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Conclusion: From Iron Fist to Invisible Hand – Peace Operations, Organized Crime and Intelligent International Law Enforcement

JAMES COCKAYNE and ADAM LUPEL

This conclusion reviews the Special Issue's perspective on organized crime as both potential 'enemy' and 'ally' of peace processes. The social and economic power wielded by organized crime is highlighted, pointing to the role that peace operations play as an intervening variable between individuals/communities and the environments in which they operate. Peace operations use a range of tactics, from coercion to co-option, working with or against organized crime. However, these tactics will only be successful if they are framed within a coherent strategy, which may pursue either containment or transformation – or seek to combine them – through a phased transitional strategy. Peace operations should be a key component in a broad strategy of intelligent international law enforcement.

As the primary international vehicle for responding to, and managing, large-scale violence, peace operations will have a crucial role in responding to organized crime. Of course, the responsibility for combating local organized crime and protecting citizens from its ills is above all a responsibility of the state. Effective and responsible states are inherently better placed to respond to the demands and needs of their citizens than the international community. But there may be occasions on which states are unwilling or unable adequately to discharge that responsibility, or where organized crime operating from their territory has broader transnational impacts. In those situations, organized crime may become so intimately entangled with broader social and political conflict, or may so fundamentally threaten broader international peace and security, that the task of effectively combating organized crime may fall to international mechanisms such as the UN.

In such contexts, a peace operation may become one important vehicle, closely connected with others, to combat organized crime effectively. The question then is how can peace operations effectively discharge such a mandate: in particular, should peace operations offer an iron fist, or an invisible hand?

Whatever approach peace operations adopt, we argue, they cannot be the sole vehicle for combating organized crime. UN peace operations already struggle with the gap between ambitious mandates and limited resources. To suggest that they now tackle organized crime on their own would lead only to unmet expectations, worsening the crisis of legitimacy currently bedeviling many peace operations. Instead, peace operations should be seen as a crucial component of a broader, transnational, interdisciplinary strategy.

The articles in this Special Issue make clear the need for fresh thinking about how peace operations should conceive and respond to organized crime. In closing, we draw together some of the key threads that run throughout these articles, and identify a number of conclusions for policymakers. Our argument proceeds in three steps. First, we review the articles' perspectives on whether organized crime should be understood as an 'enemy' or 'ally' of peace processes. We highlight the social and economic power wielded by organized crime, and point to the role that peace operations play as intervening variables between individuals and the conflict- or crisis-affected environments in which they operate. The presence of peace operations automatically reshapes the 'opportunity spaces' in which violent entrepreneurs operate. This provides an opportunity for peace operations to use a range of tactics, from coercion to co-option, working with or against organized crime. Second, we argue that these tactics for peace operations will only be successful if they are framed within a broader coherent strategy, which may either pursue containment or transformation – or seek to combine them, through a phased transitional strategy. Finally, we argue that there are certain structural barriers to peace operations themselves serving as stand-alone vehicles for executing this strategy: they should instead be seen as a key component in a broader strategy of intelligent international law enforcement. We explain how such a strategy might be organized, and where peace operations would fit within it.

Organized Crime: Enemy or Ally?

What are the intended and unintended relationships between peace operations and organized crime? How this central question of the Special Issue is answered depends in part on how the concept of 'organized crime' is understood. As we explained in the Introduction, 'organized crime' is a label that must be applied with care. The danger is that the 'organized crime' label may in fact obscure the complex interpenetration of the legitimate and the illegitimate, the state and the crime network, that is part of the lived experience of many populations in weak states and conflict-affected areas. Labelling a phenomenon as 'organized crime' risks overlooking the associated opportunities to turn peace spoilers into peace partners. If used imprudently, the label may in fact turn allies into enemies.

A first step, therefore, in applying the label prudently is to be cognisant of its ostracizing and stigmatizing power, and to use it cautiously within a broader strategy designed to woo actors away from criminal activities, towards legitimate and legal activity. Since 'crime' is defined and delineated by state and intergovernmental authorities, there is a risk of portraying all complex environments in which the 'international community' intervenes as involving the state versus crime, overlooking the heterogeneity of many of the groups involved in organized crime. 'Organized crime' should be understood as one form of organized non-state violence among many.¹

In many conflict-affected and weak states, the lines between legality and illegality, and between legitimacy and illegitimacy, do not run along parallel tracks. State-backed laws may lack popular legitimacy, and state officials may risk

losing local legitimacy by enforcing the law. Alternatively, they may engage in activities – such as corruption and bribery – that are illegal but normalized or legitimate in the local context. A similar disconnect can emerge between international norms and local legitimacy. And in many conflict-affected situations, governmental entities and criminal organizations are also hard to distinguish because they come to play similar social functions, providing similar services – especially protection – financed by similar rent and taxation arrangements.² As a result, organized crime may enjoy significant local legitimacy. As a number of the articles in this volume have made clear, what is labelled ‘organized crime’ may at times manifest a deeper politico-economic system that satisfies the needs and interests of extensive constituencies straddling the state–society boundary. ‘Organized crime’ may thus provide a cohesive force between state and society.

Yet we should not be overly romantic about organized crime: it is an inherently coercive, often authoritarian, force.³ Even as it serves to bind some segments of society to the state, it may exclude others: ‘protection and predation are two sides of the same coin’.⁴ Organized crime is thus ambivalent, or ‘double-edged’, as Peter Andreas describes it (this volume). Consequently, whether organized crime will prove to be an enemy to or an ally of peace must be determined on a case-by-case basis. For policymakers, this means a need to equip peacemakers, peacekeepers and peacebuilders with the tools to map and understand organized crime and related forms of non-state armed violence.

