to the needs of countries suffering from severe governance deficits or those with a history of conflict. On the contrary, it has the potential to reinforce historical enmities between the state and its citizens and notions of state power as coercive control rather than legitimate representation.

In countries with a history of weak or predatory

states, or where faith in “the system” is lacking due to societal divisions and conflict, people often rely instead on religious, tribal, and many other kinds of networks to fulfill their economic and social needs. In their efforts to tackle transnational organized crime, governments and international actors should reach out to and engage with these social and economic networks rather than sidelining them and potentially driving them further underground. For example, by expanding the options for legitimate, regulated business, governments can reduce incentives for people to engage in the informal economy, increase economic viability, and strengthen resistance to incursions by traffickers. And by strengthening collaboration between state bodies and social networks at the local level, governments and international actors can more effectively gather information on shifting trafficking patterns, understand vulnerability, and identify opportunities for building resilience to trafficking threats.

Given the scope of the problem and its implications for peace and security, a more sophisticated approach is needed in contexts where transnational organized crime, conflict, and fragility overlap. International cooperation and law-and-order interventions must be part of a larger strategy that takes into account the political, economic, and social realities in each context. In the long run, building and reinforcing the connections between state and society in fragile and conflict-affected contexts will be essential to undermining transnational criminal networks and ensuring lasting peace and development.

## Introduction

The events of September 2001 shaped much of the international community’s focus in the decade that followed. More recently, that attention has begun shifting away from a near-singular focus on terrorism and violent extremism to consider other security threats, some of which have been left to linger and even prosper while attention was diverted. Top among these is the impact of transnational organized crime on global peace and security.<sup>1</sup> Expanding trade routes are threatening

<sup>1</sup> For simplicity’s sake, this paper will not go into definitional issues regarding transnational organized crime (TOC). Rather, it uses Article 2 of the *United Nations Convention Against Transnational Organized Crime* in which an “organized criminal group” shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.”

countries in new ways, re-energizing existing networks and creating new ones. Narcotraffickers are forging alliances with terrorist groups and providing new sources of financing. Illicit actors are also expanding product lines to include, for example, counterfeit pharmaceuticals, cigarettes, forged documents, and more.<sup>2</sup> While violent death from civil conflict has been steadily decreasing since the end of the Cold War, in some countries homicide rates due to criminal activity are higher than those experienced during conflict.<sup>3</sup>

Transnational organized crime (TOC) affects nearly all countries in the world today. Yet much remains unknown about the triangular relationship between TOC and countries considered to be fragile or having experienced recent, current, or recurrent violent conflict (“conflict-affected” countries). Fragile states tend to exhibit high capacity deficits, weak government institutions, and a substantial reliance on nongovernmental and traditional support structures and processes; and conflict-affected states tend to have significant internal divisions, depleted infrastructure, high poverty rates, and subgroup hostility toward the state. These conditions not only create ideal environments for trafficking, but the presence of traffickers also threatens the very process of statebuilding and peacebuilding needed to address conflict and fragility.<sup>4</sup> Just as there is an established correlation between conflict and fragility,<sup>5</sup> this report aims to demonstrate similar correlations between TOC and conflict and between TOC and fragility, and to show how they all fit together in an uneasy and potentially deadly triumvirate.

Similar to the convergence of fragility and conflict, there has long been a dotted line between conflict and criminality. Central America is now home to the highest number of homicide rates per capita of anywhere in the world. The countries with the highest rates are those that have a history of violent conflict that was brought to an end through some type of negotiated solution, including El Salvador, Guatemala, and Honduras.<sup>6</sup> While the

increase in violence has multiple reasons, including proximity to US markets and South American narcotics producers, the end of active violent conflict also fostered environments in which the state was weakened, economic opportunities were few, and societal divisions were paramount.

The process of building citizen confidence in the state is a long one and one that, in some countries, is being intentionally undermined by actors who have an incentive to maintain weak state functions. The implications of the presence of transnational criminal networks is almost as broad as the range of activities they can be involved in—from trafficking in people or narcotics to illicit trade in counterfeit pharmaceuticals and weapons. Transnational organized crime can undermine governments in a variety of ways, from fueling corruption to the criminal infiltration of state structures. In all instances, TOC strategies affect not only the strength of the state but also the critical and often contested relationship between the state and society; in conflict-affected and fragile states, this poses a real threat to the long-term prospects for peaceful development. Profit-driven criminals often operate with ingenuity and speed, taking advantage of any opportunity to pursue their goals. Exploiting societal divisions and forming relationships with actors hostile to the state can be a rational business calculus. Similarly, traffickers will seek to exploit opportunities where state structures and actors can be easily co-opted for financial gain, which is often where the rule of law is weakest and citizens cannot hold their government accountable. Ultimately, as TOC further weakens state-society relations, it undermines stability, legitimate governance, and long-term prospects for peace and development.

This report does not presuppose any causal relationships among TOC, conflict, and fragility. Rather, it argues that while attention is being paid analytically to the opportunistic environment that conflict and fragility create for transnational organized crime, this is not translating into

2 United Nations Security Council Debate, UN Doc. SC/10546, February 21, 2012.

3 World Bank, *World Development Report 2011: Conflict, Security and Development* (Washington, DC, 2011), pp. 57-58.

4 This paper utilizes the definition of statebuilding developed by the Development Assistance Committee of the Organisation for Economic Co-operation and Development (OECD DAC), in which statebuilding should be understood in the context of state-society relations. Statebuilding is thus characterized as deeply political and first and foremost an endogenous process. OECD, *Supporting Statebuilding in Situations of Conflict and Fragility: Policy Guidance*, DAC Guidelines and Reference Series, 2011.

5 World Bank, *World Development Report 2011: Conflict, Security and Development* (Washington, DC, 2011), p. 87.

6 *Ibid.*, p. 58.

effective response strategies. In order for that to happen, policymakers need to better understand the dynamics between these forces, and space must be provided within the policy debate to consider the interrelationships and how to address them.

The dominant approach to date has very much focused on security, sanctions, and the rule of law, including anti-corruption measures, all of which are broadly defined here as “law-and-order” interventions. There is no question that these areas require greater investment. However, as TOC becomes more pervasive in countries with severe governance deficits and contested political settlements, too narrow a focus on law-and-order assistance is not only insufficient, it may actually be counterproductive. In these environments, justice systems are often utterly ineffective, while security forces often have a history of predatory and abusive behavior. Further increasing the strength of systems that are already oriented against equitable, fair, or legitimate treatment for the majority of the population could provide fodder for renewed violence or the backlash of a population that may perceive state actions to be biased and crackdowns on traffickers to be a smokescreen for further marginalization of specific groups.

