Crime and Conflict

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March 2015

Practitioners increasingly recognise that they need a better understanding of the link between crime and conflict. Many informal accounts suggest the political power of organised crime groups in violent and fragile contexts is growing. In the absence of functioning institutions and strong state-society relations, organised crime groups infiltrate local and national political systems to serve their needs and, in the process, affect peacebuilding, statebuilding, and development efforts supported by national governments and the international community.

These dynamics are also part of a new strategic landscape of conflict. Traditionally, violent conflict has been associated with inter-state wars or civil wars, but there is increasing agreement among conflict analysts that most current violent conflicts do not fit these 'traditional' categories. For instance, most violent deaths occur in non-traditional conflict settings. The new landscape of conflict frequently involves a mix of ingredients such as local and cross-border organised crime, socio-economic exclusion, rapid urbanisation, political change after years of stasis, or long-standing disputes over land or identity.

The core business of *crime* is the supply of illegal goods and services – or the supply of goods and services that may themselves be legal, but which are brought onto the market illegally. Crime becomes *organised* to maximise profits and operates in secret to protect itself from enforcement agencies and competitors. Organised crime becomes *transnational* when it involves smuggling. Transnational organised crime is inherently related to the imposition of controls and taxation of cross-border trade, and to the capacities of state institutions to exercise control over populations and territory. It is also related to the market power of illegal or illicit goods and services. Market power builds between the demand for such goods and services in developed and emerging economies, and the financial incentives that drive the satisfaction of this demand through transnational

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trade. In practical terms, transnational organised crime is highly integrated into regular trading and financial practices and infrastructures.

Violence plays a special role in the nexus between conflict and crime. In principle, organised crime groups shy away from violence as it attracts the attention of law enforcers and can interrupt established logistical channels. They mainly work through corruption and intimidation. For marginalised groups, however, violence is a means to enter markets controlled by a competing group. Violence can also be used as a means of arbitration. As the 'underworld' is by definition outside any public mechanism of dispute resolution, violence becomes a means of arbitration within and between organised crime groups. Violence – or the threat of violence – is also used to enforce contracts, settle accounts or intimidate customers, but overall the use of violence is a sign of the weakness rather than the strength of a specific group.

Policy at the crime-conflict nexus involves many challenges. The notion that state authorities can simply 'crush' organised crime through a 'war on drugs', or take them out of the system by imprisoning or killing as many 'criminals' as possible is unrealistic. Especially when the potential for significant profit remains, state institutions are weak or complicit, and prisons are full. Coercive responses – often imported from outside the conflict area – have contributed to spiralling violence, as for instance in Central and South America.

A critical policy issue is identifying who is 'a criminal', and in conflict situations this decision is mainly political. Labels such as 'organised crime', 'criminal', 'warlord', 'gang' or 'terrorist' can significantly obscure the multiple facets of an individual or group, especially when the distinction between public and private, and crime and legality, is blurred. These labels can also be used as a political tool to stigmatise specific individuals or groups. To untangle this complexity, a first step is to be aware of the labels used to characterise certain actors, and of the opportunities and challenges that specific labels imply for policy in a particular context.

The seven readings selected for this pack illustrate core elements of how to better understand the link between crime and conflict.

Reading 1: Cockayne, J. (2011). *State fragility, organized crime and peacebuilding: Towards a more strategic approach*. Oslo: NOREF.
http://www.peacebuilding.no/var/ezflow_site/storage/original/application/2af427c8039ed02db6fd29fab1144aa8.pdf

Many fragile states offer competitive commercial advantages for criminal networks and political leaders alike. Yet donors and international organisations lack a coherent approach to tackling organised crime in fragile states. The author argues that there are normative, analytical, and practical obstacles to the development of effective responses to criminal networks. He also offers practical recommendations for developing a more strategic response. Overall this paper is a good introduction to the nexus between conflict, crime and fragility and opens many new perspectives on what the crime-conflict nexus means for a state-centred approach to peacebuilding or conflict transformation.

Reading 2: United Nations Office on Drugs and Crime (UNODC) (2012). *Transnational organized crime assessment in Central America and the Caribbean: A threat assessment.* Vienna: UNODC. http://www.unodc.org/documents/data-and-analysis/Studies/TOC_Central_America_and_the_Caribbean_english.pdf

This paper is an evidence-based analysis of the characteristics of organised crime groups in Central America and the Caribbean. It highlights the territorial nature of organised crime groups and the competition over markets and territory between long-standing organised crime families that effectively govern the areas where they operate. It also highlights that gangs with long social roots in a specific location play only a minor role in transnational cocaine trafficking, and that violence is often associated with territorial groups with a bigger portfolio of smuggling activities. The paper analyses criminal markets with respect to cocaine, migrants, women and girls, and firearms.