It is clear that significant further research and theoretical work is needed to develop a more nuanced understanding of the relationship between armed conflict and organized crime. But the essays here offer important insights. Many of them suggest that armed conflict may both result from and exacerbate a weakening of the power and legitimacy of state institutions, and a degeneration of norms of social control. As authority and social norms fragment, organized crime may step in. In this context, the failure of state or foreign military forces or peace operations to enforce the law may have deep symbolic resonance (as with the looting in Iraq described by Phil Williams), undermining public faith in those institutions and further prompting a turn towards alternative forms of governance, many sustained by organized crime. With security and ‘protection’ no longer monopolized by the state, competitors can emerge, creating a ‘protection competition’ (as described by James Cockayne).

Analysis of the microeconomic incentives confronting actors in conflict- and crisis-affected spaces may prove crucial to determining whether they will choose to operate in the legitimate political economy or turn to crime or violence. Here, too, organized crime is ‘double-edged’. Organized crime can offer survival strategies or even sustainable livelihoods, creating a ladder of opportunity and upward mobility for communities with few other economic prospects. But on the negative side, it can undermine competition and investment, and hollow-out production capacity and fuel inflation, fatally weakening state revenues. Ultimately, it can skew domestic economies towards the production of illegality as a source of comparative advantage in the global economy, condemning states to a future of conflict and intervention.⁵

Both Vanda Felbab-Brown's analysis of Afghanistan and Williams's analysis of Iraq show how important an understanding of illicit economies may be to peacemaking strategies. While Felbab-Brown's piece makes clear the hugely negative consequences that may flow from incautious intervention in the illicit economy, Williams's shows that careful intervention in the illicit economy – a strategy of the 'invisible hand' – may have positive implications for peace. As Williams notes, one possible explanation of the 'Anbar awakening' was conflict between Sunni tribes and al Qaeda over smuggling revenues.

But interventions in the illicit economy will also need to account for the social and political power of the forces structuring the economy. The essays here have highlighted the structuring power of commercial networks, religious organization and kinship – and peace operations themselves – as variables standing between society and the state. Efforts to woo small-scale farmers (or members of criminal gangs) away from the illicit economy that disregard the mediating influence of social, political, religious, cultural – or criminal – networks, seem likely to fail to account for a source of resistance to politico-economic transformation. And this also has important theoretical implications, suggesting, for example, that the rational choice models underlying some 'economic analyses' of the connections between crime and conflict may need revisiting. Strategies that seek to transform individual behaviour and local political economies may, therefore, need to work with and through existing social networks and structures – perhaps even those labelled 'organized crime'.

The articles make clear that while peace operations and organized crime often compete as enemies, they can also become allies. Andreas's essay on Bosnia is particularly important in this respect. It identifies how peacekeepers may have legitimate reasons to tolerate organized crime, including reductions in violence, shifts in the military balance or personal material benefits. However, this can lead to a dangerous structural symbiosis between peace operations and organized crime.

Peace operations can provide an intervening variable at the normative as well as material level. Local norms can be diluted by the presence of multiple foreign communities (both peacekeepers and non-governmental organizations (NGOs)), each bringing its own habits and norms. This can contribute to the undermining of traditional authority, and this, if not carefully steered, may lead to social *anomie* and normalization of traditionally criminalized behaviours, fuelling organized crime. Peace operations can also unwittingly support illicit business by injecting hard currency into the local economy through rents for real property, salaries and payment for services. This foreign currency is often used by local populations to buy black market goods, as for basic household survival. And the change in wage structures produced by the arrival of international actors can recalibrate economic power within communities, in some cases fuelling a rise of consumerism that makes organized crime more attractive as a 'fast-track option' to material success.⁶

Peace operations can also have other material impacts on organized crime. As James Cockayne and Daniel Pfister have pointed out, drawing on the work of Andreas, '[w]hile war can be good for business, too much war can actually drive business out ... an external intervention in the form of a peace operation

can provide a minimum level of stability and predictability for local entrepreneurs'.⁷ This 'structuring effect', as Andreas contends (this volume), can create opportunities for criminal profits, as through trafficking across ceasefire lines. As he demonstrates, there may in fact be good reasons in conflict-affected zones to organize crime across front lines: these temporary borders create profits for traffickers by reducing supply; and cross-front-line supply lines may in fact be more resilient, under conditions of changing territorial control, than those organized wholly behind the lines.

Peace operations personnel may also supply – wittingly or not – goods for black markets (such as skimmed fuel, misappropriated food aid or corruptly provided service contracts). They can provide transport mechanisms (through access to fuel, vehicles, road improvements, increased mobility and permission to travel).⁸ And they can provide demand for black market goods such as fuel, gold, diamonds, DVDs, smuggled cigarettes, and, notoriously, sexual services.⁹ In extreme cases, peace operations personnel may also be targeted by criminal networks for corruption and become directly involved in organized crime.¹⁰

In some circumstances, however, illicit activities can serve as allies to peace, contributing positively to the objectives of peace operations. For instance, in situations where international humanitarian aid or the formal economy proves inadequate, black markets may compensate and serve as survival strategies. As Andreas explains, during the war in Bosnia, residents of Bihać could barely meet their basic needs through international humanitarian aid. And although the UN peace operations formally opposed smuggling and black marketeering, some UN peacekeepers reportedly provided escorts for the delivery of goods they were aware had been purchased on the black market. Thus, the prospects of successful peacebuilding may on occasion be improved by the international community choosing to 'overlook' activities that might justifiably be labelled organized crime, in favour of strategies that work to co-opt actors engaged in those activities into supporting state institutions and legitimate political and economic activity. We explore this further below, in our discussion of 'transitional' strategies in peace processes.

