



UN POLICE AND THE CHALLENGES OF ORGANIZED CRIME

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I. Introduction

Multidimensional peacekeeping operations are deployed to states that have undergone armed conflict with the aim of consolidating the peace and helping to create the conditions that would prevent a recurrence of armed violence.¹ In contexts of armed violence—where lives have been lost, people displaced from homes and communities, and physical infrastructure destroyed—one phenomenon is frequently overlooked or underestimated in terms of its potential impact on (re)building a sustainable, effective and legitimate state: serious and organized crime.² Armed groups derive revenues from organized crime that enable them to build their capacities in the run-up to conflict and to engage in conflict. As a population emerges from conflict, organized crime thrives in the weakened state and society. As seen in previous international peacekeeping interventions, if not adequately addressed, organized crime may become entrenched, resulting in a ‘captured’ state. Yet, despite its critical potential impact on post-conflict transitions and the quality of post-conflict states, economies and societal relations, organized crime has received little sustained attention from experts or practitioners involved in peacekeeping, peacebuilding and preventing the reoccurrence of conflict.

The dynamics of organized crime are specific to each conflict-affected state and defy generic or template approaches. In Africa, for example, where most

¹ Caparini, M., ‘UN Police in Conflict Prevention’, SIPRI Discussion Paper, June 2018.

² An organized criminal group is defined as ‘a group of three or more persons existing over a period of time acting in concert with the aim of committing crimes for financial or material benefit’. United Nations Convention Against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 2000.

* This research is the second of two studies supported by the Swedish Police Authority’s Peace Support Operations and International Development Cooperation Section. For the first study please see Marina Caparini, ‘UN Police in Conflict Prevention’, SIPRI Discussion Paper, June 2018. Research for this paper also benefited from the insights of several Swedish Police officers currently or recently deployed to international peace operations, as well as officials at the United Nations Department of Peace Operations, New York or located in several field missions, and several representatives of the African Union, as well as several diplomats and experts on security sector reform and peacebuilding. Respondents were interviewed in person, or via telephone or Skype between June 2018 and March 2019. The author gratefully acknowledges reviewers. All responsibility for errors or omission rests with the author.

multidimensional peacekeeping operations are deployed today, Shaw has identified at least four types of organized crime: well-entrenched mafia-type networks such as Nigerian criminal groups; loose networks connecting local and external groups in the movement of contraband or resources, as seen in coastal drug trafficking; armed groups or militias involved in smuggling and trafficking activities which also implicate state actors, as seen across the Sahel or Horn of Africa; and the emerging phenomenon of cybercrime.³ Organized criminal activities that involve political actors and violence are perhaps of most immediate concern for peace operations. Organized criminal activities that serve as sources for weapons and revenues for non-state armed groups may have a significant impact on the achievement of stabilization in mission areas. As these activities become entrenched in the political and economic spheres, they threaten the longer-term effectiveness of peacebuilding. In Mali, for example, a recent independent review by United Nations experts found that organized criminal groups and competition over trade routes in the informal and illicit economy have been shaping conflict dynamics among armed groups and local communities.⁴ In the Democratic Republic of the Congo (DRC), the involvement of transnational organized criminal groups in natural resource extraction and trade is fuelling armed conflict in eastern DRC and, according to another expert group, insurgency is no longer political but has become ‘predominantly economically motivated’.⁵

This paper argues that contemporary UN peace operations confront dual challenges linked to the changing landscape of conflict and to the persistent realities of hybrid political orders in the countries that host peace operations. Recent peacekeeping missions have been deployed to complex environments where there is ‘little or no peace to keep’.⁶ In these environments, non-state armed groups challenge the state, and sometimes one another, as seen in the Central African Republic, the Darfur region of western Sudan (Darfur), DRC, Mali, Somalia and South Sudan. Armed groups frequently sustain themselves and engage in conflict using proceeds from the illicit economy. Organized crime, which often has both local and transnational dimensions, thrives in conflict-affected environments due to state institutions’ weak enforcement of laws and control of borders, disruption of the legitimate economy, and the lack of economic opportunities. Beyond its links to armed conflict, organized crime and its reliance on corruption also poses a risk to the post-conflict transition and, in the longer term, to governance and development in conflict-affected countries. In the most severe cases, organized crime exists in symbiosis with a captured state public sector and political sphere.⁷ The

³ Shaw, M., ‘Where in Africa is organised crime most serious?’, Institute for Security Studies, 11 July 2018.

⁴ This is a finding of the independent strategic review on the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). See ‘UN Secretary-General’s Report on Mali’, S/2018/541, 6 June 2018, para. 62.

⁵ United Nations Environment Program, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and Special Envoy of the Secretary-General for the Great Lakes Region, ‘Experts’ background report on illegal exploitation and trade in natural resources benefitting organized criminal groups and recommendation on MONUSCO’s role in fostering stability and peace in eastern DR Congo’, Final report, 15 Apr. 2015, para. 3.

⁶ High-Level Independent Panel on Peace Operations, ‘Summary’, *Uniting Our Strengths for Peace—Politics, Partnership and People*, A/70/95–S/2015/446, 17 June 2015, p. 9.

⁷ Chêne, M., ‘Organised crime and corruption’, U4 Expert Answer, U4 Anti-Corruption Resource Centre and Transparency, 28 May 2008.



lucrative proceeds of the illicit economy far outstrip those in the legitimate economy and provide a valuable resource for criminal gangs, organizations and armed groups as well as ‘big men’ and other influential individuals who maintain patronage networks in alternative forms of governance.⁸ In many post-conflict contexts, the legacies of the war economy and organized criminal networks continue to undermine peacebuilding efforts, becoming interconnected with legitimate businesses and trade flows, social networks and formal political systems.⁹ In the absence of tailored and coordinated strategies, organized criminal networks and corruption pose a very real threat of becoming entrenched in countries’ political, economic and social fabric and pose a serious risk to their long-term development.¹⁰

This paper considers peacekeeping’s challenges in dealing with the security and governance risks posed by organized crime in conflict-affected states, with a focus on the role of the UN police component. Section II asks what the problem is: specifically, what does recent research tell us about the nature, scope and effects of organized crime and its relationship to the evolution of armed conflict and peacekeeping interventions? Section III examines what is being done by UN peacekeeping missions to address the challenge of organized crime, focusing on mandates and the role of the police component as the leading actor in developing institutionalized responses to organized crime in countries affected by, or emerging from, armed conflict. Section IV reflects on why these efforts have so far been insufficient to deal effectively with the challenges posed by organized crime. In conclusion, section V identifies some ways in which the UN response to the challenges posed by organized crime could be improved.

II. What is the problem? The changing landscape of armed conflict, organized crime and peace operations

Trends in armed conflict

International armed conflicts between states have declined since the end of World War II, with the result that most armed conflict is now internal to states.¹¹ The number of civil or intrastate conflicts has concomitantly risen. According to the International Committee of the Red Cross (ICRC), the number of ‘non-international armed conflicts’ has more than doubled between 2001 and 2016, from fewer than 30 to over 70.¹² According to

⁸ Utas, M., *African Conflicts and Informal Power: Big Men and Networks* (Nordic Africa Institute and Zed Books: Uppsala and London and New York, 2012).

⁹ Nordstrom, C., *Global Outlaws: Crime, Money and Power in the Contemporary World* (University of California Press: Berkeley, CA, 2007).

¹⁰ See e.g. the entrenchment of organized criminal networks and corruption in Kosovo despite the efforts of successive peace operations. Peterson, J. H., *Building a Peace Economy? Liberal Peacebuilding and the Development-security Industry* (Manchester University Press: Manchester, 2014), p. 103.

¹¹ Dupuy, K. and Rustad, S. A., ‘Trends in armed conflict, 1946–2017’, *Conflict Trends* no. 5, Peace Research Institute Oslo, Oslo, 2018.