If these dimensions of state-society relations are not factored into current discussions on transnational organized crime, overly heavy-handed approaches in these contexts may ultimately do more harm than good. Domestic governments should complement any efforts at fighting TOC with community engagement and reform efforts that underscore accountability loops to ensure they are not undermining longer-term statebuilding and peacebuilding, and international actors should encourage this among their partners.

## The Scope of the Problem

“Since the Cold War, the international community has seen a surge in the number of

transnational crime groups emerging in safe havens of weak, conflict-prone states.”<sup>7</sup>

L.S. Wyler, “Weak and Failing States”

The 2011 *World Development Report* suggested that the annual revenues accruing to organized criminal networks may be as high as \$330 billion, with some estimates suggesting the shadow economy could be in the range of 10 percent of global GDP.<sup>8</sup> Narcotics trafficking is by far the most lucrative trade with the annual value of heroin and cocaine estimated to be \$153 billion.<sup>9</sup> In Central America the value of cocaine trafficking is estimated at 5 percent of total GDP.<sup>10</sup> Less profitable than narcotics, but no less harmful, is trafficking in persons, which has been estimated at an annual value of between \$7 and \$10 billion.<sup>11</sup> Other well-known operations include smuggling in minerals and natural resource materials. In the Democratic Republic of the Congo (DRC) it is estimated that “forty tons of gold, worth \$1.24 billion, are smuggled out every year,”<sup>12</sup> constituting about 5 percent of the DRC’s annual GDP.<sup>13</sup> Gold is only one of many mineral products smuggled out of the country each year, meaning the total value of all smuggling in natural resources is much higher. To put this in perspective, at the peak of the regional wars in West and Central Africa, the value of the trade in so-called blood diamonds, which prompted a significant response, was estimated at about \$200 million a year.<sup>14</sup>

Half of all illicit money in the world is estimated to come from developing and transition countries.<sup>15</sup> That means roughly 50 percent of all illicit transactions are taking place in countries experiencing a range of weak enforcement mechanisms, low levels of economic well-being, insufficient capacity within government ranks, porous borders, and significant societal divisions. These conditions present significant vulnerability to trafficking. West Africa, for example, which has become increasingly appealing as a transit point for narcotics trafficking, is home to thirteen of the bottom thirty countries

7 Liana Sun Wyler, “Weak and Failing States: Evolving Security Threats and U.S. Policy,” Congressional Research Service, August 2008, p. 7.

8 World Bank, *World Development Report 2011*, p. 57.

9 Ibid., p. 56.

10 Ibid., p. 57.

11 Moisés Naim, *Illicit: How Smugglers, Traffickers, and Copycats are Hijacking the Global Economy* (New York: Anchor Books, 2006), p. 14.

12 World Bank, *World Development Report 2011*, p. 57.

13 The CIA World Factbook estimates the DRC’s GDP in 2010 to be \$23.12 billion. See [www.cia.gov/library/publications/the-world-factbook/geos/cg.html](http://www.cia.gov/library/publications/the-world-factbook/geos/cg.html).

14 Douglas Farah, “Terrorist-Criminal Pipelines and Criminalized States: Emerging Alliances,” *PRISM* 2, No. 3 (June 2011): 25.

15 Raymond W. Baker, “The Scale of Global Financial Structure Facilitating Money Laundering,” paper presented at the conference “Tackling Money Laundering,” University of Utrecht, the Netherlands, November 2-3, 2007.

listed in the UN's Human Development Index.<sup>16</sup> These countries are already facing the challenges of eradicating poverty, building health and education systems, and addressing a plethora of other social and economic needs. The presence of illicit activities undermines all these efforts by diverting funds, corrupting officials, straining health systems, and limiting productivity as rates of drug use increase. The United Nations Office on Drugs and Crime (UNODC) has estimated that there are up to 2.5 million drug users in West and Central Africa alone.<sup>17</sup>

Transnational organized crime interacts with governments in fragile and conflict-affected states in a variety of different ways, catalogued here as corrupting, infiltrating, and competing.<sup>18</sup> In the first case, TOC networks buy off government officials to give them the space or consent to carry out their business. Corruption can take place at the top; for example, in Sierra Leone the former minister of transport was suspected of helping to organize the transport of cocaine from Venezuela to Sierra Leone.<sup>19</sup> Corruption can also impact society closer to the ground—for example, via the web of networks using Mombasa Port in Kenya to smuggle illegal products, which includes private businesses, customs personnel, police, and more.<sup>20</sup> In the case of Mombasa, as in many others, more localized corrupt practices reciprocally complement higher-level political corruption.

Corruption is part and parcel of many fragile and conflict-affected settings, in part because the lack of economic opportunities and stable environments provides incentives for short-term decision making and risk taking. Recent research suggests that individuals change their behavior depending upon their expectations of the future. “When the future is expected to be worse than the present, the incentives move towards living in the present: profligate consumption and reduced infrastructure

investment.”<sup>21</sup> For individuals who have lived through war and other forms of hardship, imagining a future they can invest in can be a real challenge. Turning down illicit or compromising offers of immediate financial reward may not only be economically challenging, it could also be cognitively irrational. This has very real implications for both small-scale players in the TOC network (mules, poppy farmers, etc.) and higher-level managers and networking agents.

The cognitive appeal of short-term profiteering that exists for individuals extends to governments as well. In the context of West Africa, it has been argued that patrimonial conceptions of the state, in which public profits are believed to accrue to individual leaders, reinforce environments dismissive of the rule of law and institutional resiliency.<sup>22</sup> When combined with the profit incentive offered by illegal trafficking, the benefits may be too great to resist. As the former foreign minister of Sierra Leone, Zainab Bangura, puts it, “They [the drug cartels] have millions of dollars and you need to be a saint to reject that.”<sup>23</sup> The challenge lies in maintaining the long-term outlook required to shift views and practices while also addressing the immediate need to mitigate the insidious impacts of TOC infiltration.

The second way in which transnational organized crime interacts with the state is infiltration. Infiltration takes corruption to the next level by capturing state leadership while ensuring the maintenance of the basic state apparatus. Douglas Farah, an expert on transnational organized crime, describes this scenario as a “criminalized state” in which the leaders of the state are themselves part of the enterprise and devote state assets to the criminal project.<sup>24</sup> This can also be described as a symbiotic relationship in which state actors are the initiators of investment in or relationships with criminal enterprise rather than having been bribed,

16 United Nations, “2011 Human Development Index – 2011 Rankings,” available at <http://hdr.undp.org/en/statistics>.

17 United Nations Security Council Debate, UN Doc. SC/10546, February 21, 2012.

18 This typology borrows from work done by USAID's Bureau for Democracy, Conflict and Humanitarian Assistance and Bureau for Africa, 2011.

19 Kwesi Aning, “Understanding the Intersection of Drugs, Politics and Crime in West Africa: An Interpretive Analysis,” Policy Brief Series No. 6, Santiago, Chile: Global Consortium on Security Transformation, April 2010.