On Tactics and Strategy

The relationship between armed conflict, peace operations and organized crime is thus a complex one. Understanding this complexity requires a sophisticated analytical framework and capacity; and different dynamics may require very different tactics in response, some favouring coercion, and others favouring co-option.

Tactics: From Iron Fist to Invisible Hand

The distinction between predatory, parasitic, and symbiotic groups that we noted in the Introduction may be useful in formulating tactics. Predatory organized crime groups are probably less inclined to accept political solutions or to be integrated into existing authority structures than symbiotic or parasitic groups, since they are hostile to existing authority structures and are willing to engage in

primitive capital accumulation (looting and plundering). This may mean that predatory organized crime groups are inevitable 'enemies' of peace operations, tilting the scales in favour of coercive tactics – the 'iron fist' – and away from co-option. The articles in this Issue suggest that in Iraq, Afghanistan, and Sierra Leone, predatory organized crime groups have proved difficult to 'tame'.

In confronting predatory organized crime, coercive law enforcement tools may come to the fore. The aim must be to raise the risks of crime so high that criminal organizers take a strategic decision to move from a predatory to a more parasitic or symbiotic strategy, where they may be susceptible to bargaining for political settlements that bring favourable economic pay-offs, such as tailored disarmament, demobilization and reintegration programmes.

This will have important implications for the types of tools, expertise and incentives that peace operations need, including a range of law enforcement and economic and financial tools that are not traditionally part of their 'toolkit'. In conflict situations, such as the Balkans and Liberia, a 'decapitation' strategy targeting the leaders of criminal networks for prosecution, married to strong economic incentives for their cohorts and the general population (see Holt and Boucher, this volume), has proved remarkably successful. Both of those peace operations have been unusual, however, for the presence of international criminal prosecutions as a shadow looming over domestic actors, and for the sustained international political and financial engagement in the post-conflict period.

Those successes can be contrasted with Guatemala, where, as Patrick Gavigan describes, the peace agreement appears to have provided the cover by which criminal networks may forge more enduring links to the state, becoming symbiotic. This points to other dangers in choosing tactics to deal with organized crime. As Andreas also indicates, if peacekeepers are given inadequate analytical tools, they risk being manipulated by the very peace spoilers they are seeking to manipulate – or worse.

In the most extreme cases, symbiosis may turn into something even more dire: 'capture'. There are hints that peace operations may become active participants in illicit business; for example, UN contingents in eastern Democratic Republic of Congo (DRC) have allegedly assisted in gold smuggling.¹¹ What this points to is the need for peace operations to have scrupulous, and highly effective, internal oversight mechanisms to ensure their good conduct and discipline, and to protect them from infiltration by organized crime. This may call for a greater allocation of resources (both financial and human) to internal oversight functions within peace operations, particularly to ensure good conduct by civilian staff and the integrity of procurement processes. And it may also militate for consideration of more radical changes to oversight arrangements, as, for example, through the creation of a travelling 'circuit' tribunal to ensure rigorous enforcement of conduct and discipline rules by peace operations in the field.

Tactical encounters between peace operations and 'symbiotic' forms of organized crime may entail other strategic risks. While 'symbiosis' between peace operations and organized crime may reduce the immediate intensity of conflict, it may also prolong its duration. And it may lull the international community

into a false assessment of the situation, in which the stability of symbiosis is mistaken for peace. Until collaboration with, accommodation of, and acquiescence in organized crime collapses – often with tragic effect – peace operations may have an incentive not only to maintain the arrangement, but even to promote it as a ‘success story’.

The policy implications are clear. First, for co-opting tactics to be ‘safe’, peace operations require a detailed knowledge of the motivations and *modi operandi* of peace spoilers. Second, even as accommodation of symbiotic organized crime may prove to be a beneficial tactic for peace operations in the short term, containing apparent harms, it should not be accepted as a long-term strategy.

At the strategic level, containment cannot be allowed to substitute for transformation without ‘someone’ – usually the local community – suffering considerable harm. Regardless of whether they adopt coercive or co-opting tactics, peace operations are unlikely to be successful in managing organized crime unless they are understood as vehicles for executing a broader, coherent strategy adopted by the interveners: and they may face hard choices in shaping that strategy, especially between the objectives of containment and transformation.

Containment – and Its Risks

A strategy of containment accepts the existence of organized crime, but seeks to contain its flow-on costs, especially to other members of the international community. Both coercive and co-opting tactics may serve this objective. But containment strategies are more likely to adopt co-opting tactics than are transformational strategies, particularly where organized crime takes a parasitic or symbiotic form. Accommodating organized crime in such situations may yield stability – even as that stability may come at the cost of harm to the local population.

Yet containment strategies also have risks for the international presence – not only for the local communities subjected to the coercive governance of organized crime. In particular, efforts to isolate organized crime by imposing sanctions or creating barriers for external actors to trade with it can produce unintended consequences. As we have seen, international sanctions can end up creating a siege economy, inflating local prices and profits, rewarding domestic political and military structures with close ties to black marketers, and altering economic opportunity structures in a manner that favours those who are already connected to illicit commerce.¹²

During conflict, stigmatization by a containment strategy may also help to transform the social and political dynamics around activities labelled as ‘criminal’. In many cases, the leaders of countries excluded by the international community have turned that exclusion to their own advantage, wearing the label as a badge of honour. Deviant behaviour becomes normalized, even patriotic, encouraging further deviant behaviour.

