

Organised Crime William Hughes and Mark Pyman

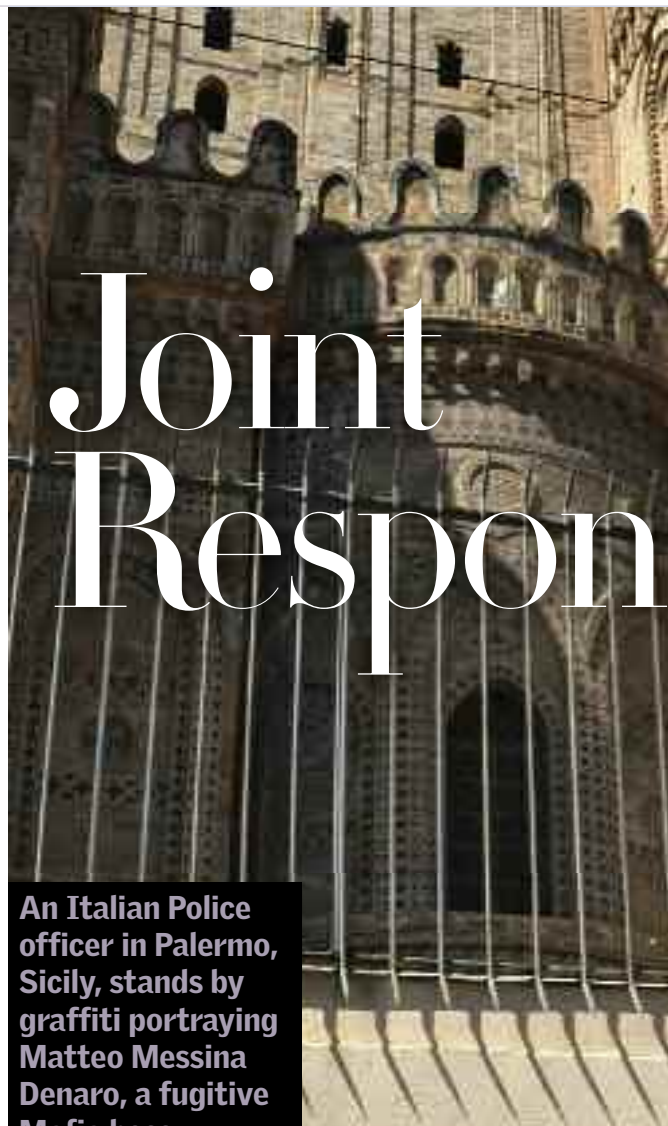
Here, two long-serving members of counter-organised crime and anti-corruption communities focus on the connection between the two in the context of national defence and security structures and post-conflict environments, and stress the need to tackle the two threats jointly.

a POLL RELEASED BY THE BBC WORLD SERVICE IN December 2010 ranked corruption as the most frequently discussed global problem, surpassing climate change, extreme poverty and hunger. Indeed, the recent violent unrest in the Middle East and North Africa has demonstrated the grave consequences of leaving corruption unchecked. However, what is also crucial to realise is that corruption is often bound up with organised crime.

The relationship between organised crime and corruption is a simple one – criminal networks make extensive use of corruption, in its various forms, to carry out criminal activity, avoid investigation and escape prosecution. Criminal factions who abuse international borders in order to conduct their business put pressure on public services, local communities and legitimate businesses – and an easy way to achieve this is through corruption. However, counter-organised crime and counter-corruption communities travel in separate, parallel universes. This is unfortunate, as the two stand to gain much from cooperation. While law enforcement agencies countering organised crime tend to maintain a low profile, focusing on the use of covert operations and intelligence, anti-corruption agencies and civil society are able to foster much more public engagement. On the other hand, civil society organisations possess little or no access to necessary tools such as investigative powers and intelligence.

The complementarity between ‘hard,’ decisive instruments of law enforcement and the norm-setting and influencing ability of the anti-corruption apparatus is a valuable resource which is currently under-utilised. Therefore, robust, strategic cooperation between the anti-corruption and counter-organised crime worlds will go a long way towards addressing both problems in a truly sustainable and comprehensive manner. Such a coalition – while respecting each other’s distinct missions – may go a long way to dismantling the elaborate market infrastructure of today’s organised crime.

The popular assumption of most governments and amongst the general public seems to be that tackling organised crime is the responsibility of law enforcement agencies alone. However, this is a mistaken as saying that counter-terrorism is the sole responsibility of security agencies. The unprecedentedly fast-paced movement of goods, services, information and people we are witnessing today facilitates smuggling and trafficking of licit and illicit goods, as well as people,



An Italian Police officer in Palermo, Sicily, stands by graffiti portraying Matteo Messina Denaro, a fugitive Mafia boss.





sibility

forming a wide and resilient market structure. It dwarfs and outlives the groups and individuals that operate it – and whom law enforcement agencies target. For instance, the Andean region has been the origin of cocaine trafficking for more than thirty years, and it continues to be so despite numerous and varied efforts to eliminate the individuals and groups wielding it.