¹² International Committee of the Red Cross (ICRC), *The Roots of Restraint in War* (ICRC: Geneva, Dec. 2018), p. 13. The ICRC defines a ‘non-international armed conflict’ as ‘protracted armed confrontations occurring between governmental armed forces and the forces of one or more armed groups, or between such groups arising on the territory of a State [party to the Geneva Conventions]. The armed confrontation must reach a minimum level of intensity and the parties involved in the

António Guterres, the UN Secretary-General, the number of countries experiencing armed conflict is at its highest since the end of the cold war, with ‘low intensity conflicts’ increasing 60 per cent over the past 10 years.¹³ Although precise definitions vary, the consensus among conflict researchers and humanitarians is that both internal armed conflict and lesser forms of internal collective violence have grown significantly in recent years.

Further, conflict has become more complex with the steady proliferation of new non-state armed groups—including rebels, militias, criminal groups and gangs, and violent extremist groups—which may fight each other and the state at different times.¹⁴ This growth is reflected in a corresponding expansion in the number of parties to internal conflict: 44 per cent of contemporary conflicts involve between three and nine opposing actors, while 22 per cent of conflicts have more than 10 opposing forces.¹⁵ Conflict is also becoming more protracted and is increasingly internationalized, with external actors contributing military troops to at least one side; 40 per cent of intrastate conflicts were internationalized in 2017.¹⁶ Summarizing developments in the global landscape over the past decade, the UN–World Bank Report *Pathways for Peace* notes that ‘more countries are affected by violent conflict, more armed groups are fighting, and more outside actors are intervening’.¹⁷

The proliferation of armed groups has raised difficult questions about how to deal with them in law and practice. If an armed conflict exists under international law, international humanitarian law (IHL) applies. If an armed conflict does exist, it must be determined whether the armed group falls within the ambit of IHL in terms of targetability. The question of what criteria are required to establish targetability of armed groups as per the rules entailed in IHL is debated but important to establish in order to ensure legality in addressing the threat posed by such groups. Armed groups that are highly decentralized or embedded in local communities lack the organizational and command structures for them to be considered armed groups under IHL.¹⁸

The fact that most conflicts are internal and do not necessarily reach the legal threshold for ‘armed conflicts’ and the application of IHL (the two conditions for this being the existence of organized armed group and a sufficient level of intensity of armed violence) means that the groups involved should not be addressed as combatants but as law enforcement challenges. In other words, many armed groups should be dealt with under the law enforcement framework, which stipulates that use of force is permitted only through exception, according to the principles of absolute necessity (when there is an imminent threat to life), proportionality (graduated use)

conflict must show a minimum of organisation.’ ICRC, ‘How is the term “armed conflict” defined in international humanitarian law?’, ICRC Opinion Paper, Mar. 2008, p. 5.

¹³ United Nations, Secretary-General’s remarks to the Security Council on cooperation between the United Nations and subregional organizations: The role of states, regional arrangements and the United Nations in the prevention of conflicts, 6 Dec. 2018.

¹⁴ United Nations and World Bank, *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict* (World Bank: Washington, DC, 2018), p. 15.

¹⁵ ICRC (note 12), p. 13.

¹⁶ Dupuy and Rustad (note 11).

¹⁷ United Nations and World Bank (note 14), p. 11.

¹⁸ ICRC (note 12), p. 23.



and precaution. In the context of an international peace operation, this law enforcement framework would remain the applicable legal framework regardless of which component (military, police or civilian) engages with such groups.¹⁹ The need to apply the law enforcement framework is further strengthened by the organized criminal activities through which many armed groups sustain themselves.

Trends in organized crime and conflict-affected states

Global organized crime is considered to have grown substantially since the end of the cold war with the rapid development of international trade and travel, global transportation infrastructure, integrated financial systems and information technologies.²⁰ In 2009 UN Office on Drugs and Crime (UNODC) estimated that organized crime generated \$870 billion, the equivalent of 1.5 per cent global gross domestic product (GDP).²¹ A more recent estimate of the commercial value of organized crime across six core economic sectors is that it accounted for between \$3.6 trillion and \$4.8 trillion in 2015–16, or 7 per cent of global GDP.²² Organized crime also has a disproportionate effect on countries of the Global South. Illicit financial flows from developing and transitional countries was estimated at 7.3 per cent GDP in 2000–2005, three times the rate in industrialized countries.²³ Their greater vulnerability to organized crime is due to their weaker states and regulatory regimes, instability, and also their rapid economic growth, exploding populations and demand for consumer goods.²⁴

Actors involved in organized crime may deal in illicit goods of the ‘black economy’ such as the trafficking of prohibited drugs, weapon smuggling, human trafficking, kidnapping or extortion. They may also, or alternatively, deal in legal commodities using illegal means, such as corruption of state officials, violating sanctions and evading customs duties, looting natural resources, misappropriating funds, receiving kickbacks from procurement contracts, diverting foreign assistance, or privatizing state-owned assets that are then resold below market prices to associates.²⁵ Corrupt kleptocrats and actors within well-developed organized criminal groups and illicit armed groups may use legal structures such as shell companies, trusts and offshore tax havens to conceal their activities from authorities and launder their money—the same financial and legal mechanisms and institutions used by

¹⁹ I am grateful to Carina Lamont for this insight, email communications, Mar.–Apr. 2019.

²⁰ Bjelopera, J. P and Finklea, K. M., ‘Organized crime: An evolving challenge for US law enforcement’, Congressional Research Service 7-5700, 6 Jan. 2012, pp. 1–2; and United Nations Office on Drugs and Crime (UNODC), *The Globalization of Crime: A Transnational Organized Crime Threat Assessment* (UNODC: Vienna, 2010), p. ii.

²¹ United Nations Office on Drugs and Crime (UNODC), *Estimating Illicit Financial Flows Resulting from Drug Trafficking and Other Transnational Organized Crimes* (UNODC: Vienna, Oct. 2011), p. 42.

²² Cartwright, R. and Cleland Bones, F., ‘Transnational organized crime and the impact on the private sector: The hidden battalions’, *The Global Initiative Against Transnational Organized Crime*, Geneva, Dec. 2017, p. 10.

²³ Illicit financial flows are derived from organized crime, corruption and commercial activities. Baker, R. W., *Capitalism’s Achilles Heel: Dirty Money and How to Renew the Free-Market System* (Wiley: New Jersey, 2005), p. 172, cited in UNODC (note 21), pp. 29, 34.

²⁴ Cartwright and Cleland Bones (note 22), pp. 14–15.

²⁵ Dziedzic, M., ‘Introduction’, ed. M. Dziedzic, *Criminalized Power Structures: The Overlooked Enemies of Peace* (Rowman & Littlefield: London, 2016), pp. 10–11.



many of the world's rich to evade taxes, as revealed by the leaked documents from the legal firm Mossack–Fonseca, known as the 'Panama Papers'.²⁶ On the other hand, members of groups engaging in organized crime that are less developed, or that have had to change their approach after ramped up enforcement in areas such as gold or diamond mining, may set up roadblocks and levy taxes on individuals and their goods.