20 Peter Gastrow, “Termites at Work: Transnational Organized Crime and State Erosion in Kenya,” New York: International Peace Institute, September 2011.

21 Gregory S. Berns and Scott Atran, “Introduction: The Biology of Cultural Conflict,” *Philosophical Transactions of the Royal Society B: Biological Sciences* 367, No. 1589 (March 2012) 634.

22 Antonio Mazzitelli, “Transnational Organized Crime in West Africa: The Additional Challenge,” *International Affairs* 83, No. 6 (November 2007): 1071-1090.

23 David Blair, “Sierra Leone Being Targeted by Latin American Drug Cartels,” *The Telegraph*, February 27, 2009.

24 Farah, “Terrorist-Criminal Pipelines,” p. 19.



persuaded, or threatened by criminal groups to consent to their activities. In other words, states are not always the victim of a group of criminal outsiders but can be criminal instigators themselves.<sup>25</sup>

In one version of such a model, the state essentially leases out or franchises part of its territory to criminal groups for production, processing, or shipment. According to Farah, this type of model is on the rise in Latin America.<sup>26</sup> Whether territory is being franchised or not, a state complicit in criminal activity essentially makes accomplices of the entire population. Individuals negatively impacted by illicit activity have no form of redress in a state where the government not only allows, but promotes the same illicit behavior. For the individual, therefore, there is an increased incentive to join the ranks rather than fight a battle that could prompt a government backlash. In this type of scenario the international community's engagement, whether with state governments or local populations, will be most challenging.

The final way that transnational organized crime interacts with the state is through competition. In such cases trafficking networks are directly at odds with the state. Competition can happen in various ways. In some contexts trafficking networks provide services for populations that in other circumstances would be provided by the state. Many groups, from Hezbollah in Lebanon to the Tuareg in the Sahel-Sahara to the Revolutionary Armed Forces of Colombia (FARC), have competed for popular support in part by providing services to the population. In Jamaica local "dons" are considered more legitimate than the state in some areas, taking on roles as varied as settling disputes and providing school fees.<sup>27</sup> In these contexts the legitimacy of the state is further eroded, particularly if nonstate actors are more effective service providers. When this strategy is being utilized, the state and its international partners need to work from the ground up to counter the competitive advances.

Indeed, attempts to eliminate the competition by

focusing exclusively on gang leaders and taking a forceful law-and-order approach can do more harm than good. The heavy-handed US-backed raids in pursuit of Christopher "Dudus" Coke in Kingston in 2010 did not just result in civilian loss of life—they failed to address the needs of the community that Coke had controlled. They were not accompanied by attempts to amend the structural inequalities in Jamaican society, nor did they help to address allegations of government complicity in illicit trade.<sup>28</sup> Rather than capitalize on an opportunity to bridge government action with citizen needs and human security, the intervention reinforced the separation between state and society, and may have further weakened prospects for domestic statebuilding.

Competition can also take the form of direct confrontation between transnational criminal networks and the state, as in present-day Mexico. While the trafficking groups' violent methods may do little to inspire citizen support, their overwhelming use of armed force means that they do not need popular backing. This form of competition undermines the state monopoly on the use of force, and it is likely the most debilitating in terms of citizen security, as people get caught in the cross fire.

Eastern DRC, for example, is home to a plethora of nonstate armed groups with a complex mix of political, social, and economic interests. Many of these groups are engaged in some type of trafficking in illicit goods, including minerals, charcoal, and timber. Whereas some of these groups have formed alliances with the state, others battle regularly with the state and the United Nations peacekeeping force stationed in the country. The consistency of aggression between these groups and the state and among the groups themselves for maintenance of control has resulted in an environment that is fundamentally insecure, with devastating impacts on civilian security in particular. A 2006–2007 mortality survey completed by the International Rescue Committee

25 On the notion of a symbiotic relation between organized crime groups and authority structures see James Cockayne and Adam Lupel, "Introduction: Rethinking the Relationship between Peace Operations and Organized Crime," in *Peace Operations and Organized Crime: Enemies or Allies?*, edited by James Cockayne and Adam Lupel (London: Routledge, 2011), pp. 7-10.

26 Farah, "Terrorist-Criminal Pipelines," p. 19.

27 Howard Campbell, "Jamaican Dons Like Christopher 'Dudus' Coke Are Considered Role Models," *The Guardian*, May 25, 2012, available at [www.guardian.co.uk/world/2010/may/25/jamaican-don-christopher-dudus-coke](http://www.guardian.co.uk/world/2010/may/25/jamaican-don-christopher-dudus-coke).

28 Robert Muggah, "The Transnational Gang: Challenging the Conventional Narrative," in *Ashgate Research Companion to Regionalisms*, edited by Timothy M. Shaw, J. Andrew Grant, and Scarlett Cornelissen (Burlington, VT: Ashgate, 2012), p. 349.

found an excess of 2.1 million civilian deaths since the end of formal aggressions in 2002.<sup>29</sup> The presence of these armed groups has also prolonged grievances and undermined attempts to foster peace and stability while simultaneously diminishing perceptions of state effectiveness.

### Fragility, Conflict, and Criminality in the DRC

The Democratic Republic of the Congo (DRC) provides an example of how conflict, fragility, and transnational organized crime reinforce one another with deadly and long-lasting implications. In the mid-to-late 1990s, the DRC was confronted by a wave of violence in the east, prompted by the fall of the Mobutu regime and the 1994 genocide in neighboring Rwanda. This confluence of events resulted in what was later termed Africa's First World War. Although the war officially ended in 2002, the DRC remains extremely fragile. The state exercises limited control over its vast territory, and a myriad of rebel groups, armed actors, and criminal groups all compete for control over the country's vast mineral resources. In this environment, state fragility interacts with a complex history of domestic and regional violence and an array of criminal entrepreneurs to sustain a political economy in which the perpetuation of the status quo is more profitable for many and therefore difficult to overcome, no matter what the devastating consequences.

A competitive model often prompts calls from government leaders for additional international support for their efforts. However, there are trade-offs associated with a strong, internationally-supported campaign—for the national government itself and in terms of how the international community comes to be perceived by the population. As Robert Muggah puts it, “Specifically, Central American and Caribbean governments are advancing both repressive and regionalized actions

against gangs in order to avoid taking action on much more tricky issues related to corruption, exclusion, inequality and the lack of job creation.”<sup>30</sup> Countries seeking to reinforce their own internal strength by mobilizing external support and using scare tactics risk diminishing broad popular support internally. The way in which the international community commits to engaging in these contexts can be of paramount importance.