The danger here is of splitting local communities into two camps, one supported by the internationals and one supported by local legitimacy. The ‘inward-looking’ camp may need to find foreign backers of its own, if it is to match the resources of the ‘outward-looking’ camp: and foreign criminals may

be all too willing to come to their aid, since they may see structural advantages in the deliberate exclusion of the local community from the regulatory reach of the 'international community' (creating a comparative advantage in the production of illegality, in Barnett Rubin's phrase¹³). In that situation, conflict can quickly deteriorate into a stalemate in which the winner is determined by who blinks first. Containment strategies that seek to exclude illicit activity from the international system thus risk creating an ungoverned space in which there are structural incentives for a further turn to illegality, only deepening the crisis and the long-term risks to the international community.

Transformation – and Its Limitations

Where containment strategies acquiesce in the presence of some forms of organized crime, a transformative strategy seeks to deny it a future. The underlying aim is to transform the role of organized crime in the local context, either by eradicating it (if coercive tactics are adopted) or by 'taming' it and folding its organizational networks into the state, transforming it from an illicit to a licit phenomenon (if co-opting tactics are chosen). William Reno's article on West Africa is particularly important in revealing this dynamic, demonstrating that the rhetoric of reconstruction adopted by many international interventions in fact often conceals a project of transformation.

All six case studies in this issue show that 'organized crime' often provides immediate and tangible benefits and services to local communities – protection, status, income, credit, rough justice – even as it institutes violent and coercive systems of rule. This suggests a need to offer a range of positive incentives for transformation that retains the legitimacy and benefits of these networks and incorporates them into statebuilding strategies, even as the violent and discriminatory aspects of their rule are eliminated. As Reno notes, 'networks that enjoy measures of popular legitimacy may present opportunities for post-conflict statebuilders'.

But international interveners also have to be realistic about their own coherence and leverage in trying to foster such transformation. As Gavigan reminds us, there are strong 'limitations on the ability of international actors to influence political competition for social control involving powerful illicit power structures and organized crime in deeply divided societies'. He emphasizes that it is often precisely the weakest parties that look to international donors for assistance. Criminals and their political patrons and protectors, on the other hand, have access to local revenues that allow them to resist international pressure. Accordingly, international actors should resist developing high expectations of their transformational abilities at least in the short term.

A Transitional Strategy?

The rhetoric of peace operations tends to stress 'transformation', but in practice they tend to settle for 'containment'. The reality of accommodation and acquiescence detailed in this Issue is hard to square with the tough talk of eliminating organized crime and transforming local societies. The lesson from cases as diverse as Haiti, West Africa and Afghanistan is that over the medium-to-long

term, this rhetorical gap leads to a loss of faith by the locals and internationals in the effectiveness of the peace operation – and an undermining of support for their backers (including the UN).

At present, peace operations have little option but to use tough language, both because international discourse is dominated by an overly Manichaeian representation of the nature and function of ‘organized crime’, and because international interventions are often based on public support for conflict transformation rather than the *realpolitik* of containment. Confronted by illicit power structures and actors in complex political economies that have been labelled as ‘criminals’ (or ‘terrorists’), peacemakers, peacekeepers and peacebuilders often have no option but to enforce the law and exclude these actors from legitimate peace processes. Existing approaches and normative structures offer no ‘wiggle room’, for example, to allow the temporary suspension or modification of regimes against trade in opiates,¹⁴ or to allow the international community to negotiate with ‘terrorist’ groups, in order to allow the international community to co-opt organized criminals and transform them from peace spoilers to partners for peace. And even when there is a willingness to work with these actors, ‘victims’ of crimes perpetrated by them may demand that they be brought to justice, further raising the difficulty of a transitional strategy.

Yet the preceding articles seem to support the need for precisely such a transitional approach, moving carefully from containment to transformation, and making the most of organized crime as a potential ally for transforming political economies, while containing the harms it creates and the threat it presents as an enemy to building effective and responsible states. This may require what Williams describes as a ‘three-pronged strategy ... constrict the opportunity space for organized crime; change the incentive structure for criminal, corrupt or violent behaviour; and develop a selective targeting campaign against the most dangerous criminal organizations’ – and, we might add, criminal organizers. Bosnia and Liberia may both provide examples of such a multipronged approach; both clearly point to the importance of combining a range of tools, including peace operations, economic incentives and criminal prosecution, over a long period of strategic engagement by the international community.

As the identification of those two cases should make clear, our argument by no means supports impunity, but rather a careful and case-specific calibration of the transitional pacing of law enforcement to draw those engaged in organized criminal activity away from it and ‘into the tent’. A sequenced transitional approach – rather than a revolutionary transformational approach – also helps to mitigate unintended consequences. Transformational strategies that seek to woo actors away from organized crime and into the state will always be vulnerable to recidivism and manipulation, and to the unintended consequences of ‘secondary deviance’ and backlash. Moreover, criminal organizations may manipulate post-conflict elections as a process of political ‘laundering’, using funds illicitly acquired during conflict to emerge as licit political parties with a democratic mandate. Both Cockayne’s analysis of Haiti and Gavigan’s of Guatemala point to criminal networks targeting and infiltrating political parties and other political institutions, even as those institutions and actors received the tacit support of the

international community. As Reno also points out, internationally backed peace agreements can serve a similar purpose, all too easily being instrumentalized by organizers of criminal activity to gain positions of internationally recognized power, while avoiding accountability for their past abuses of human rights.

In such cases, there is a further danger: state capture by organized crime. Gavigan's account of the military – narcotics nexus in Guatemala, Williams's account of the capture of Iraqi ministries by rival groups involved in organized crime (and terrorism), and Felbab-Brown's account of the intertwining of warlords, the narcotics economy and the Karzai government in Afghanistan point to the existence and immediacy of these problems in contemporary conflicts and peace processes.