In conflict-affected states, non-state armed groups require significant amounts of money to feed, arm and logistically support their members. Armed groups use a variety of funding sources to sustain their members and activities—depending on the territory they control and its geostrategic and international political significance. Financing sources include organized crime (armed robberies, kidnapping for ransom, extracting rents and revenues from natural resources, imposing rents and 'taxing' the local population) as well as receiving support from foreign governments and diaspora remittances.²⁷ The sources of these revenues from organized crime are becoming increasingly diversified. Due to a lack of adequate investigation and enforcement efforts, environmental crimes (illegal exploitation and taxation of natural resources such as oil, gas, gold, diamonds, minerals, timber and other resources, illegal fishing, and poaching and smuggling of wildlife) have overtaken traditional criminal activities such as drug trafficking and taking hostages for ransom as means of support for non-state armed groups and insurgents. Environmental crimes are collectively now estimated to account for 38 per cent of the financing of conflict by non-state armed groups, while drug trafficking remains the top single source of revenue at 28 per cent.²⁸

Analysts of armed groups warn against conflating institutionalized gangs and criminal groups with insurgents and other non-state armed groups that seek to challenge the state monopoly on the use of legitimate force. The primary goal for criminal gangs and groups is not to overthrow the government or to seize state power but to pursue their illicit economic activities; it may better serve their interest to avoid attracting the attention of state law enforcement actors, or to find ways to secure their acquiescence or active collusion.²⁹ Criminal groups are often much bigger players than armed groups in the illicit economy: a recent study estimates that of \$31.5 billion in illicit profits generated in conflict-affected areas, only 4 per cent is being used to fund non-state armed groups and insurgent movements.³⁰

²⁶ Burgis, T., *The Looting Machine: Warlords, Tycoons, Smugglers, and the Systematic Theft of Africa's Wealth* (William Collins: London, 2015). On the Panama Papers, see the series of articles produced by the International Consortium of Investigative Journalists as part of the project 'The Panama Papers: Exposing the Rogue Offshore Finance Industry'; and Pegg, D., 'Panama Papers: Europol links 3500 names to suspected criminals', *The Guardian*, 1 Dec. 2016.

²⁷ Wennmann, A., 'Economic dimensions of armed groups: profiling the financing, costs, and agendas and their implications for mediated engagements', *International Review of the Red Cross*, vol. 93, no. 882 (June 2011), p. 3.

²⁸ Nellemann, C. et al. (eds), *World Atlas of Illicit Flows, A RHIPTO-INTERPOL-GI Assessment*, RHIPTO Norwegian Center for Global Analyses, INTERPOL and Global Initiative Against Transnational Organized Crime, 2018, p. 15.

²⁹ Hazen, J. M. 'Understanding gangs as armed groups', *International Review of the Red Cross*, vol. 92, no. 878 (June 2010), pp. 376–78.

³⁰ Global Initiative Against Transnational Organized Crime, Statement to the UN Security Council, delivered by Tuesday Reitano for the Security Council Briefing 'UN Peacekeeping Operations: Police Commissioners', Geneva, 6 Nov. 2018.



Yet clear distinctions can be difficult to make: armed groups may resort to organized criminal activities to fund their members and activities, whether as an explicit strategy in more centralized groups, or as entrepreneurial actions by individuals in decentralized and loosely structured groups. Political and criminal motives may be closely intertwined: In South Kivu in eastern DRC, for example, armed groups both during and after the war (1998–2002) perpetrated extensive sexual violence on civilian populations, predominantly women and girls, in part to gain control over territory containing significant mineral wealth and to coerce submission from local communities.³¹ Conversely, criminal groups may not seek to control the state but provide ‘services’ to local populations and supporters, particularly in areas where the state is weak, absent or corrupt, that may include security (protection), dispute mediation (justice) and social services. For example, Pablo Escobar, the Colombian drug lord and head of the Medellín Cartel in the 1990s, enjoyed a Robin Hood-like reputation in Medellín and other communities as a result of his donations to charity, building schools, soccer pitches and housing complexes for the poor.³² In the years following the end of Liberia’s civil war, ‘extralegal groups’ of ex-combatants working in diamond-mining areas were found to have provided basic governance functions of protection, contract enforcement and dispute resolution that not only enabled them to create a stable commercial environment in which to pursue their activities, but also stimulated the local economy and earned them a measure of legitimacy in the eyes of the local population.³³

In post-conflict environments, former combatants and members of security sector institutions often become involved in organized crime. One comparative study of violence in societies emerging from conflict found that in settings as diverse as Afghanistan, DRC, Guatemala and Iraq, individuals who held positions in the security sector during the conflict—both formal state security institutions and non-state security groups such as militias or self-defence groups—often assumed prominent roles in organized crime after the conflict had ended.³⁴ Poorly planned or implemented disarmament, demobilization and reintegration (DDR) programmes that do not succeed in helping former combatants to develop viable livelihood skills and reintegrate into the civilian economy may inadvertently increase criminal activity. Demobilized individuals who lack other means of livelihood may turn their expertise in violence towards criminal purposes, extorting communities and participating in illicit economies.³⁵ In East Timor, El Salvador and Iraq, the rapid demobilization of large numbers of combatants proved destabilizing, overwhelming the capacities of local societies and economies to absorb them, and resulting in increased criminal and political violence.³⁶ Empirical studies in Colombia have found that the nearby presence of criminal gangs

³¹ Samset, I., ‘Sexual violence: The case of eastern Congo’, eds A. Suhrke and M. Berdal, *The Peace In Between: Post-war Violence and Peacebuilding* (Routledge: Abingdon, 2012), pp. 229–47.

³² Martinez-Gugerli, K., ‘“Robin Hood” criminal groups: Providing for the community when the government cannot’, Panoramas Scholarly Platform, University of Pittsburgh, 7 Nov. 2018.

³³ Cheng, C., *Extralegal Groups in Post-Conflict Liberia: How Trade Makes the State* (Oxford University Press: Oxford, 2018).

³⁴ Berdal (note 31), p. 317.

³⁵ Di Salvatore, J., *Peacekeepers Against Ethnic And Criminal Violence: Unintended Consequences Of Un Peacekeeping*, PhD Dissertation, University of Amsterdam, 2017, pp. 87, 107.

³⁶ Berdal (note 31), p. 316.



undermines the DDR of former combatants, making recidivism 158 per cent more likely than in areas without gangs, while local police presence was found to be a restraining factor in recidivism, particularly in deterring serious organized crime.³⁷

Organized crime takes various forms and may have a parasitic or symbiotic relationship with the state, undermining governance through corruption of functionaries necessary to facilitate their activities, and in extreme cases resulting in 'state capture' (i.e. when key levers of government are under the control of actors involved in organized crime).³⁸ The weakness of post-conflict state institutions (often close interrelationships between organized criminal groups and political elites) and the pervasiveness of informal markets in such contexts also make it difficult to identify the parameters of organized crime. The greater challenges posed by organized crime left unattended are the links it has to corruption and, thus, its potential to erode governance, the social contract and the socioeconomic basis for sustainable peace and development. In Kosovo, local clan-based organized crime networks and former members of the Kosovo Liberation Army (KLA) involved in organized crime existed in a 'symbiotic relationship' with newly established democratic institutions. The control of various municipalities by KLA figures raised the risk for the NATO-led Kosovo Force (KFOR) and the UN Interim Administration Mission in Kosovo (UNMIK) that efforts to combat organized crime would create tensions in their relationship with local political actors for whom the illicit economy was an important source of revenue.³⁹ Although endowed with an executive mandate to actively pursue crime, including organized crime, UNMIK's first Special Representative of the Secretary-General (SRSG) for Kosovo declined to target KLA-related organized crime because of its links to political elites and local populations and the likelihood that such actions would damage cooperation with UNMIK and its peacebuilding mission, rendering Kosovo 'ungovernable'.⁴⁰

The existence of hybrid orders further compounds the complexity of many host states in which contemporary peacekeeping missions are deployed. In many African countries, for example, the formal state coexists, and is often informally interlinked, with traditional and tribal authorities. In the eyes of local populations, traditional or customary authorities may be more accessible and legitimate than the formal state in providing protection, justice and other services.⁴¹ Criminal actors or organizations may be intertwined in hybrid orders and may form part of the social contract.⁴² Corruption is similarly not

³⁷ Kaplan, O. and Nussio, E., 'Explaining recidivism of ex-combatants in Colombia', *Journal of Conflict Resolution*, vol. 62, no. 1 (2018), pp. 64–93.

³⁸ Kavanaugh, C., 'State capture and organized crime or capture of organized crime by the state', Background Paper, Inter-regional Dialogue on Organized Crime and State Capture, New York University, Center on International Cooperation, 1 Mar. 2011.

³⁹ Proksik, J. J., 'Organized crime and the dilemmas of democratic peace-building in Kosovo', *International Peacekeeping*, vol. 20, no. 3 (June 2013), p. 286.

⁴⁰ Proksik (note 39), p. 287.