Finally, it is likely that transnational organized crime groups pursue multiple strategies at once in order to ensure the highest level of risk mitigation. Governments are not monolithic structures, and transnational criminal actors may choose to use corruption with some actors and competition with others. The common thread that runs through all the strategies is their ability to demonstrate the vulnerability and weakness of the state, even in relatively strong states, such as Mexico. Leaders who have gone through a rational process of analyzing their ability to withstand or benefit from transnational organized crime may conclude that collaboration with organized criminal networks is the best way to preserve their position and even maintain some level of peace rather than risk a large and prolonged confrontation with a group that has significant resources. Understanding this negative incentive structure and finding ways to address it will be critical for developing strategies to tackle corruption and infiltration.

As traffickers shift into countries with a history of conflict or strong internal divisions between state and society, there are two broad concerns: first, trafficking networks can further enrich groups with historic animosity toward the state, facilitating a renewal of violence; second, by enriching the state through corruption, these networks can deepen the divide between state and society, exacerbating state fragility and elevating the associated risk for conflict. As Moisés Naím has articulated, the overlap between illicit trade and social crises is more complex today than it has been since the end of the Atlantic slave trade.<sup>31</sup> The next section details how current responses may be insufficient to address these challenges.

29 International Rescue Committee, “Mortality in the Democratic Republic of Congo: An Ongoing Crisis,” available at [www.rescue.org/sites/default/files/migrated/resources/2007/2006-7\\_congomortalitysurvey.pdf](http://www.rescue.org/sites/default/files/migrated/resources/2007/2006-7_congomortalitysurvey.pdf).

30 Muggah, “The Transnational Gang,” p. 354.

31 Naím, *Illicit*, p. 3.

## The Dominant Approach to Organized Crime in Fragile Settings

“Global criminal activities are transforming the international system, upending the rules, creating new players, and reconfiguring power in international politics and economics.”<sup>32</sup>

Moisés Naím, *Illicit*

For much of the 1980s and 1990s, at least in the US lexicon, transnational organized crime was spoken of as a hierarchical phenomenon structured by cartels with identifiable and therefore easily targeted leaders. It was thought that if the leaders of these organizations were captured or killed, the whole system would crumble in turn. Pinpointing leaders was a simple way to describe a messy business, thereby helping policymakers and law-enforcement officials to easily document and advertise success stories when targets were apprehended or killed. The problem was that this targeting of leaders didn't result in actual reductions in trafficking. Rather, trafficking networks shifted, morphed, and adapted. Instead of conceiving of trafficking groups as snakes that one can decapitate, thinking needed to shift to networks as plants with complex root-and-stem systems—cut one stem and another will grow in its place in an eager drive to reach the sun, or in this case, to achieve massive profits.

Thankfully, analysts, policymakers, and researchers have become much more sophisticated in their understanding and for the most part have moved beyond the simplified cartel depiction.<sup>33</sup> Terms such as wheels, chains, and pipelines have been used to describe the intricate systems of interaction between individuals and groups, ranging from highly embedded structures to those with no social support. Even these models, however, at times fail to capture the significant adaptability of the networks, which is what makes networks so difficult to pin down and so resilient in the face of opposition.

As our understanding of the complexity of TOC networks is advancing, we must also advance our understanding of the ways in which international actors, particularly dominant powers such as the United States, influence the incentive structures of national governments in their approach to fighting transnational organized crime. Consider, for example, the years of support the US has provided Colombia to battle drug production and trafficking. Although it took many years, this investment helped to tip the scales in favor of the government in their competition with drug traffickers. The challenge is that international attention on TOC shifts and evolves according, in large part, to short-term threat assessments. International attention on poppy production in Afghanistan, for example, grew exponentially post 9/11 in light of the threat then posed by that country's harboring of al-Qaida. As international dynamics shift, the international community revises its threat assessments. As the US prepares to withdraw from Afghanistan in 2014, it will be interesting to see whether efforts to fight poppy production diminish simultaneously.

While shifting priorities are a natural facet of international relations, the challenges resulting from transnational organized crime require more sophisticated solutions in conflict-affected and fragile states. Aid flows are twice as volatile in conflict-affected and fragile states as in stable states.<sup>34</sup> This is mainly because donors tend to (over)react negatively to signs of instability as a way to manage the risk to their aid investment. Aid volatility matters. It has been found that economic growth and levels of domestic investment are negatively impacted by unstable flows of aid.<sup>35</sup> Therefore, countries are faced with a reinforcing risk. First, as transnational criminal networks impose themselves, they risk negative reactions from donor partners. Second, as donors pull money out, domestic economic security is compromised thereby reinforcing an enabling environment for the same criminal networks and potentially fueling instability. The very reaction, in this case, enables the condition to which donors are reacting.

32 Ibid., p. 5.

33 Michael Kenney, *From Pablo to Osama: Trafficking and Terrorist Networks, Government Bureaucracies, and Competitive Adaptation* (University Park, PA: Pennsylvania University Press, 2007); Farah, “Terrorist-Criminal Pipelines.”

34 Victoria Levin and David Dollar, “The Forgotten States: Aid Volumes and Volatility in Difficult Partnership Countries,” paper prepared for the DAC Learning and Advisory Process on Difficult Partnership Countries Senior Level Forum, January 2005.

35 Laurence Chandy, “Ten Years of Fragile States: What Have We Learned?,” Washington, DC: The Brookings Institution, November 2011.

A secondary problem is that while development assistance may be highly volatile, this may not hold true for other types of direct support to the country. Assistance that promotes stronger societies by investing in people and fostering dialogue between citizens and their government is often dwarfed by military or police spending. In states with histories of predatory security structures and illegitimate or ineffective governing bodies, such an imbalance could provide fodder for future violent confrontations between the government and groups who perceive themselves as marginalized. In these contexts heavy-handed government actions with

secondary consequences for the broader population can inflame domestic grievances and re-trigger violence, particularly when compounded by external influences. Put another way, “Investments in security and the rule of law should not, indeed, compete with investment in development, but rather act as their necessary support.”<sup>36</sup> The World Bank and UNODC have pointed to the limitations of a security and legal approach without complementary efforts being made at overall reform and accountability.<sup>37</sup>

In West Africa today the challenge posed by transnational organized crime is increasingly