Ultimately, this failure to manage adequately the transition from war economies to peace economies may prove to be a factor in the recurrence of conflict. At present, there is no reliable analysis of any correlation between post-conflict organized crime and conflict recurrence. One thread that may emerge out of these articles is that competition between illicit actors over the 'peace dividend' brought by international intervention may itself lead to new conflict. It is remarkable that while an estimated 23 per cent of civil wars recur within four years,¹⁵ little is known about how often this is due to conflict between forces over this illicit 'peace dividend'.

Maintaining Peace Through Intelligent International Law Enforcement

The preceding analysis points to a number of structural barriers that limit the role that peace operations, as traditionally conceived, can play in the fight against organized crime. Containment strategies may require access to law enforcement tools that have not traditionally formed a core part of peace operations, ranging from covert surveillance and informant – management capacities to resources for criminal investigation and prosecution. And transformation strategies may require access to economic analytical tools and financial and microeconomic incentives that are equally beyond the traditional scope of peace operations.

Additionally, since peace operations are deployed in a confined territory with the consent of the host government, the extent to which they can target or transform organized crime that is connected to elements within that governing authority may be limited. This suggests that peace operations may need to be connected to tools that allow them to gather information and even add pressure outside that territory – for example, by working with diaspora communities or gathering information from foreign banks about financial flows through the country in question. And this may require connecting peace operations to other international law enforcement tools.

Of course, we are aware of the limitations and risks of adopting such an approach. The 'international community' faces considerable barriers to effective coordination, particularly at the strategic level. There are genuine risks for personal liberty and state sovereignty in any move towards a 'law enforcement'

role. And the further the Security Council is drawn into ‘policing’ or ‘regulatory’ roles, the greater the dangers of over-extension and the prospects of failure.¹⁶

Yet we see this as a reason to be cautious, and to build in safeguards (such as more effective sanctions delisting procedures, judicial oversight of covert surveillance, or rigorous controls on interactions between peace operations and prosecutorial authorities) – rather than a reason to refrain altogether from moving in this direction, which may be inevitable. The recognition that organized crime is a ‘set of techniques anyone can adopt, from terrorists and militias, to states and individuals’,¹⁷ leads to further recognition that distinctions between political and criminal actors are often problematic, and that a range of law enforcement, military, diplomatic and economic tools must be wielded together to maintain international peace and security.

Ultimately, a turn towards conceiving peace operations as one component in a broader international law enforcement strategy may not offer such a radical departure as it first appears. After all, Franklin D. Roosevelt’s initial conception of the Security Council was based on the idea of the Great Powers as the ‘Four Policemen’.¹⁸ In a ‘globalizing’ world, the nature of their policing activities may be somewhat different than he conceived, but the basic idea of the council as a forum for developing shared strategies for policing the peace remains the same. In the remainder of this section, we map out how such a role for peace operations might be organized.

Intelligent Law Enforcement

Policing plays an increasingly central role in peace operations, particularly in the post-conflict context, for maintaining public security, promoting the rule of law and building peace.¹⁹ Multilateral institutions are placing increasing emphasis on policing capacity, with the UN Department of Peacekeeping Operations, for example, investing significantly in its Police Division and its broader Office on the Rule of Law and Security Institutions.²⁰ But, at present, the focus on policing is dominated by strategies aimed at protecting public order and security (particularly through the use of ‘formed police units’) and at monitoring and transforming indigenous policing institutions.²¹ International police rarely take on executive policing functions (exceptionally in Kosovo, Timor-Leste and Solomon Islands). While both public security and institutional transformation are essential components of an effective international policing strategy, we argue for a broader law enforcement strategy.

‘Intelligence-led policing’ has emerged in Western democracies in the last 15 years. It seeks to reduce crime through the combined use of crime analysis and criminal intelligence, concentrating law enforcement resources on prevention. It emphasizes targeted, preventive intervention based on the collection and analysis of information from a wide range of sources.²² For all these reasons, it seems particularly well suited to situations in which specific criminal offenders may serve as violent entrepreneurs and ‘spoilers’ to peace processes. A strategy based on such principles might be suited to transitional peacemaking and peacebuilding. In contrast to much ‘problem-oriented’ policing, which leaves significant discretion in the hands of street-level police officers, intelligence-led policing gives senior

decision-makers the key role in orienting enforcement strategies and allocating limited resources – based on detailed information drawn from ‘the street level’, and centrally collated and analysed. Given the limited resources of peace operations for law enforcement, this seems to offer not only an intelligence-led, but an intelligent, form of policing the peace. Such an approach also leaves appropriate discretion for targeted law enforcement to be carefully married to a broader political and economic transformation strategy that might allow coercive tools to be used judiciously through integration with other tools such as economic inducement.

There are three major obstacles to adopting and executing such an intelligent law enforcement strategy – none of which we consider insuperable. First, since peace operations function on the basis of host-state consent, many countries may resist efforts by the Security Council or other international authority to mandate peace operations to take preventive action against potential peace spoilers, not least because some of them may be connected to, or protected by, the host-state government.