⁴¹ Bolge, V. et al., 'On hybrid political orders and emerging states: state formation in the context of "fragility"', Berghof Handbook Dialogue no. 8, Berghof Research Center for Constructive Conflict Management, Berlin, 2008.

⁴² Jaffe, R., 'The hybrid state: Crime and citizenship in urban Jamaica', *American Ethnologist*, vol. 40, no. 4 (2013), pp. 734–48.



a black-and-white issue and may be a symptom of neopatrimonialism.⁴³ The social contract of neopatrimonial politics contrasts with that said to underlie the Weberian state. In such systems, influential and powerful individuals ('big men') distribute state resources (money, investment, positions, status, access to markets) to their political 'family' through informal patron–client relationships and networks, reinforcing their power and authority. Under neopatrimonialism, which permeates a society at all levels, maintaining access to state resources and sustaining one's position and network of clients trump national development and the public good.

In addition, peacekeepers may facilitate corruption and organized crime. The arrival of a peace operation in a country heralds the influx of substantial amounts of money entering the local economy, introducing new opportunities for organized crime groups and the illicit economy, notably human trafficking for prostitution.⁴⁴ The economies that emerge around large peacekeeping missions provide opportunities for criminal groups in terms of markets for smuggled goods and human trafficking, spurring the emergence of new groups and fostering greater competition and violence among them.⁴⁵

Large field missions present varied opportunities for corruption involving UN personnel in host countries. Such risks of corruption include bribery, theft, misuse of trust funds, corruption in field procurement, illegal resource extraction and sale, sexual exploitation and abuse, exploitation of local staff and—as a mission draws down and prepares to leave—corruption in mission liquidation and disposal of its assets.⁴⁶ Certain of these types of corruption implicate and constitute organized crime. Examples include a Nigerian military contingent involved in trading drugs with the Revolutionary United Front rebel group for illegally mined diamonds during the UN mission in Sierra Leone;⁴⁷ Pakistani military peacekeepers in the UN Organization Mission in the Democratic Republic of the Congo (MONUC) purchasing illegally extracted unwrought gold and facilitating illicit trafficking in natural resources in the DRC;⁴⁸ and Kenya Defence Forces, Kenyan military commanders in the African Union Mission in Somalia (AMISOM) and key figures in the Kenyan ministries of defence, immigration and presidency allegedly involved in smuggling charcoal and sugar from Somalia—an illicit source of taxation for al-Shabab, the key armed opposition force in Somalia that AMISOM is mandated to counter.⁴⁹

⁴³ See review in Beresford, A., 'Editorial: understanding how "Africa works"?', *Critical African Studies*, vol. 6, no. 1 (2014), pp. 1–5.

⁴⁴ Bell, S. R., Flynn, M. E. and Martinez Machain, C., 'UN peacekeeping forces and the demand for sex trafficking', *International Studies Quarterly*, vol. 62, no. 3 (Sep. 2018), pp. 643–55.

⁴⁵ Di Salvatore (note 35).

⁴⁶ Transparency International (TI), *Corruption and Peacekeeping: Strengthening Peacekeeping and the United Nations* (TI: London, 2013), pp. 40–45.

⁴⁷ MacAskill, E., 'UN gets warning shot on peacekeeping', *The Guardian*, 9 Sep. 2000.

⁴⁸ United Nations Office of Internal Oversight Services, Redacted Report of Investigation, ID Case No. 0151/06, 2 July 2007. MONUC preceded the current UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).

⁴⁹ United Nations Monitoring Group on Somalia and Eritrea, Report on Somalia, 9 Nov. 2018, in United Nations Security Council, Letter dated 7 November 2018 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1970 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council, S/2018/1002, 9 Nov. 2018; 'Somalia: Charcoal still smuggled from KDF-controlled Somalia zones', 17 Nov. 2018, AllAfrica.com; and Journalists for Justice, *Black and White: Kenya's Criminal Racket in Somalia*, Nairobi, 2015.

The impact of peace operations on violence, serious and organized crime, and statebuilding

Various empirical studies have established the positive effects of peacekeepers: one widely cited study found that large deployments of military and police peacekeepers significantly reduce violence committed by governments and rebels against civilians.⁵⁰ However, until recently much less attention has been focused on the transformation of violence in contexts where large peace operations are deployed. Post-conflict societies are prone to high levels of violence, but that violence may have different forms and functions arising from multiple sources and can occur at varying levels of intensity.⁵¹ Crime rates often increase after a peace agreement is negotiated due to the legacy of armed violence, weakened rule of law, a shattered economy, high numbers of unemployed former fighters and high concentrations of weapons.⁵²

Recent research has found that the presence of military peacekeepers changes the local context and, thus, the incentives and tactics of local actors—encouraging main conflict parties to seek alternative and hidden ways to affect the terms of the peace and the allocation of resources. Outsiders often fail to recognize strategic or political violence that emerges in post-conflict states, aimed at transforming the distribution of power and resources, because it exists in a complex environment in which other types of violence, including criminal and personal, have also erupted.⁵³ In the post-conflict context, where certain actors seek to challenge the peace settlement while others seek to protect what they have gained, struggles emerge among factions or splinter groups for resources and power, and as actors perceive opportunities to pursue personal or criminal interests.⁵⁴ The upsurge in post-conflict violence may be political—strategic (aimed at shifting the terms of the peace or spoiling the peace agreement), but it may also be economic (seeking to influence access to political positions, natural resources and other material benefits), criminal, or constitute reprisals/revenge for actions taken earlier during the conflict.

While UN military troop deployments dampen political violence between combatants, they are also robustly associated with an increase in other types of violence in the host state, namely criminal violence (as measured by homicides) during the first three years of deployment.⁵⁵ According to Hazen, there are various factors that account for this effect. The dampening effect military forces have on political violence appears to create greater space and a minimal level of stability that enable criminal groups to pursue their activities. This is explained by the benefits gained by organized crime from the weakened state institutions that provide security and other services, as

⁵⁰ Hultman, L., Kathman, J. and Shannon, M., 'United Nations peacekeeping and civilian protection in civil war', *American Journal of Political Science*, vol. 57, no. 4 (2013), pp. 875–91.

⁵¹ Berdal (note 31), p. 311.

⁵² Steenkamp, C., 'In the shadows of war and peace: Making sense of violence after peace accords' *Conflict, Security & Development*, vol. 11, no. 3 (2011), pp. 357–83; and Schuld, M., 'The prevalence of violence in post-conflict societies: A case study of Kwazulu-Natal, South Africa', *Journal of Peacebuilding & Development*, vol. 8, no. 1 (2013), pp. 60–73.

⁵³ Boyle, M. J., *Violence After War: Explaining Instability in Post-Conflict States* (Johns Hopkins University Press: Washington, DC, 2014), pp. 4–5.

⁵⁴ Boyle (note 53), p. 5.

⁵⁵ Di Salvatore (note 45), pp. 81–108.



well as the disruptive effects of conflict on social and community networks. Criminal groups thrive in under-governed contexts where there is limited government presence or weakened state authority and control but not where it is entirely absent: a minimal level of regulation enables criminal groups to function more effectively than in completely ungoverned spaces, and frees them from having to invest resources into providing services themselves to local populations (although the more security and services provided by a group other than the state, the more likely it is that the community will tolerate the group).⁵⁶

Most UN peacekeeping missions do not have an executive mandate for dealing with increasing levels of criminality, which rests with the weakened host state's police and judicial system rather than the United Nations.⁵⁷ Nevertheless, UN Police deployed in sufficient numbers, in the same area as the military contingents, during the first five years of a mission were found to reduce criminal violence (measured as homicides) and to mitigate the positive correlation of the presence of military peacekeepers with an increased homicide rate.⁵⁸

Moreover, survey research in post-conflict Liberia has found that exposure to the UN Mission in Liberia (UNMIL) in the form of frequent patrols by uniformed peacekeeping personnel increased citizens' declared preference to call state police, rather than informal authorities, to respond to serious incidents of crime and violence. (However, frequent patrols were also associated with increased perceptions of corruption in state institutions.) In Liberia, which has a hybrid justice system composed of formal and customary justice, this effect, in which face-to-face interaction with peacekeeping patrols raises citizens' preference for a state (police) response to serious crime, demonstrates the impact that UN peacekeepers have in strengthening the rule of law and statebuilding.⁵⁹

These effects suggested by emerging research on peacekeeping—stabilizing effects of military deployments (also, however, associated with an increase in violent crime); reduction of criminal violence where UN Police are deployed; association of frequent patrols and interaction with local communities with increased preference for local inhabitants to call for a host state police response to serious and violent crime; and the evidence from Colombia of the dampening of recidivism among former combatants in areas with a police presence—all underline the need for deployment of police peacekeepers—formed police units (FPUs) as well as individual police officers (IPOs)—at the start of peacekeeping missions alongside the earliest deployment of the military component, and for rapid efforts to develop host state police capacities.