### Illicit Flows, Coups, and Terror in Mali

As this paper is nearing completion, recent events in Mali illustrate some of the challenges outlined herein. The return of combatants and their arms from Libya to Mali has been blamed in large part for the uprising in the north of the country by a group of Tuareg soldiers under the banner of the *Mouvement National de Liberation de l'Azawad* (MNLA), the subsequent split of northern Mali from the rest of the country, and the resulting coup in the capital Bamako led by Malian soldiers displeased with their government's inability to respond to the uprising. This most recent uprising, although manifestly triggered by recent regional events, recalls rebellions in the 1960s, 1990s, and most recently in 2007–2009. However, perceptions regarding the presence of illicit traffickers and terrorist organizations has now raised the stakes for the international community. The Security Council debate on transnational crime, drug trafficking, piracy, and terrorism in West Africa and the Sahel on February 21, 2012, demonstrated unanimous concern regarding the potential harm such flows could have and called on international actors to work together to find solutions. While there is no question that the repercussions could be extremely damaging, with thousands already forced to flee their homes, one should not discount the fact that the Tuareg people who these returning fighters purport to represent have real and historic grievances based on perceptions of marginalization by the central government. A heavy-handed response by the Malian government could undermine what had until recently been a tenuous peace reinforcing notions among a broader Tuareg population that the state will never truly be representative. The government, which is now faced with internal competition as a result of the coup, faces the difficult task of trying to both defend itself against an internal enemy while demonstrating its legitimacy to a historically marginalized population that has mobilized against the state in very recent history. This is no small task. At the same time, the Tuareg have in recent years demonstrated some leadership against alleged incursions by al-Qaida in the Islamic Maghreb (AQIM), and there are some who argue that the reality is not as simple as an MNLA-AQIM accord, which is how much of the international community is painting the picture.<sup>38</sup> If the international community backs a heavy-handed response by the state that results in harm to civilians, AQIM could easily exploit the situation for its own benefit. This risks turning a potential source of regional resistance to terror into a complicit actor.

36 Mazzitelli, “Transnational Organized Crime in West Africa,” p. 1090.

37 UNODC and World Bank, “Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean,” Report No. 37820, Washington, DC, March 2007.

38 Jeremy Keenan, “Mali's Tuareg Rebellion: What Next?” *Al Jazeera*, March 20, 2012, available at [www.aljazeera.com/indepth/opinion/2012/03/20123208133276463.html](http://www.aljazeera.com/indepth/opinion/2012/03/20123208133276463.html).

compounded by the terror-trafficking nexus. It is easy to visualize a convergence of threats as transnational criminal networks expand at the same time that groups utilizing terror as a tactic are taking root. At least three groups considered to be terrorist organizations by the US government are demonstrative of this convergence: the FARC, Hezbollah, and al-Qaida in the Islamic Maghreb (AQIM).<sup>39</sup> Globally, the US Drug Enforcement Agency has projected that up to 60 percent of terror organizations are also involved in narco-trafficking.<sup>40</sup> The lesson for policymakers from these findings is that not only is criminality economically and socially devastating, it can also have significant impacts on domestic peace and security if it's contributing to terrorist networks. However, this data does not tell us what percentage of illicit trafficking is funding terrorist networks, and international actors must be careful about any language that conflates these or risks placing all anti-trafficking efforts in the prism of national security threats rather than international economic threats. Overutilization of a national security prism can help to justify heavy-handed responses that don't appropriately capture the socioeconomic dimensions and can reinforce structural marginalization or inequality in conflict-affected and fragile states. This can have very real implications for peace, stability, and development. Powerful actors such as the US that demonstrate an overarching paradigm of engagement based on law-and-order approaches will impact the way domestic governments engage with illicit actors on their own soil.<sup>41</sup>

Finally, a key challenge for international actors when tackling transnational organized crime in fragile states relates to the very way the international community is structured. States are the avenue for communication and collaboration. They are also the unit through which geography is ordered and analyzed. However, in many fragile and conflict-affected states population groups do not necessarily respect national borders, which they may view as illegitimate or externally imposed. In order for international actors to have a strong sense

of what is happening within these groups and to ensure that they are working with institutions that have the buy-in of the population, they must move beyond a single-actor model of development and engage with a multiplicity of actors and institutions. The *United Nations Convention Against Transnational Organized Crime* (the "Palermo Convention"), adopted by the UN General Assembly in 2000, represents the main international tool for countering transnational organized crime. Although very important, the convention fails to adequately capture the dynamics of TOC because it does not reflect on the social, political, and economic consequences; the corruption of state actors; or the fluidity of transnational criminal structures. The Palermo Convention remains rigidly state-centric with a law-and-order focus. As Farah notes, "These groups thrive in the seams of the global system, while the global response has been a state-centric approach that matches the 20<sup>th</sup> century, not this one."<sup>42</sup> This is not only politically challenging, it also poses significant logistical and human resource costs. However, the risk of assuming the legitimacy of the state and therefore working only through state structures is high enough to warrant the additional cost.

## Gaps in the Dominant Approach

Many efforts to combat transnational organized crime to date have focused on legal and security measures and systems for international cooperation (e.g., Interpol). However, a more nuanced understanding of the overlap between fragility, conflict, and transnational organized crime requires a better understanding of political, economic, and social dynamics within affected states. In contexts in which reliance on and faith in the state are weak, where social networks are paramount, and where economic opportunities are limited, traffickers are attracted to weak regulatory and enforcement environments. Many of these states also present geographical opportunities for

39 Mazzitelli, "Transnational Organized Crime in West Africa," p. 1083.

40 Michael Braun, Chief of Operations of the US Drug Enforcement Agency, "Drug Trafficking and Middle Eastern Terrorist Groups: A Growing Nexus?," speech delivered at Washington Institute for Near East Policy, July 18, 2008, available at [www.washingtoninstitute.org/templateC05.php?CID=2914](http://www.washingtoninstitute.org/templateC05.php?CID=2914).

41 H. Richard Friman, "Globalization's Poster Child: Transnational Organized Crime and the Triumph of Liberalism," paper presented at the 2005 Annual Convention of the International Studies Association, Honolulu, HI, March 1-5, 2005, p. 13.

42 Farah, "Terrorist-Criminal Pipelines," p. 29.

trafficking, including porous borders and exploitable trade routes. Unfortunately, once individuals, groups, and possibly government officials begin to realize the profits of illicit trafficking, systems will become more entrenched and more difficult to tackle. This could very easily feed cycles of continued or historical unrest, corruption, and state failure. This paper has already discussed the challenges of transnational organized crime and current responses to it. This section looks specifically at situations in fragile and conflict-affected environments and the kind of threat that transnational criminal networks pose in these circumstances, explaining why a new approach is needed.

In 1950 there were only 69 recognized independent states. By 2002 this number had more than doubled to 192.<sup>43</sup> This has two implications of relevance to this paper. First, the UN membership of an expanding number of countries has placed issues on the agenda that may not otherwise have been there, and it has given a seat at the table to a host of actors who otherwise would not have been present. The second implication is the realization that the process of building states (with all inherent associations, from institution building to citizen engagement to capacity building) is both technically and politically challenging, requiring corresponding solutions in both areas. These two factors have, in part, forced international actors to do a better job of understanding the nature of statebuilding.