A similar, second, concern relates to the historical legacies of abuse of power by law enforcement institutions in many conflict-affected countries. This means that any system of intelligence-led policing – whether used by international police or, especially, when used in reforming local policing institutions – must be subject to strict oversight controls to prevent abuse of power. This may require the development of legal and operational frameworks and doctrine to allow the deployment of limited covert surveillance capacity within peace operations, with the consent of the host government, and subject to appropriate due process restrictions (such as judicially issued warrants). There are precedents for such an approach within multilateral policing, including EUFOR (European Union Force) and the EU Policing Mission in Bosnia. Likewise, such an approach may require the development of doctrinal, operational and administrative frameworks to allow missions to develop, finance and manage local overt and covert informant networks (like MINUSTAH in Haiti) while ensuring effective oversight to prevent abuse. Above all, such information-gathering mechanisms should be married to broader capacity-building objectives, so that the international presence ultimately helps develop robust and highly responsible local security institutions that overcome any historical legacy of abuse.

Third, the UN has historically exhibited reluctance to equip international organizations with ‘intelligence’-gathering, sharing or analysis functions. Given the permeability of information controls in NGOs, it is understandable that sovereign states are reluctant to share sensitive information with them. Yet such reluctance might be overcome in this specific context by emphasizing the nature of the information that intelligence-led policing often works with: open-source and public data, such as public health records, national registers, police reports, press stories, human rights reporting and financial records. Intelligent law enforcement can be targeted either at specific offenders or at incidences of specific risk factors (which may reduce the possibility of abuse). Emphasizing these points might help reduce concerns about the nature of the information on which such intelligent law enforcement interventions would be based.

It also distinguishes the approach as ‘intelligent law enforcement’ rather than ‘intelligence-led policing’. As Gavigan argues, peace operations already possess a wide range of information-gathering and analysis resources that could – and should – be more carefully turned towards law enforcement purposes, ranging from human rights monitors, to safety and security personnel, civil affairs officers, civilian police and public health workers. Yet the information and data they gather are very rarely pooled and analysed in a form that allows peace operations’ leaders to engage intelligently in law enforcement. Equally, peace operations are also developing and interacting with a range of programming tools that may facilitate such an approach. The emergence noted by Robert Muggah and Keith Krause of an ‘armed violence reduction’ agenda suggests the form that some of these programmes might take.

From Territorial Peace Operations to Transnational Law Enforcement

Even an intelligent law enforcement strategy is likely to prove unsuccessful if it is limited to the highly circumscribed territorial basis of traditionally organized peace operations. Whereas organized crime operates across borders and through transnational diasporas and commercial networks, peace operations are organized to operate within a specific country. The transnational organization of much organized crime, especially arms smuggling and narco-trafficking, thus places a premium on peace operations working with foreign partners to gather information and coordinate action. This highlights the need for peace operations to be more systematically connected to sanctions mechanisms and internationally backed criminal investigations and prosecutions.

Victoria Holt and Alix Boucher’s article examined several ‘next steps’ that might be taken to better integrate the work of UN sanctions panels and peace operations. Building on those suggestions, we can simply highlight the importance of the following:

- the Security Council making clear that sanctions panels and peace operations working in the same country should cooperate through sharing information and joint investigation and enforcement activities;
- developing standardized modalities for information-sharing between sanctions panels and peace operations’ Joint Mission Analysis Cells;
- improving cooperation between sanctions panels and mission border control and embargo-monitoring capacity – for example, through having sanctions panels help train local law enforcement and customs and border officials;
- improving coordination and information-sharing between missions’ Disarmament, Demobilization, and Reintegration (DDR) programmes and arms embargo panels; and
- tasking sanctions panels to measure progress against embargo-termination and/or mission-drawdown benchmarks relating to local law enforcement capacity.

Several articles in this volume also indicate the potential utility of international investigative mechanisms in identifying ‘peace spoilers’, and the utility

of targeted prosecution strategies in countering them. Such strategies would mesh with intelligence-led policing models that seek to focus on high-frequency recidivists and other key proponents of crime. Research suggests that criminal actors and specialists in violence are particularly important in developing and spreading the techniques that allow the utilization of opportunity structures.²³ Further thought should be given to how peace operations can interface with INTERPOL's information-sharing mechanisms – for example, through temporarily providing a surrogate national bureau (as the UN mission in Kosovo did), and by developing indigenous capacity to staff such a bureau – for example, through secondment of personnel or financial support from bilateral partners or multilateral mechanisms such as the UN's Peacebuilding Fund.

Peace operations would also benefit from a roving investigative capacity mandated to map spoiler networks, following their trail through foreign diaspora communities and foreign bank accounts. The territorial focus of peace operations currently limits the prospects for such mapping work. Yet there are precedents within the UN system for such roving investigative capacity, ranging from sanctions groups to the Special Rapporteurs of the UN human rights machinery, through to the various commissions of inquiry established by the Security Council.

Towards Integrated Analytical Capacity

Perhaps the most urgent need that emerges out of the preceding articles is for integrated analytical capacity. International interveners, and peace operations specifically, have proved poorly equipped to understand the role of organized crime in conflict, post-conflict, and weak state situations, often allowing organized criminals to benefit from and manipulate the strategies adopted by peace operations. Rectifying this weakness may not require major allocations of new resources or personnel. Instead, the key seems to lie in better connections among existing sources of information, and establishing systems for integrated analysis of that information. Such a system would pool information and data from a wide array of sources available to missions for shared 'risk assessment' and 'situation analysis'.

Three elements would be necessary to establish and sustain such a system: clear protocols for sharing information; a common analytical framework integrating existing conflict assessment, criminal justice, security risk assessment and other models used by disparate multilateral actors; and clearly established institutional protocols for the application of this framework to produce a common situation analysis.