⁵⁶ Hazen (note 29), pp. 380–81.

⁵⁷ Di Salvatore (note 45), pp. 83, 88.

⁵⁸ At least 60 police would need to be deployed for 1000 troops for the moderating effect on homicide rates to occur. See Di Salvatore (note 45), p. 98.

⁵⁹ Blair, R. A., 'International intervention and the rule of law after civil war: Evidence from Liberia', *International Organization* (13 Mar. 2019).

III. What is being done? Peace operations' involvement in countering organized crime

In 2010, the UN Security Council drew attention to 'the serious threats posed in some cases by drug trafficking and transnational organized crime to international security in different regions of the world'. The Council cited an increasing link between drug trafficking and the financing of terrorism in some contexts, illegal arms trafficking, and the increasing incidence of kidnapping, hostage taking and cybercrime. They invited the Secretary-General 'to consider these threats as a factor in conflict prevention strategies, conflict analysis, integrated missions' assessment and planning and to consider including in his reports, as appropriate, analysis on the role played by these threats in situations on its agenda'.⁶⁰

Despite the growing recognition of the challenges that organized crime poses to stabilization and peacebuilding, peace operations have frequently been uninformed, unmandated or ill-equipped to deal with the threat. In 2013, organized crime was found to have been mentioned in the mandates of only 10 of the then 28 peace operations (peacekeeping, special political and peacebuilding missions).⁶¹ According to a 2016 study that examined 10 peace operations and stability operations since the mid-1990s, it took on average almost 5 years before a mission was authorized and allocated some means to deal with 'criminalized power structures'.⁶²

Mission mandates

Despite growing recognition of the challenges posed by organized crime in contexts where peace operations are deployed, observers have criticized the UN's continuing lack of clear mandates and adequate strategies, policies, guidance and resources to deal with it.⁶³ Mandating a mission on the subject of organized crime varies from context to context, and reflects the political environment and will of the host state and its relations with the mission. In Guinea-Bissau, for example, the mission was tasked soon after its establishment with facilitating efforts to combat drug and human trafficking and organized crime.⁶⁴ However, in recent years, lack of political will at the highest levels of the host state has resulted in the inability of the mission to implement that part of the mandate, resulting in the withdrawal of mission personnel with specialised expertise in this area.⁶⁵

In some host states, despite the acknowledged role of organized crime in sustaining violence and armed conflict, peacekeeping mission mandates are silent on organized crime or set out a very limited role for the mission on the issue. For example, on renewing the mandate of the United Nations–African

⁶⁰ United Nations, Statement by the President of the Security Council, S/PRST/2010/4, 24 Feb. 2010.

⁶¹ Kemp, W., Shaw, M. and Boutellis, A., 'The elephant in the room: How can peace operations deal with organized crime?', International Peace Institute, New York, June 2013, p. 7.

⁶² Dziedzic (note 25), p. 4.

⁶³ Boutellis, A. and Tiélès, S., 'Peace Operations and organised crime: Still foggy?', eds C. de Coning and M. Peter, *United Nations Peace Operations in a Changing Global Order* (Palgrave Macmillan: Switzerland, 2019), pp. 170–77.

⁶⁴ United Nations Integrated Peacebuilding Office in Guinea-Bissau, '2008 mandate'.

⁶⁵ Rule of law expert, UN Secretariat, Interview with author, 18 Oct. 2018.



Union Mission in Darfur (UNAMID), the Security Council expressed 'serious concern' at the involvement of Darfur armed movements in 'migrant smuggling, criminal activity banditry and mercenary activities' and encouraged regional states to cooperate on cross-border issues such as weapons smuggling—but only directed UNAMID to continue to support the work of the Panel of Experts in this regard.⁶⁶ Tense relations between the Government of Sudan and the mission, including the tendency of the former to impede UNAMID in various ways, have posed problems previously for the implementation of its mandated activities.⁶⁷ In such a context it is unlikely that an explicit mandate on the sensitive issue of organized crime is likely to succeed. With regard to the UN Mission for Justice Support in Haiti (MINUJUSTH), there is scant mention of organized crime or corruption in the current mandating resolution—gang violence is implied when it states that 'rule of law efforts of MINUJUSTH, including community violence reduction efforts and quick impact projects, as appropriate, will be part of a strategy towards a continued, progressive transition to development actors'.⁶⁸ Similarly, in South Sudan, the recent mandate renewal directs the UN Mission in South Sudan (UNMISS) 'to provide support, within existing resources . . . in developing and implementing gender-sensitive community violence reduction (CVR) programs'.⁶⁹

AMISOM, deployed since 2007, is authorized to conduct offensive operations against al-Shabab, but there is no directive within the mandate to counter the organized criminal groups that supply al-Shabab, the Islamic State or clan-based militias through illicit trafficking in arms from abroad, and that use the Somali coast as a hub for human traffickers, arms smugglers, black market traders of charcoal and sugar, illegal fishing fleets and pirates.⁷⁰ Although mandates to build capacity of host state police could be broadly interpreted to also include building capacities to counter organized crime, peace operations officials confirm that without explicit mandate language on organized crime, it is difficult to convince host state police and donors to support those activities.⁷¹

The 2016 UN Security Council resolution renewing the mandate for MONUSCO echoed the findings of the Group of Experts in noting that 'the linkage between armed groups, criminal networks and illegal exploitation of natural resources contributes to the insecurity in eastern DRC', and devoted eight paragraphs to discussing illegal resource exploitation. However, it contained only one operative paragraph applicable to MONUSCO in this regard, underlining 'the importance of enhanced political and conflict-related analysis, including by collecting and analysing information on the criminal networks which support the armed groups . . . the monitoring of the implementation of the arms embargo, and . . . mining activities'.⁷²

⁶⁶ UN Security Council Resolution 2429, 13 July 2018, para. 40.

⁶⁷ Caparini, M. et al., 'The role of the police in UNAMID', Institute for Security Studies, ISS Monograph 190 (Mar. 2015).

⁶⁸ UN Security Council Resolution 2350, 13 Apr. 2017, para. 11.

⁶⁹ 'UN Mission in South Sudan (UNMISS) mandate renewal', What's in Blue, 14 Mar. 2019.

⁷⁰ Bell, C. and Lawellin, B., *Stable Seas: Somali Waters* (One Earth Future: Broomfield, CO, 2017).

⁷¹ UN official, Interview with author, 2 Nov. 2018; and African Union official, Interview with author, Feb. 2018.

⁷² UN Security Council Resolution 2293, 23 June 2016, para. 30.