Reading 3: Shaw, M. and Mangan, F. (2014). *Illicit trafficking and Libya's transition: Profits and losses.* Peaceworks No.96. Washington DC: United States Institute of Peace. http://www.usip.org/sites/default/files/PW96-Illicit-Trafficking-and-Libyas-Transition.pdf

This paper shows how organised criminal behaviour, illicit trafficking and armed militias undermined state consolidation and stabilisation in Libya in late 2013. Control of criminal markets for weapons, migrants, drugs, and consumer goods was consolidating into fewer hands, resulting in greater political leverage. That influence was used to protect criminal rents rather than to create inclusive governance mechanisms, with the counterintuitive consequence that the criminal economy was the strongest bond between the different regions of Libya.

Reading 4: West Africa Commission on Drugs (2014). *Not just in transit: Drugs, the state and society in West Africa.* An Independent Report of the West Africa Commission on Drugs. http://www.wacommissionondrugs.org/WACD_report_June_2014_english.pdf

This report documents the impact of organised crime on West Africa. Organised crime groups have established a firm foothold there, and have exploited already weak governance systems and legal loopholes to strengthen their positions. The report calls for addressing drug use as a public health issue with socio-economic causes and consequences, rather than as a criminal justice matter. It also calls for action to confront corruption within governments, the security services and the judiciary, which traffickers exploit. The report also warns of the need to avoid militarisation of drug policy and related counter-trafficking measures of the kind that some Latin American countries have applied at great cost without reducing supply.

Reading 5: Kemp, W., Shaw, M. and Boutellis, A. (2013). *The elephant in the room: How can peace operations deal with organized crime*? New York: International Peace Institute. http://www.ipinst.org/wp-content/uploads/2013/06/elephant_in_the_room.pdf

Organised crime has long been identified by the UN as a threat to international peace and security. But so far organised crime has not been a major focus of UN peace operations, including peacekeeping, peacebuilding or special political missions. UN member states are hesitant to internationalise the issue or to consider compromising national sovereignty through external intervention to address crime. The report looks at UN peace operations in Guinea-Bissau, Haiti and Kosovo and suggests that even in cases where there was relatively clear evidence about the links between politics and crime, responses were marked by risk avoidance so as to not antagonise key

players. The most difficult challenges for UN peace operations are situations where government or law enforcement officials are engaged in criminal markets.

Reading 6: Cockayne, J. (2013). *Strengthening mediation to deal with criminal agendas*. Geneva: Centre for Humanitarian Dialogue.
http://www.hdcentre.org/uploads/tx_news/Strengthening-mediation-to-deal-with-criminal-agendas.pdf

This paper argues that ignoring criminal agendas may lead to the unintentional spoiling of peace processes. Building on the lessons of Sierra Leone, Guatemala, the Niger Delta, Myanmar, and Colombia, and experience from gang truces, violence interruption and community violence management, the paper highlights that mediation practice can be strengthened to better deal with criminal agendas. Recommendations point to better preparation of mediators, clarity about consent and inclusive ownership of the process, the importance of the mediator's impartiality, and the opportunities of existing legal frameworks, especially in the effective use of amnesties and transitional justice arrangements to counter crime and criminal violence.

Reading 7: Aguilar Umaña, I., Arévalo de León, B. and Táger, A.G. (2014). El Salvador: Negotiating with gangs. In A. Ramsbotham and A. Wennmann (eds.) *Legitimacy and peace processes: From coercion to consent*. ACCORD 25. London: Conciliation Resources, pp.95-99.
http://www.c-r.org/sites/default/files/Accord25_ElSalvador.pdf

El Salvador has been a prominent example of an alternative approach to addressing crime and violence. The article charts the truce between two major gangs in El Salvador and analyses the political opposition that the truce encountered. The article then focuses on the process to increase the legitimacy of the truce, and on its evolution from a de-facto ceasefire to a broader peace process to address underlying conflicts in Salvadorian society related to social exclusion and marginalisation, unemployment, and a violent political culture.

Questions to guide readings

1. How do you make sense of organised crime in conflict settings? How can you disaggregate organised crime into smaller units of analysis? What does it mean in daily life in conflict settings?
2. How do you know a 'criminal' when you meet one? What labels do you use to describe individuals involved in organised crime in a specific setting? And what implications for policy might different labels have?
3. What are the regional variations and commonalities in Central and South America and West and North Africa regarding the crime-conflict nexus? Are there distinct roles of crime and criminal violence in the strategic landscape of conflict in these regions? What best practices can these regions learn from each other?
4. How robust is the evidence base that law and order approaches are not effective in reducing crime and criminal violence? What do we know about the performance of dialogue and negotiations to address crime and criminal violence?
5. What is an appropriate role for the UN in addressing crime and criminal violence? What are some of the sensitive issues the UN or other intergovernmental organisations need to navigate when addressing the issue through peace operations? But is this the right path? Are there any alternative paths for the UN to deal with crime and conflict? What other actors might be better placed to address crime and criminal violence? Why?