The description of states as “fragile” came into popular use within the past decade. It gained wide currency as a way to describe the experience of Afghanistan. Fragile state terminology provided a way for the international community to describe a country with institutional capacity deficits and legitimacy weaknesses, as well as potential for discord and internal conflict. This helped to categorize other countries with similar patterns, including those that might pose similar threats to international peace and security. While there has been much resistance to the usage of the term “fragile state,” the categorization has been useful for differ-

entiating the needs of these countries from those of more stable low- or middle-income states.

Recent work on fragility and statebuilding has pointed to the central importance of strengthening the relationship between the population and the state.<sup>44</sup> This represents a real shift in thinking within the international community, which historically conflated statebuilding with the strengthening of state capacity only. Yet experience has demonstrated that in contested environments institutional legitimacy cannot be taken as a given. Perceptions of legitimacy or the lack thereof often reflect divisions that exist within society. A lack of institutional legitimacy and a history of state predation means that citizens not only have little incentive to engage with the state, they in fact have a strong rationale for seeking alternatives. They tend to be suspicious of and in some cases hostile toward the central state apparatus. In such contexts the assertiveness of state actors can motivate violent responses if perceived to be threatening to one or more social groups.

Government effectiveness still matters, of course. In countries with low levels of public sector capacity, population interactions with the state tend to be limited, particularly outside of capital cities in rural areas. The inability of states to demonstrate their utility negatively impacts public perceptions. If this shortcoming is perceived to be due to corruption or clientelism, it in turn undermines efforts to build legitimacy. “When the rulers are perceived to be working for themselves and their kin, and not the state, their legitimacy, and the state’s legitimacy, plummets....The social contract that binds inhabitants to an overarching polity becomes breached....Citizens then naturally turn more and more to the kinds of sectional and community loyalties that are their main recourse in times of insecurity, and their main default source of economic opportunity.”<sup>45</sup> While this scenario may appear somewhat linear, it succinctly captures the essence of the problem.

The terminology of fragile states has helped the international community to better organize itself

43 Robert I. Rotberg, ed., *When States Fail: Causes and Consequences* (Princeton, NJ: Princeton University Press, 2004), p. 2.

44 World Bank, *World Development Report 2011*; OECD, *Supporting Statebuilding*; and International Dialogue on Peacebuilding and Statebuilding, “A New Deal for Engagement in Fragile States,” November 2011.

45 Rotberg, *When States Fail*, p. 9.

### Pockets of Fragility in Latin America

Latin American countries experiencing high rates of criminal violence tend not to rise to the top in most of today's lists of fragile states. One hypothesis for this is that such indices rely on national measures and are state-centric, thereby leaving out smaller geographic areas that may be considered "ungoverned" or "alternatively" governed.<sup>46</sup> These vulnerable pockets are what traffickers and other nonstate armed groups are most likely to exploit, as they reduce risk by minimizing state interaction. While that may form part of the explanation, it does not sufficiently explain the disparity between high rates of violent crime and fragility. However, it is worth bearing in mind that many states may not be considered fragile but may indeed have pockets with the very same governance deficits that a fragile context would have on a larger scale. These pockets of fragility are just as important to this conversation as national-level fragility.

with regard to peace and security. While countries considered fragile do not always experience violent conflict, there is a strong correlation between the two. According to the 2011 *World Development Report*, of seventeen countries coded as fragile between 1990 and 2008, sixteen of them experienced some type of civil war violence, with fourteen having seen major civil war violence. The report hypothesizes that "countries lacking the institutional capacity and accountability to absorb systemic stress are more likely to experience violence—and less able to extract themselves from it or to contain its effects."<sup>47</sup> Fragility often means that the institutional capacity and accountability needed to withstand and manage stresses is weak or nonexistent. Fortunately, our knowledge is beginning to catch up with reality, and just as work on fragile states has advanced, so too has our understanding of conflict.

For the second half of the twentieth century, the

majority of violent conflicts were internal, generally between one or more armed groups and the state. In the 1960s and 1970s, there was a relatively even split between the onset of a brand new conflict versus the recurrence of previous conflicts. A shift occurred in the 1980s with the majority of onsets of violent conflict taking place in countries that had experienced a previous conflict, a pattern that has persisted to this day.<sup>48</sup> The data is striking: 90 percent of civil wars that took place in the 2000s took place in countries that had experienced civil conflict in the previous thirty years.<sup>49</sup>

At the same time, the causes of violence today have become much more diversified, with overlaps between criminal, political, and terroristic motivations.<sup>50</sup> And globalization has increased groups' abilities to interact with one another for economic, political, or social ends. The rapid growth of the international economy has expanded these opportunities and created new ones. Whereas many historical conflicts remained local, today's speed of travel and communication has meant that alliances can be formed and dissolved rapidly for maximum profit and minimum risk. It has also facilitated the export of grievances across national and continental lines, forging networks where they otherwise would not have been possible.

The ability of illegal traffickers to adapt and change is an inherent aspect of their business model that must be anticipated regardless of the context. Analysts and policymakers will have the best chance of confronting TOC if they can understand what this adaptability will look like, both within society and in terms of the relationship with governments, and how networks will respond to countermeasures. Many studies have been done of historical trafficking networks and their adaptability. Studies of cocaine trafficking in Progressive-era New York found that various criminal entrepreneurs were involved in the illicit trade, and they would form, dissolve, and create new partnerships as opportunities arose and challenges shifted.<sup>51</sup> Similarly, research from China

46 Farah, "Terrorist-Criminal Pipelines," p. 20.

47 World Bank, *World Development Report 2011*, p. 87.

48 Ibid., p. 3.

49 Ibid., p. 2.

50 Ibid., p. 54.

51 Alan A. Block, "The Snowman Cometh: Coke in Progressive New York," *Criminology* 17, No. 1 (1979): 94.

demonstrates that, when the authorities outlawed the opium trade, trafficking networks adapted by changing their delivery systems, co-opting government officials, and otherwise changing their business model.<sup>52</sup> We see similar examples today. In Guinea-Bissau, termed Africa's first "narcostate" by many, when political tension escalated with the dual murders of the president and chief of army in 2009, drug traffickers purportedly shifted their business out of the country due to the increased attention the killings generated.<sup>53</sup> Their departure from Guinea-Bissau may have been in part responsible for increased activity in neighboring Guinea-Conakry, Sierra Leone, and other nearby states. A balloon metaphor is often used to describe the effect: squeeze one section and the air will simply shift to another.