Similarly, a recent UN Security Council resolution on the situation in the DRC and renewing the mandate for MONUSCO mentions ‘crimes against humanity’ or ‘war crimes’ 19 times but refers only once to organized crime, where it

notes that drivers behind different armed groups’ activities and militia violence are varied and that there is no purely military solution to these problems, underlines the importance of enhanced political and conflict analysis to inform comprehensive military and civil responses to these threats across MONUSCO, including through collecting, analysing and exchanging information at the proper levels on the criminal networks which support these armed groups and further underlines the need for tailored responses in tackling armed groups.⁷³

Organized crime in Mali and the Sahel has received more explicit attention, with the Security Council ‘expressing its deep concern regarding the transnational threat posed by terrorism and organized crime (including trafficking in persons, arms, drugs and natural resources, and the smuggling of migrants) in the Sahel region’.⁷⁴ In an operative paragraph, this resolution goes a step beyond information collection and analysis to integrate the focus on organized crime into strategies:

Requests MINUSMA, in coordination with relevant partners, including the [United Nations Office for West Africa and the Sahel] UNOWAS and the United Nations Office on Drugs and Crime, to enhance its awareness of the financial sources of conflicts in Mali, including trafficking in persons, arms, drugs and natural resources, and the smuggling of migrants, and of its implication on the regional security environment, in order to contribute to the definition of integrated and effective strategies in support of long-term peace and stability in Mali and the region.⁷⁵

Nevertheless, police observers note that despite the recognition that armed groups’ involvement in organized crime and links to violent extremists are the main threats to security in Mali, these are treated as requiring military responses by the French Operation Barkhane and the G5 Sahel Force. However, the challenge of controlling the borders and apprehending the traffickers, smugglers and members of armed groups who attempt to cross them is inherently an internal security task, and the international community lacks a long-term strategy to deal with fundamental law enforcement challenges.⁷⁶

The mandate of the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) is one of the most extensive in addressing organized crime in terms of the illicit exploitation and trafficking of natural resources. This reflects the existence of political will and cooperation on the part of the host state, but also the very low capacity it has to deal with these issues.⁷⁷ The mission is explicitly mandated

to continue to support the CAR Authorities to develop and finalize a nationally owned strategy to tackle the illicit exploitation and trafficking networks of natural resources which continue to fund and supply armed groups in the CAR taking into account, where appropriate, the reports of the Panel of Experts established pursuant

⁷³ UN Security Council Resolution 2409, 27 Mar. 2018, para. 33.

⁷⁴ UN Security Council Resolution 2423, 28 June 2018, preamble.

⁷⁵ UN Security Council Resolution 2423 (note 74), para. 31.

⁷⁶ Rule of law expert, Permanent Mission to the UN, Interview with author, 9 Oct. 2018.

⁷⁷ Rule of law expert (note 76).



to resolution 2127 (2013) and the decisions of the Kimberley Process (KP), with the aim of extending the State authority over the entire territory and its resources.⁷⁸

It further sets out the mission's assistance and cooperation with the UN Panel of Experts in monitoring compliance with the arms embargo and restrictions on armed groups exploiting natural resources.⁷⁹ MINUSCA is also mandated to adopt 'urgent temporary measures' where national security forces are not present or operational, and pay particular attention 'to those engaging in or providing support for acts that undermine the peace, stability or security of the CAR, including acts that threaten or impede the political process, or the stabilization and reconciliation process, or that fuel violence'.⁸⁰

Police Division: Serious and Organized Crime Team

United Nations peace operations have begun to address organized crime at the operational level chiefly through the efforts of the Police Division. With the establishment in 2015 of the Serious and Organized Crime Team within the Police Division of the Department of Peacekeeping Operations, the UN Police Division provides support to the police component deployed to field missions. The Serious and Organized Crime Team itself does not have an operational role—that is, it does not conduct investigations. Rather, with its current five members, the team provides strategic advice and expertise, supporting those who are helping to create and strengthen capacities to 'prevent, disrupt and dismantle organized criminal activities' in the host state police.⁸¹

The Serious and Organized Crime Team's Transnational Threats Project has the remit of enabling UN field missions 'to better address transnational threats, including serious and organized crime, corruption and violent extremism'. The Transnational Threats Project aims to develop policy and guidance on integrating transnational organized crime into information collection, analysis, planning and training at all mission levels; establish criminal information analysis capabilities to focus on organized crime; and deploy specialists and specialized teams to peace operations to build host state capacities to prevent and counter transnational threats.⁸²

As a result of the Transnational Threats Project, a network on serious and organized crime has been developed by the Police Division, with a focal point in each UN mission containing a police component, regardless of whether the mission has countering organized crime in its mandate. The focal point network is a platform for exchanging knowledge and expertise, lessons learned and good practices, and creating synergies across missions. It is considered particularly useful because of the frequent rotations of police in mission every year. The network is maintained through monthly video teleconferencing meetings, an internal website for sharing documents

⁷⁸ UN Security Council Resolution 2387, 15 Nov. 2017, para. 43 (f).

⁷⁹ UN Security Council Resolution 2387 (note 78), para. 44 (a–e).

⁸⁰ UN Security Council Resolution 2387 (note 78), para. 43 (e).

⁸¹ United Nations Police, 'Serious and Organized Crime'.

⁸² United Nations Police (note 81).

of common interest, and a quarterly newsletter internal to the UN Office of Rule of Law and Security Institutions.⁸³

Beyond providing capacity-building support in countering organized crime, the police component in a UN peace operation may also, at times and at the request of the host state authorities, provide operational support—for example, carrying out criminal analysis and forensic analysis, and allowing host state police to use UN Police forensic equipment.⁸⁴

IV. Why efforts to deal with organized crime have been insufficient

Generally, peace and security institutions that have been mandated to mitigate the threats posed by national and transnational organized crime have encountered challenges in dealing with this phenomenon effectively, as a result of operating with limited resources within bureaucratic structures on a highly complex phenomenon often involving multiple jurisdictions. For example, the framework of legal regimes and mutual legal assistance treaties remains cumbersome and provides slow, inadequate responses to illicit transactions that occur with extreme rapidity and complexity.⁸⁵ At the conceptual level, scholars and practitioners have traditionally focused on states, with only recent attention to the actions of non-state actors, that may seek political power and struggle for influence over control of markets within and across state boundaries. These groups challenge received notions of statehood, political power and markets.

Within the context of peace operations, the challenges become even more complex. Organized crime is a highly complex phenomenon because it often has both domestic and transnational dimensions; it is present throughout the cycle of conflict; and it requires and fosters corruption in the public administration, often in contexts where patronage networks and ‘big man’ dynamics exist. Those involved in organized crime are not universally viewed as criminals—in areas of limited or no state presence, they may exert political control and enjoy legitimacy in the eyes of local communities by providing some measure of governance, whether in the form of security, conflict mediation, contract enforcement or patronage resources. Mandates to UN Police do not extend beyond the boundaries of a country, posing constraints in providing assistance to address a phenomenon that frequently operates across borders. Perhaps the biggest barrier is posed by corruption and lack of political will at the highest levels to deal with organized crime. Given these complexities, it is perhaps not surprising that there has been a disconnect between the growing acknowledgement of the problems posed by organized crime and the still-nascent response.

As described above regarding the mandates for missions in CAR, DRC and Mali, the focus is largely on collecting and analysing relevant information on organized crime and contributing to the development of relevant strategies. While this is an improvement over previous missions that did not explicitly

⁸³ Police Division, UN DPKO, Interview with author, 2 Nov. 2018.

⁸⁴ Former UNPOL officer, Interview with author, 3 Sep. 2018.

⁸⁵ See e.g. Smith, R. G., ‘Impediments to the successful investigation of transnational high tech crime’, *Trends & Issues in Crime and Criminal Justice*, no. 285, Oct. 2004.



mention problems with organized crime, these existing mandates reveal the disjuncture between growing awareness of the impact of organized crime on security, peacebuilding and governance on the one hand, and the development of sustained, holistic and strategic responses on the other. The focus on information collection contributes to better understanding of the nature and dynamics of organized crime in host states. However, missing from the mandates is support to address organized crime through the entire chain of justice—most critically, the prosecution of individuals accused of involvement in organized crime in independent and impartial courts of law.