Those institutional protocols, in turn, could operate along one of three lines. In a centralized form, the UN system might choose to establish a central analytical unit, perhaps within the Department of Peacekeeping Operations (DPKO)'s Office on the Rule of Law and Security Institutions or its Police Division, to receive situational data from across the UN system and beyond and to provide common analysis of policing requirements and criminal threats. It could be staffed by personnel seconded from other parts of the organization, or from member states, to ensure continued commitment, good communication and

access to appropriate expertise.²⁴ It might also be organized to draw together the range of criminological, policing, anthropological, economic and area expertise that will be needed to provide reliable situation analysis to missions. It might also serve as an operational coordination mechanism between peace operations and international and regional organizations dealing with security and organized crime issues (such as INTERPOL, Europol, and the World Customs Organization). In a decentralized form, the DPKO, Department of Political Affairs (DPA), and other organizations mandating or deploying peace missions could establish field-based analytical units (such as the current Joint Mission Analysis Cells) to obtain and analyse information in order to map potential peace spoilers. In a hybrid form, protocols could be established for peace missions to gather information in the field and then share them through a network of analytical components distributed throughout the system – for example, through the UN's Offices on Drugs and Crime (UNODC), Interregional Crime and Justice Research Institute (UNICRI), DPA, United Nations Development Programme and even the World Bank. Each of these bodies would conduct a predetermined form of analysis on the shared data, and the results would be shared among all the participating bodies.

Conclusion: Marrying Coherent Strategy with a Flexible Approach

Peace operations can potentially take on a wide range of functions relevant to countering organized crime: policing, criminal intelligence, border enforcement, judicial capacity building, security sector reform and financial sector reform, among others. The articles in this volume show that the calibration of these different roles within coherent strategy may have varying resourcing and force profile implications. While military elements tend to predominate in many peace operations, organized crime, as Cockayne and Pfister argue,

might not be best dealt with by the military, and may require the inclusion of gendarmerie forces trained in covert policing but skilled in interfacing with military forces ... or of policing and intelligence operatives experienced in working with criminal and clandestine networks. The presence of policing components even prior to the deployment of peace operations will thus be central to the success of efforts to tackle organized crime.²⁵

And it may not only be classical 'policing' tools that are needed in peace operations, but also broader investigative and analytical expertise connected in a multipronged law enforcement strategy. Exactly which tools are needed, and their appropriate sourcing – whether local, bilateral, regional or multilateral partners – will depend on specific circumstances. What 'works' may differ between functions and may require different mandates, entry strategies, partnership arrangements, force structures and resourcing from the very beginning of a peace operation. In some cases, peace operations may need to serve as 'delivery vehicles' carrying out executive functions such as crime fighting and border control. In other cases, peace operations may serve more as coordination mechanisms for other actors delivering such services. In yet other cases, the primary

role of peace operations in fighting organized crime may be as an information ‘clearing house’ and centre of analysis.²⁶

This may require a flexible approach, treating peace operations not ‘simply as an umbrella for delivering a grab bag of uncoordinated technical assistance projects, but as an “integrated” vehicle for delivering a strategically coherent transformation of [the country’s] political economy’ (Cockayne, this volume). This relates not only to the distribution of personnel across different functional areas and roles, but also their spatial distribution and temporal sequencing. The borderlands of conflict-affected states – with their licit and illicit ties to extra-territorial sources of support for conflict parties, their reduced presence of state and law enforcement authorities, and their concentration of risk-associated profits – become increasingly important politically and economically. As a result, peace operations personnel and associated civilians may need to be deployed in borderlands. At present, while military and policing contingents within peace operations are often accustomed to deployment beyond major metropolitan centres, civilian personnel are not.

To successfully counter organized crime, peace operations must deploy a coherent strategy stretching not only across different functions of government, but also across borders, through improved cross-border coordination between peace operations personnel and the authorities in neighbouring countries (which may include other peace operations). In future, there may even be a need to consider systematic deployment of small peace operations contingents of customs and border control officials, police investigators, and trade flow monitors on the ‘other’ side of international borders to ensure effective control of these borders.

Finally, the geometry of peace operations may need to vary over time. As peace operations build peace, they will move increasingly from a focus on executive functions to capacity-building functions to monitoring and advisory functions. As a result, the expertise and personnel they require, and even their location, may change – for example, as they move from carrying out border patrols and customs functions at the border, to rebuilding border institutions and training managers in regional centres, to overseeing national export flows from the national capital.²⁷

Much of this reconceptualization of peace operations will meet significant resistance from states and officials concerned about infringements of sovereignty and autonomy. Compromise will be inevitable, particularly to balance the existence of two contrary pressures: one for maintaining the international status quo and simply containing the impacts of organized crime, and another for transformative delivery of justice. Because organized crime can be both an ‘enemy’ and an ‘ally’ to peace operations, it brings such problematic issues into the foreground. All the more reason, therefore, to engage in careful thought about, and honest discussion of, these challenges. Given the risks taken by the men and women in peace operations, and the dangers confronted by war-torn communities, coherent strategic thinking and flexible peace operational tools are needed to discharge the tasks of making, keeping and building peace – including by confronting organized crime.