The risks to those engaged in transnational organized crime are generally twofold: judicial and economic.<sup>54</sup> Criminals want to limit their exposure to prosecution while ensuring their maximum profitability. To mitigate these risks transnational criminal groups place a high priority on trust, utilizing entrenched social networks as avenues to conduct business. Illegal traffickers depend on effective communication, flexibility, adaptability, and trust. "[Criminal] entrepreneurs exploit embedded social ties and interpersonal networks, often based on participants' family and friendship connections, to recruit conspirators, generate trust, and discourage malfeasance among participants."<sup>55</sup> This allows criminals to be both hands-on and far enough removed to protect themselves. There is also an incentive to proliferate and decentralize so as to distance oneself from direct transactions and therefore minimize risk exposure.<sup>56</sup> By seeking out opportunities among social groups with a degree of internal trust and cohesion, traffickers will help to ensure a level of protection for their activities. Similarly, as these groups engage more in trafficking activities, they themselves will seek to proliferate and duplicate, thereby spreading

opportunities, risks, and illicit trade more broadly.

Criminal groups also tend to seek profit maximization through the diversification of product lines,<sup>57</sup> in other words, increasing returns through multiple revenue streams. Traditional enterprises are easily upgraded to accommodate illicit goods. In this mutually beneficial relationship the social network increases profitability while risk is mitigated by utilizing pre-existing trade routes and relationships. Given the strength of their social networks and the under-reliance of their populations on state structures, conflict-affected and fragile states make ideal partners for transnational organized crime.

Conflict experts know that "bad neighborhoods" can increase the risk of violent conflict as nonstate armed groups, weapons, and historic animosities tend to cross international borders. Transnational criminal networks may seek to leverage historic regional dynamics to maximize profits in ways that could reignite tensions and violence. Kofi Annan recently articulated widely held concerns regarding West Africa: "There is the risk that drug traffickers link up with other criminal elements or, worse, terrorist groups that may be trying to infiltrate and destabilize the region."<sup>58</sup> The sociopolitical dynamics of an entire region then worryingly become fodder for traffickers to exploit, thereby both enriching themselves and endangering entire swaths of the globe. While this may sound overly dramatic, the threat is considerable, particularly for those states with fractured pasts and vulnerable presents.

Countries affected by violence face higher poverty rates than those that have not been subjected to major violence.<sup>59</sup> In some cases the difference can be quite high; the 2011 *World Development Report* estimates that countries experiencing several years of major violence lag sixteen percentage points behind in terms of poverty reduction. The authors of the report and the members of the International Dialogue on

52 Kenney, *From Pablo to Osama*, p. 12.

53 Personal interview with UNODC official, 2009. See also, "Drug Trafficking Returns to Guinea-Bissau After a Lull, Threatening the Fragile Government," *Fox News*, June 5, 2012, available at [www.foxnews.com/world/2010/06/05/drug-trafficking-returns-guinea-bissau-lull-threatening-fragile-government/](http://www.foxnews.com/world/2010/06/05/drug-trafficking-returns-guinea-bissau-lull-threatening-fragile-government/).

54 Mazzitelli, "Transnational Organized Crime in West Africa," p. 1073.

55 Kenney, *From Pablo to Osama*, p. 27.

56 Friman, "Globalization's Poster Child," p. 9.

57 Aning, "Understanding the Intersection of Drugs, Politics and Crime."

58 Kofi Annan, "Save West Africa from the Drugs Barons," *The Observer*, January 29, 2012. [Reprinted in *The Guardian*, January 2, 2012.]

59 World Bank, *World Development Report 2011*, p. 60.



Peacebuilding and Statebuilding have, out of recognition of this challenge, placed job creation and economic opportunity high on the list of what's needed to move countries out of fragility. Indeed, jobs are among the top three priorities laid out in the *World Development Report*, along with security and justice. Economic opportunity ranks as one of five priorities of the International Dialogue's "New Deal for International Engagement in Fragile States," which has been endorsed by more than forty states and organizations. The prospects of large sums of money in these otherwise economically constrained environments can easily draw the interest of illicit entrepreneurs and encourage individuals to engage in transnational organized crime. It is relevant to consider that 46 percent of surveyed gang members cite economic reasons for joining gangs.<sup>60</sup> Although gang membership does not necessarily correlate with participation in transnational organized crime, the two share similar enough characteristics that one could hypothesize a certain degree of similarity in motivation.

#### Understanding the Motives Behind Gang Membership

Surveys of gang members have indicated that a plurality, 46 percent, have economic reasons for joining gangs.<sup>61</sup> Although that number is very high, it is worth bearing in mind that more than half of all surveyed youth gang members had noneconomic motivations in their decision to join. These include feelings of security, respect, and reacting to injustice. Programs that try to address recruitment by only proposing economic alternatives are therefore hitting—at best—less than 50 percent of recruits. The social motivations, which are similar in nature to the reasons individuals join social networks, are not being addressed. Without efforts to address these social incentives, demographic trends will continue to push people to find new social networks. If gangs and armed groups are the only option, then their popularity will likely increase, not diminish.

Fragile governments that have also experienced a history of conflict face serious impediments to their very survival. Conflict imposes huge costs on states, ranging from direct military costs and depletion of infrastructure to physical impairment of individuals and education gaps resulting in severely weakened human resource capacities. These weaknesses can contribute to a state of extended fragility if not addressed, and evidence demonstrates that even states that are aggressively reforming require a generation to address key governance challenges.<sup>62</sup> A continued inability to address these weaknesses in turn often heightens population frustrations, reinforcing fragility and creating conditions for future conflict; hence the cyclical nature of violence and fragility. Most fragile and conflict-affected states therefore find themselves struggling to rebuild infrastructure, address human resource gaps, gain the confidence of their population, attract investment, and strengthen economic opportunities, among a plethora of other priorities. Addressing these challenges alone is hard enough. Doing so in contexts where spoilers are actively working to prevent progress is an added and complicating hurdle that in some contexts could be significant enough to derail the entire process. The way in which these internal vulnerabilities and divisions can either resist transnational organized crime or provide an enabling environment for it requires greater attention. The next section provides some thoughts on how to address these gaps.

## Addressing the Gaps: Nurturing Networks to Combat Crime

A history of weak, predatory, or failed state control creates an environment in which economic decision making tends to be short term, adherence to the rule of law tends to be occasional, and faith in "the system" has often broken down or indeed never existed. In these contexts citizens tend to rely in large part on nonformal and noncentral systems of governance, whether provided by religious structures, traditional leadership constructs, tribal

<sup>60</sup> Ibid., p. 9.

<sup>61</sup> Ibid., p. 80.