Corruption has remained largely unaddressed by UN peace operations due to various factors, including the sensitivity of the issue and the reliance of peacekeeping missions on host state consent in contexts where corruption or patronage networks may reach into the highest levels of government. Anti-corruption work also tends to be associated with those actors within the UN providing support for good governance, such as the United Nations Development Programme (UNDP), and it is not necessarily viewed within the organization as a security or police issue. As a result, corruption has not yet developed into a clear area of engagement for UN peace operations and providing support to the host state to counter corruption is not a regularly mandated task for peacekeeping operations.⁸⁶ This factor, among others contributing to the obstacles in countering organized crime, has prompted some actors to call for an organized crime counterpart to the United Nations Global Counter-Terrorism Strategy, to drive coordination among UN actors.⁸⁷

Efforts to combat organized crime will encounter significant obstacles without commensurate efforts to address corruption. Some of the most intractable problems of corruption often exist within the justice sector. Particularly in states where organized crime has become sufficiently entrenched to have corrupted key areas of the state administration; bribery of prosecutors and judges means there is little prospect for an independent judicial process and prosecution of those accused of involvement in organized crime. This has resulted in certain states, such as the United States, applying extraterritorial jurisdiction to foreigners accused of terrorism or organized crime offences who face little likelihood of successful convictions in domestic court systems.⁸⁸ Justice sector reform is the necessary corollary to police reform and capacity building, including to combat organized crime, yet a corrupt or captured justice system can be one of the most resistant areas to reform, as witnessed in Haiti, host to successive UN peacekeeping and police missions.⁸⁹ A functioning, relatively independent courts system is essential for the policing of organized crime to be effective. Moreover, in hybrid systems where formal and traditional justice systems exist in parallel, there must be efforts to clearly set out an approach to achieving independent adjudication of serious and organized crime in the formal justice system.

⁸⁶ Rule of law expert (note 65).

⁸⁷ Written comment, Swedish police expert, 20 Dec. 2018.

⁸⁸ Asmann, P., 'As US prosecutes foreign crimes, how far can its extraterritorial jurisdiction reach?', *InSight Crime*, 16 Aug. 2017.

⁸⁹ Mann, C., 'Corruption in justice and security', U4 Expert Answer, U4 Anti-Corruption Resource Centre, May 2011; and International Crisis Group, 'Keeping Haiti safe: Justice reform', ICG Briefing, 27 Oct. 2011.

As demonstrated in Kosovo, the failure of KFOR and UNMIK to directly tackle the rapidly expanding and consolidating organized crime groups immediately following the conflict resulted in their gradual infiltration of the new state's political institutions and the corrupting of state and society over the long term. According to Proksik, UNMIK was not prepared to confront organized criminal groups because of their links to leading KLA figures, pervasive corruption among the political elite, and the political implications that such action might have had for the mission's objective to bring stability to post-conflict Kosovo. That earlier decision not to confront organized criminal networks served short-term stability objectives at the long-term cost of entrenched corruption and a worsening problem of organized crime.⁹⁰

V. What more needs to be done?

This paper has described the changing landscape of peace operations where organized crime has become a significant and growing factor in conflict-affected countries, including as a source of funding for non-state armed groups. It finances armed conflict and, after conflict has abated, undermines good governance and sustainable development. While much recent attention has focused on 'the primacy of politics' in peace operations and political dialogue, there has been little linking of that discourse to the rule of law, organized crime and corruption, which this paper has argued is profoundly political in conflict-affected contexts. The UN has begun to incorporate a focus on organized crime in some of its peace operations work, primarily through the efforts by UN Police towards the capacity building of host state police. These are laudable, but the UN and its partners must go further in developing a truly comprehensive and holistic approach to confronting the complex challenges to security and governance posed by organized crime within many conflict-affected host states—the effects of which often reach far beyond in a globalized world.

The UN requires a strategic framework on organized crime, and those missions with a mandate to counter organized crime require operational guidance. Much more is needed to develop a coherent, strategic and systematic approach to serious and organized crime and corruption that spans the security, development and human rights pillars, and that incorporates a preventive dimension. There must also be an effort to understand organized crime's role through each phase of the conflict cycle, and to shape interventions to prevent its entrenchment in symbiotic relationships with corruption and feeding of new cycles of conflict.

There is, thus, a growing need for UN Security Council mandates to address organized crime, illicit economies and corruption. Lacking an explicit mandate to counter organized crime, mission leadership will be reluctant to engage in related activities, and donors and partners will be unlikely to fund them. A peacekeeping mission should be mandated to confront this issue from the beginning of the mission in an approach that counters organized crime from the earliest stage, not later when criminal groups have consolidated and possibly penetrated the state administration. Further,

⁹⁰ Proksik (note 39).



a mandate to counter organized crime must necessarily address efforts at different stages along the chain of justice—investigation, evidence gathering and prosecution. Finally, such a mandate must be properly resourced in human and material terms, and, due to its sensitivity and implications for corruption, would require high-level political backing from the mission leadership and UN Headquarters.

Arriving at a more integrated approach should involve the UN's Global Focal Point for Police, Justice and Corrections (a joint initiative of the UNDP and the UN Department of Peacekeeping Operations, since renamed Department of Peace Operations) since 2012 that has sought to coordinate system-wide UN rule-of-law responses to complex security and governance challenges), and greater attention to the drivers of such challenges would be an important step.

More widely, a rethinking of internal security and its requirements in a time of growing challenges posed by organized crime is required by the UN and its member states. If it is recognized and accepted that the rule of law is integral to security, a Chapter VII mandate, usually applied in protection of civilian contexts, could be interpreted to include upholding the rule of law. That is, if organized crime and corruption are interpreted as posing a sufficient threat to the peace process, security and stability of a host country, Chapter VII's 'all necessary means' could be invoked. Measures necessary to combat organized crime in such cases, such as criminal intelligence gathering, investigations and prosecutions, and the existence of an independent justice system, would probably need to be specified in the mandate and operationalized by the mission until the host state capacities were sufficiently developed to take them over. However, in the current international political environment, the application of a Chapter VII 'all necessary means' mandate is unlikely as UN peacekeeping missions are under pressure to downsize and restrict their mandated tasks.

Each setting is unique and requires local contextual understanding in order to anticipate threats posed by organized crime, corruption and other complex drivers of violence, and to develop an appropriately tailored strategy. To this end, a political economy analysis of the economic drivers of conflict and its links to criminal networks and corruption should be undertaken as part of the preparation before a mission is deployed, and regularly updated to reflect changing dynamics among armed groups, criminal organizations and networks, and political elites and state officials. According to a close UN observer, political economy analyses are rarely conducted as part of pre-mission assessments or the search for a political solution.⁹¹ Such analyses should examine the types of illicit economic activity that have thrived during the conflict and, by extension, who has most to lose from peace. Depending on the country and region, this will differ. But it is often overlooked, despite the importance of identifying potential spoilers in a peace process. A political economy analysis should not be oversimplified, bearing in mind Berdal's warning to avoid 'the reduction of a conflict to a struggle over economic resources' and the need to understand the 'subjective and elusive drivers of violence such as ethnicity, religion, ideas and historical sense of grievance'.⁹²

⁹¹ Rule of law expert (note 76).

⁹² Berdal (note 31), p. 319.

Addressing the political economy dimension as part of a broader conflict analysis may help to provide a better understanding of post-conflict violence and its drivers, and can feed into the drafting of more specific, contextually grounded guidance.

Police and other law enforcement experts need to be integrated in assessments and analyses from the earliest stages of pre-mission planning. Some UN observers feel that the police component continues to be perceived as a mostly technical part of a peace operation that mostly teaches host state counter-parts how to fight crime.⁹³ However the police perspective can provide insights into how the political economy of crime operates in a given context, and how it impacts governance and the rule of law more broadly. UN police experts provide an understanding of what will be needed to support the development of resilient state institutions that can provide the host population with a basic minimum of security, safety and justice. Analysis of criminal networks and the building of relationships with host state populations are essential to developing an accurate understanding of the local context and develop appropriate political strategies. It is important to investigate and address at an early stage which criminal activities (including illicit resource exploitation and trafficking) have political impacts—by providing revenues to armed groups, empowering a political patronage network, or changing a strategic power balance. Failure to do so risks misunderstanding the situation on the ground and the threats this poses to peace.