At the same time, it is crucial to recognise that organised crime will not be tackled seriously unless it figures prominently on the list of national threats and becomes an integral part of national security strategies. State stability is in large part maintained through a strong system of criminal justice, and breach of it constitutes failure in governance, particularly when carried out by an organised network. One of the most striking examples of this relationship is the situation in West Africa, where many countries have been plagued by the rapacious trafficking of drugs, natural resources, humans, and small arms. They are often countries where the national infrastructure is weak or corrupt. What they do possess, however, is a long-established position in the chain of trade routes that emerged under imperial colonisation and have remained to the present day. These can be infiltrated by serious organised criminals directly, enabling them to move their commodities covertly or to obtain control over high value raw material as its availability becomes constrained in the future. Criminals view such states as their staging posts and operating centres, particularly as western countries increasingly disrupt their criminal activities closer to home. Several global trends, such as growth of internet connectivity, also exacerbate this threat. During the next few years, the entire continent of Africa will have a wide band internet service capability that will rival or surpass that of many so-called developed countries. Whilst this is to be applauded as a vital tool for the development of the continent, the opportunities it offers for crime and large-scale corruption are vast.

Minimising such opportunities will require the law enforcement of the 21st century to alter its approach. The current focus of most law enforcement is tactical or technical: investigation, leading to arrest and seizure, followed by prosecution and conviction. However, the enabling conditions and the underlying market structures of crime are left intact. Traditional law enforcement also does not convey to the public the importance of tackling organised crime upstream. National security strategies, on the other hand, could garner the support of the population as they are seen to address the support structure for organised crime, as well as its visible manifestation. Investigative competency and the rule of law remain essential, but they must be augmented with a much more strategic and comprehensive approach if transnational organised crime is to be combated successfully.

Perversely, national defence and security forces are particularly susceptible to infiltration by organised criminal elements. The military, security, and intelligence bodies possess not only a monopoly on the means of violence, as protectors of national security and enforcers of order, but also have privileged access to classified information, arms stocks, natural and financial resources, and national pillars of power. This can be exacerbated by a historically privileged position of the military in a country – for instance, as a result of an independence struggle on one hand or a totalitarian government on the other. The dissolution of the Soviet Union and break-down of its empire in eastern and southeast Europe in many ways show precisely this pattern. The downsizing and privatising measures of the defence and security establishments in the midst of eroding social order and economic depression led to the ‘smooth and seamless transition’ of one-time members of the armed forces and security services into organised crime. The former head of Peru’s National Intelligence Service

under Alberto Fujimori's authoritarian regime, Vladimiro Montesinos, is another case in point. Behind the dictatorial shelter, Montesinos ran a multi-million dollar criminal network of drugs and arms trafficking, embezzlement, bribery and blackmail, to say nothing of his human rights abuses. Once organised crime becomes embedded in the security and military structures, it can perpetuate itself with impunity.

This is an area where peer pressure from the international community is required. There is often little political will and civil society capacity within countries crippled by organised crime, while public opposition is usually difficult or dangerous. Internal dissent can so quickly become subversion or insurgency, where a blind eye is turned to the ensuing repression or the activities of state forces are judged as less damaging to western interests than a state collapse with a consequent disintegration of infrastructure and rule of law.

Taking a broad approach to tackling corruption and organised crime in defence and security may be the first area addressed by the coalition. For example, Transparency International (TI) runs a very active programme focused on tackling corruption in the defence and security sectors. Britain's Serious Organised Crime Agency is engaged with the TI team, and it is the hope of both organisations that this can be the start of a much larger international collaboration.

The last dimension of this issue concerns countries embroiled in armed conflict or emerging from it. Organised crime often becomes embedded in such circumstances. In an environment where basic state functions are eroded, law enforcement is crippled and judicial process is powerless, organised crime easily takes root and becomes pervasive. The organised crime patronage networks in Afghanistan, for example, are co-opting national security forces and thus endangering post-conflict transition. Secondly, demobilised ex-combatants and decommissioned soldiers often become the perpetrators of crime in these environments, due to lack of economic opportunity, poor rehabilitation and reintegration programmes, rapid 'release' into lawless society and lack of social support.

Another dimension in this dynamic is activities of international intervening forces. These may have narrow

pictures of the environment in which they operate and be insufficiently aware of the damaging impact of their contracting practices. This problem is acutely brought to the fore again in Afghanistan. There, irresponsible contracting – vast sums dispersed with poor vetting in the context of ineffective institutional structures and a lack of post-war oversight – means that western money is literally ending up in the hands and coffers of warlords, quasi-criminal security companies, and the Taliban. Disturbingly, according to the estimates of United States military officials in Kabul, at least ten percent of the Pentagon's logistics contracts, amounting to hundreds of millions of dollars, constitute de facto payments to insurgents. Corruption is also enabling the diversion of the vast amounts of development and security assistance aid currently funneled into the country.

The emphasis of this article, however, is not only that this occurs – many will know that it does – but that stabilisation operations and peace settlements do not pay adequate attention to countering organised crime and corruption. Rather than solely focusing on parcelling out political power and territory between the former warring parties, focus needs to be placed on the sustainability of the 'peace' that results. This is gradually beginning to be addressed in Afghanistan, although these efforts are facing conceptual resistance to such 'unorthodox' approaches.

As has been emphasised above, it is imperative to tackle corruption and organised crime jointly. Recently, many have spoken of the communications linkages and the global enterprises that will drive phenomenal business change in the world. Such exponential acceleration is where the world is currently. However, serious organised criminal enterprises are responding just as fast. Therefore, a new form of coalition – between law enforcement agencies, anti-corruption bodies, and civil society – is urgently needed to understand and tackle this threat effectively



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