NOTES

1. Other relevant concepts being researched include 'illicit power structure' (e.g., the workshop sponsored by the Center for Stabilization and Reconstruction Studies, 'Cleaning House: Confronting Illicit Power Structures in the Post-Conflict World', Monterey, California, 4–7 Nov. 2007); and 'violent entrepreneurs' (see Vadim Volkov, *Violent Entrepreneurs: The Use of Force in the Making of Russian Capitalism*, Ithaca, NY: Cornell University Press, 2003).
2. James Cockayne and Daniel Pfister, 'Peace Operations and Organised Crime', Geneva Paper Series No.2, Geneva Center for Security Policy and International Peace Institute, 2008, p.14.
3. Louise Shelley, 'Transnational Organized Crime: The New Authoritarianism', in H. Richard Friman and Peter Andreas (eds), *The Illicit Global Economy and State Power*, Lanham, MD: Rowman & Littlefield, 1999, pp.25–51.
4. William Reno, 'Protectors and Predators: Why Is There a Difference Among West African Militias?', in Louise Andersen, Bjørn Moller and Finn Stepputat (eds), *Fragile States and Insecure People? Violence, Security, and Statehood in the Twenty-First Century*, New York: Palgrave Macmillan, 2007, pp.99–122.
5. Barnett Rubin and Alexandra Guáqueta, *Fighting Drugs and Building Peace: Towards Policy Coherence Between Counter-Narcotics and Peace Building*, Bonn: Friedrich-Ebert-Stiftung, 2007, p.10.
6. Cf. Michael Carnahan, William Durch and Scott Gilmore, 'Economic Impact of Peacekeeping', New York: UN DPKO Best Practices Section, 2006; Irv Marucelj, 'Mature Peacekeeping Operations as Facilitators of Organized Crime', Working Paper Series no.2005-01, Institute for Research on Public Policy, 2005, accessed at www.irpp.org/wp/archive/wp2005-01.pdf.
7. See Cockayne and Pfister (see n.2 above); Peter Andreas, *Blue Helmets and Black Markets: The Business of Survival in the Siege of Sarajevo*, Ithaca, NY: Cornell University Press, 2008.
8. Marucelj (see n.6 above).
9. For deeper analysis, see UN, 'A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations', UN doc., A/59/710, 24 Mar. 2005; see also Sarah Elizabeth Mendelson, *Barracks and Brothels: Peacekeepers and Human Trafficking in the Balkans*, Washington, DC: Center for Strategic and International Studies, 2005.
10. See, for instance, Adam LeBor, *Complicity with Evil*, New Haven, CT: Yale University Press, 2006; UN (see n.9 above).
11. Colum Lynch, 'Pakistani Forces in Congo Aided Gold Smugglers, the U.N. Finds', *Washington Post*, 23 July 2007, p.12-A.
12. Cockayne and Pfister (see n.2 above).
13. Rubin and Guáqueta (see n.5 above).
14. *Ibid.*, p.10.
15. Astri Suhrke and Ingrid Samset, 'What's in a Figure? Estimating Recurrence of Civil War', *International Peacekeeping*, Vol.14, No.2, 2007, pp.195–203.
16. David Malone and James Cockayne, 'The UN Security Council: 10 Lessons from Iraq on Regulation and Accountability', *Journal of International Law and International Relations*, Vol.2, No.2, 2006, pp.1–24.
17. Cockayne and Pfister (see n.2 above).
18. See Townsend Hoopes and Douglas Brinkley, *F.D.R. and the Creation of the U.N.*, New Haven, CT: Yale University Press, 1997.
19. See Joshua Smith, Victoria Holt and William Durch, 'Enhancing United Nations Capacity to Support Post-Conflict Policing and Rule of Law', Washington, DC: Stimson Center Nov. 2007; Colette Rausch (ed.), *Combating Serious Crimes in Postconflict Societies: A Handbook for Policymakers and Practitioners*, Washington, DC: US Institute for Peace, 2006; William O'Neill, 'Police Reform in Post-Conflict Societies: What We Know and What We Still Need to Know', policy paper, New York: International Peace Academy, April 2005; Graham Day and Christopher Freeman, 'Operationalizing the Responsibility to Protect: The Policekeeping Approach', *Global Governance*, Vol.11, No.2, Apr.–June 2005, pp.139–46; Gordon Peake and Kaysie Brown, 'Policebuilding: The International Deployment Group in the Solomon Islands', *International Peacekeeping*, Vol.12, No.4, 2005, pp.521–32.
20. See Joshua Smith, Victoria Holt and William Durch, 'From Timor-Leste to Darfur: New Initiatives for Enhancing UN Civilian Policing Capacity', Washington, DC: Stimson Center, Aug. 2007.
21. *Ibid.*, pp.17–22.
22. See J.H. Ratcliffe, *Intelligence-Led Policing*, Uffculme, UK: Willan, 2008; Willem de Lint, 'Intelligence in Policing and Security: Reflections on Scholarship', *Policing and Society*, Vol.16, No.1, 2006, pp.1–6; Edmund F. McGarrell, Joshua D. Freilich and Steven Chermak, 'Intelligence-Led

- Policing as a Framework for Responding to Terrorism', *Journal of Contemporary Criminal Justice*, Vol.23, No.2, 2007, pp.142–58; M. Maguire, and T. John, 'Intelligence Led Policing, Managerialism and Community Engagement: Competing Priorities and the Role of the National Intelligence Model in the UK', *Policing and Society*, Vol.16, No.1, 2006, pp.67–85.
23. Nazih Richani, 'Systems of Violence and Their Political Economy in Post-Conflict Situations', accessed at <http://siteresources.worldbank.org/INTCONFLICT/Resources/RichaniRvsd2007.doc>; Volkov (see n.1 above).
 24. Such a unit should also be operationally connected to any analogous analytical capacity for the 'responsibility to protect' that may be established.
 25. Cockayne and Pfister (n.2 above), pp.22–3.
 26. *Ibid.*, p.43.
 27. Cf. Katherine N. Andrews, Brandon L. Hunt and William J. Durch, 'Post-Conflict Borders and UN Peace Operations Part 2: A Phased Approach to Post-Conflict Border Security', in *Post-Conflict Borders and UN Peace Operations*, Washington, DC: Stimson Center, 2007, pp.27–55.