Efforts to counter organized crime and state corruption should be part of a mission leadership's strategy and integrated into the political process. Efforts should be made to build capacity of the organizations responsible for investigating economic crime, as well as judges and corruption investigation commissions. Mission leadership, particularly SRSs, have the opportunity to put organized crime and corruption on the agenda and keep it in the eye of the public and civil society (including churches) and government. Special Representatives must also be made aware of dilemmas faced by other SRSs in situations where organized crime groups have threatened political stability, and the long-term effects of compromises or decisions taken.

Addressing serious organized crime is more than a technocratic exercise, requiring a politically aware approach on several levels. Such an approach must recognize that meeting people's basic needs is necessary to build sustainable peace and development. Illicit economies offer sources of income to impoverished populations, and without providing alternative livelihoods, efforts to counter organized crime and suppress the illicit economy are likely to encounter local resistance that derails state- and peacebuilding efforts.⁹⁴ A longer-term politically aware perspective would assess the potential of serious and organized crime, if allowed to become entrenched, to siphon off states' resources and foster corruption in key sectors and at the heart of the polity. The political will of local actors and elites to support efforts to counter organized crime must be assessed and monitored.

⁹³ Rule of law expert (note 76); and Security sector reform expert, Interview with author, Geneva, 29 Mar. 2019.

⁹⁴ Felbab-Brown, V., 'The hellish road to good intentions: how to break political-criminal alliances in contexts of transition', *Crime–Conflict Nexus Series no. 7*, United Nations University Centre for Policy Research, New York, Apr. 2017, p. 2.



At a more operational level, the development of effective community-oriented policing practices by host state police is also key in the effort to disrupt and dismantle organized crime networks. Community-oriented policing aims to develop relationships of trust between police and society and is, thus, a foundation for preventing crime, reducing recruitment to criminal gangs and collecting information. Capacity-building activities must be sustainable, that is, integrated into training curricula and courses, such as through training-of-trainers programmes. Where possible, the UN and its partners should conduct joint training and capacity building of host nation police, financial investigators, border guards, prosecutors and the judiciary in countering organized crime, in order to promote coordination and cooperation among stakeholders.

Corruption and organized crime go hand-in-hand, with systematic bribery or corruption of officials in key public sector areas such as law enforcement, local government and the judiciary being a critical factor in the entrenchment of organized crime. Efforts to prevent and disrupt corruption and organized crime must be pursued in tandem. Anti-corruption efforts may need to be framed in ways that make them more politically acceptable, such as professionalization of the public service. To better appreciate the impact of corruption and kleptocracy on the daily lives and dignity of ordinary people, those planning and implementing peace operations need to speak not only with political elites or government officials, but also with ordinary people, and listen to their views on public service delivery including policing, justice and governance, and their experiences with corruption among state actors. Missions should engage not only with governments, but also with host state populations, including through civil society and other channels.

Peace operations need to systematically mitigate risks of inadvertently facilitating corruption and kleptocracy. Field missions as well as country teams, agencies, funds and programmes should compile their collective knowledge about individuals and organizations, companies and local contractors known to be involved in corruption through top-down payments in patronage–client flows, and also bottom-up flows in terms of gifts, kickbacks, money paid to superiors, and money paid in exchange for public service positions, access or public contracts. Mission and UN leadership should avoid meeting with officials who are known to be corrupt and avoid dealing with firms owned by them or their supporters.⁹⁵

Unless peace operations and donors conduct due diligence for corruption within police and other state agencies of the host state, they risk inadvertently building the capacities of individuals colluding with organized crime to better evade or subvert law enforcement efforts. The expertise necessary to counter organized crime should, thus, be seen as a ‘dual-use good’ with potential to be misused where adequate anti-corruption safeguards are not in place, and particularly where the state is captured or is at risk of being captured by criminal elements.

Finally, law enforcement efforts in settings where peace operations are deployed have tended to focus on seizing the material goods involved in organized crime, rather than the money generated. In consequence, the

⁹⁵ Chayes, S., *Thieves of State: Why Corruption Threatens Global Security* (WW Norton & Co: New York, 2015), p. 46.

enormous profits made on even a fraction of the goods involved enable criminal groups to continue their activities—for example, some 40 per cent of cocaine and heroin are seized globally between production and consumption, compared with less than 1 per cent of the money generated by drug trafficking.⁹⁶ Within the European Union, an estimated 98.9 per cent of proceeds from crime remain in the hands of criminals, with only 2.2 per cent seized, and half of that (1.1 per cent, the equivalent of €1.2 billion) successfully confiscated annually.⁹⁷ Confiscation (or forfeiture) of cash, assets or property derived from criminal activity is increasingly considered a key means of disrupting organized criminal groups.⁹⁸ Methods of doing this currently being developed within Europe, such as ‘cash teams’ involving police and other agencies that follow the spending of suspected criminals to gather evidence in preparation for prosecution, could be examined and adapted for implementation in host states.⁹⁹

Confiscation mechanisms face considerable challenges in complex conflict-affected settings such as Mali and the countries of the Sahel, where capacity building on asset recovery by actors such as the UNODC has begun, but is not yet regularly practised by states in the region.¹⁰⁰ Similarly, in Liberia, despite improved interagency coordination and the establishment in 2012 of the Financial Investigations Unit (the main body responsible for investigating illicit financial activities), by 2018 there had been no arrests, prosecutions or convictions for money laundering due to limited law enforcement capacities, inadequate resources for the financial intelligence unit, and judicial corruption.¹⁰¹ These examples argue for earlier and more systemic efforts to build host state capacities at every stage of the chain of justice.

⁹⁶ Barker, R., ‘Preface’ in C. May, *Transnational Crime and the Developing World* (Global Financial Integrity: Washington, DC, 2017), p. iii.

⁹⁷ European Police Office, ‘Does crime still pay? Criminal asset recovery in the EU: Survey of statistical information 2010–2014’, EUROPOL, The Hague, 2016, p. 4.

⁹⁸ United Nations Office on Drugs and Crime (UNODC), ‘Confiscation’, E4J University Module Series: Organized Crime, Module 10: Sentencing and Confiscation in Organized Crime, Vienna, May 2018.

⁹⁹ EUAM Ukraine, “Following the money” key to success of criminal investigation “cash teams”, 21 Apr. 2017.

¹⁰⁰ United Nations Office on Drugs and Crime (UNODC), ‘Awareness raising workshop on financial investigations and asset recovery in Mali’, UNODC, Vienna, 2016.

¹⁰¹ US Department of State, Bureau of International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report, Vol. II: Money Laundering* (US DOS: Washington, DC, 2018), p. 141.



Abbreviations

AMISOM	African Union Mission in Somalia
DDR	disarmament, demobilization and reintegration
DRC	Democratic Republic of the Congo
FPU	formed police units
GDP	global gross domestic product
ICRC	International Committee of the Red Cross
IHL	international humanitarian law
IPOs	individual police officers
KFOR	Kosovo Force (NATO-led)
KLA	Kosovo Liberation Army
MINUJUSTH	UN Mission for Justice Support in Haiti
MINUSCA	UN Multidimensional Integrated Stabilization Mission in the Central African Republic
MINUSMA	UN Multidimensional Integrated Stabilization Mission in Mali
MONUC	UN Organization Mission in the Democratic Republic of the Congo
MONUSCO	UN Organization Stabilization Mission in the Democratic Republic of the Congo
SRSG	Special Representative of the Secretary-General
UNDP	UN Development Programme
UNMIK	UN Interim Administration Mission in Kosovo
UNMIL	UN Mission in Liberia
UNMISS	UN Mission in South Sudan
UNODC	UN Office on Drugs and Crime

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SIPRI DISCUSSION PAPER

UN POLICE AND THE CHALLENGES OF ORGANIZED CRIME

MARINA CAPARINI

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