<sup>62</sup> Ibid., p. 108.

groupings, or other types of networks (broadly defined for the purposes of this paper as “social networks”). Reliance on these networks stems not only from perceived or actual corruption, but also from perceptions of effectiveness and of whether state or nonstate entities are more likely to deliver. In some contexts these networks are defined by ethnicity or religion, but they can be defined by a diversity of characteristics, including labor practice and age group. Shifting demographic trends such as urbanization are also creating new networks. For example, as youth depart rural areas for urban environments, they often join new social networks defined more in terms of current social and economic status and less in terms of their place of origin. Indeed, as rapid urbanization breaks down social cohesion, traditional social networks are giving way to more modern manifestations.<sup>63</sup>

An example of this is the new type of network developing in West Africa that builds on Nigerian models with business-oriented objectives. These networks are small, loose, flexible clusters of individuals that correspond well to today’s nonhierarchical style of organized crime.<sup>64</sup> Yet for the most part, there are binding internal characteristics, whether ethnic, linguistic, or otherwise, that bring together small clusters of individuals. This can increase internal confidence and allow for links to be made with other actors in the chain. Once established, these networks can also be easily utilized for a variety of purposes. For example, historic smuggling routes in West Africa can easily absorb new products with linkages based on a mixture of social networks and profit motive.<sup>65</sup> Of course, social networks differ in size, scale, organization, operation, and intention, and they cannot be thought of as monolithic. What’s important for understanding the connections between TOC, conflict, and state fragility is the inherent value that these networks have.

What is needed in environments where TOC, conflict, and fragility intersect is exactly the kind of investment in communities that will help to build or reinforce the embryonic connection between state and society. How this is done is necessarily different in every context, as states must be respon-

sive to actual citizen demands, not merely perceptions thereof or determinations of what is needed based on external assessments. However, one potential action to consider would be to expand the options for legitimate, regulated business—for example, by making it easier for individuals and groups to register legitimate businesses. By reinforcing economic viability, governments reduce incentives to engage in the informal economy and increase people’s ability to resist incursions by organized crime.

Another idea would be to strengthen the connections between state structures and traditional societal structures in the fight against TOC. For example, by forging stronger ties between customary land boards (also known as councils of elders, land chiefs, etc.) and state-run land commissions, even a weak state structure could more effectively gather information on new patterns of use. The emergence of new patterns could indicate shifting trafficking patterns or even shifting production patterns. In addition, strong ties between customary and statutory systems could help in efforts to dissuade populations from engaging in either trafficking or production by better understanding their vulnerability and possible resilience to trafficking threats.

Governments should also recognize the huge potential that exists between some of the networks that cross state borders. For example, while motorcycle gangs in border regions of West Africa could pose threats as traffickers of illegal material, they are also expanding legal trade and easing the process of moving goods and people across borders in economically underserved areas. Similarly, cell phone connections and other technological advances can provide significant opportunities for cross-border trade. Governments should work to reinforce these networks for the benefit of society by explicitly reaching out to them and engaging them in a way that brings them into the formal economy, which can be regulated.

Finally, given migration trends, governments should be investing heavily in urban planning in order to foster environments in which underground activity has a harder time staying

63 Ibid., p. 7.

64 Mazzitelli, “Transnational Organized Crime in West Africa,” p. 1084.

65 Farah, “Terrorist-Criminal Pipelines,” p. 22.

underground and in which people have a sense of pride of place. Investments should also be made to ensure that governance institutions in urban environments can keep up with massive population increases rather than only being fit for an outdated population map. When services are provided by legal, legitimate, and effective state or private sector actors, illegal providers of services have less appeal within communities.

None of the above are easy or short-term tasks—particularly in environments with limited resources and a variety of priority needs. However, illicit trafficking is not a short-term problem. It has always existed and will continue to exist. Rather than reacting in a heavy-handed, short-term-oriented fashion, the international community needs to invest in a way that will reinforce resilience over the long term.

## Conclusion

The rise of transnational organized crime in conflict-affected and fragile states reflects dynamics of social disorder, economic opportunism, global integration, governance deficiencies, and historic animosities. Although any single intervention need not address all these aspects, all approaches need to be well considered in light of these dynamics. A decade of concerted thinking about counterterrorism has revealed that international actors can no longer apply only a militaristic or state-centric approach. Indeed, after a decade of war in Afghanistan, it is only recently that the international community and the Afghan government itself are recognizing that political negotiations with the Taliban may be required for long-term peace and stability. That same lesson needs to be learned when it comes to conflict-affected and fragile states and TOC. Rather than making ethical pronouncements, efforts should be made to better understand the motivations and incentives that feed transnational organized crime and address them. This may prompt some difficult conversations—for example, about the importance of social networks in environments lacking in state service capacity or in those with historical patterns of marginalization or state predation. However, these conversations are necessary in order to tackle the massive challenge posed by transnational organized crime.

The level of pressure transnational organized crime is placing on the international system is stretching our collective ability to respond. There is no one-size-fits-all solution to the problems outlined above. Indeed, any efforts to impose cookie-cutter solutions will inevitably be as limited in their effectiveness as previous strategies that revolved around cartel leadership. The very social cohesion that makes networks reliable lifelines in conflict-affected and fragile states can also serve as mobilizing forces exploitable by criminal actors seeking to capitalize on rifts within society for their own financial benefit. The exploitation of historical grievances is made easier in countries unwilling or unable to face contested pasts and engage in the kind of conversations necessary to build a common future. In the international community's response to transnational organized crime, these sociological factors must be incorporated if effective solutions are to be found. Areas such as criminal psychology that look into individual and group patterns of criminality and the motivations behind them warrant closer attention in the struggle against transnational organized crime. Improved knowledge in these areas may help us to better understand why decisions are made, how they are made, and how social networks either resist advances by criminal enterprises or conversely are attracted to them and absorb them.

The international community must continue to invest more in law-and-order actions and cooperation to tackle the massive challenges presented by TOC. However, this must necessarily be part of a larger strategy, and in conflict-affected and fragile states such strategies are generally lacking. Not only will such solutions have limited effects in these contexts, overly heavy-handed approaches may actually do more harm than good in both the near and long term. The potential to reinforce historical enmities between the state and population groups is a real risk for law-and-order approaches that do not include concern for the social contract and do not engage in broader reform efforts. International actors should be wary of reinvigorating long-standing divisions and reinforcing state-centric notions that power is about dominant control rather than legitimate representation.

The intention of this report has been to broaden the conceptual understanding of the relationship

between transnational organized crime, conflict, and fragility in order to inform context-specific solutions. Just as historical security-based responses to issues of fragility were insufficient because of their lack of political content, so too will responses focused exclusively on security and the rule of law be of limited effectiveness today given their lack of social, political, and economic content. More research is needed to inform policy decisions, including research on popular perceptions of state-led law-and-order responses to transnational organized crime—for example, in countries that are starting to take aggressive action, such as Guinea. What is the relationship between these perceptions

and overall conceptions of statebuilding and prospects for peace? How does international support for these efforts undermine or reinforce these perceptions? And if it is the case that in many contexts there is a lack of popular knowledge regarding the negative consequences of transnational organized crime in the long term, are there cases in which a security and legal response looks more like a tool of state repression than of state benevolence? Answering these questions will not bring about a world in which transnational organized crime is not a problem. However, garnering more information of this nature should help policymakers to design better interventions.







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