

CONSIDERING THE ROLE OF SECURITY SECTOR REFORM AND POLICE REFORM WHEN TACKLING ORGANIZED CRIME IN POST-CONFLICT ENVIRONMENTS

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EXECUTIVE SUMMARY

Security sector reform (SSR) has been a principal aim of post-conflict peacebuilding and rule of law programming since the 1990s. The goal to reform security institutions in order to increase civilian oversight, heighten accountability and transparency, strengthen the rule of law, and, above all, to promote human security is indeed admirable in theory, although difficult to achieve in practice. Ideas about SSR continue to evolve, with longstanding SSR efforts providing important insight for those seeking to improve programming and responses. One area that has been overlooked in this vein is the connection between organized crime and SSR. The role organized crime plays in conflict and post-conflict settings is increasingly acknowledged in post-conflict peacebuilding and rule of law discourse. Organized crime, once thought to be the preserve of specialized criminal organizations, is progressively recognized as a funder and driver of conflict. Further, there is a growing acceptance that organized crime is a dynamic actor in post-conflict settings, as well. Despite the emphasis placed on SSR as a means to stabilize post-conflict settings and the significant role organized crime plays in shaping the post-conflict landscape, little direct analysis exists regarding the relationship between SSR and organized crime, how these two concepts work in tandem, and how they impact each other.

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Findings

- Organized crime is an unfortunate reality in post-conflict spaces that practitioners should be keenly aware of regardless of whether programs pertaining to organized crime are implemented during the peacebuilding process.
- The timing of addressing organized crime in SSR programs is key; while organized crime is generally tackled in the mid- to long-term phases of peacebuilding processes, in some circumstances states would benefit from immediate attention being given to organized crime.
- The study recognizes that considerations regarding timing, however, often must be balanced with the realities of the peace process. Careful consideration should be given to the potential for instability by addressing organized crime on the one hand with the longer-term negative impacts on the rule of law and corruption if left unaddressed.
- If the decision is made not to tackle organized crime as part of the peacebuilding process, there may be potential consequences that practitioners will need to plan to address at every level of SSR programming including a timeline for how and when organized crime dynamics will be addressed.

Recommendations

- Organized crime needs to be taken into consideration at all levels—from the diplomatic level to strategic program design and intervention decisions, to the senior leadership, to the practitioner.
- A better culture of analysis needs to be developed regarding organized crime in the peace process, particularly in the early stages to determine when and how to address organized crime in SSR and police reform programs.
- SSR should be more closely coordinated with disarmament, demobilization, and reintegration (DDR) efforts to maximize effectiveness in addressing organized crime.
- To address organized crime, changes to the police culture and structure are needed beyond community policing models. In particular, there should be less hesitancy to build the intelligence capacity of police forces.

DEFINITIONS AND CONCEPTS

This paper uses the Organization for Economic Co-operation and Development-Development Assistance Committee (OECD-DAC) definition of security sector reform (SSR), which describes it as “transforming the security sector/system, which includes all the actors, their roles, responsibilities and actions, so that they work together to manage and operate the system in a manner that is more consistent with democratic norms and sound principles of good governance, and thus contributes to a well-functioning security framework.”¹ Regarding organized crime, the paper adopts the UN Convention Against Transnational Organized Crime definition that an “‘organized criminal group’ shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.”² Finally, this paper adopts the OECD definition of peacebuilding, viewing it as a process which includes “activities designed to prevent conflict through addressing structural and proximate causes of violence, promoting sustainable peace, delegitimizing violence as a dispute resolution strategy, building capacity within society to peacefully manage disputes, and reducing vulnerability to triggers that may spark violence.”

SSR AND ORGANIZED CRIME TAKEN TOGETHER

Relatively little literature or policy work explores the link between organized crime and SSR, despite the existence of a large body of literature on rule of law, justice, and SSR and a growing body of literature on organized crime in post-conflict spaces. This section explores the gap by reviewing

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the literature in three areas: (1) the evolution of SSR and police reform concepts, (2) the evolution of organized crime in conflict spaces literature, and (3) the areas of cross-over in literature between SSR and organized crime.

Evolution of SSR and Police Reform Concepts

The notion of SSR developed in the 1990s as the international community grappled with the new security landscape that unfolded at end of the Cold War.³ Alternatives were sought for the strictly militarized approaches of the Cold War-era—centered on training, equipping, and funding militaries—which had, in some cases, contributed to instability in developing and post-conflict countries. In place of militarized involvement arose a liberal template for intervention characterized by two principal ideas: first, that development and security were intimately linked, and second, that democratization would enhance peace, security, and stability as a whole.⁴ In the wake of 9/11, security issues and SSR were considered ever more central to addressing the intensified security threats of the globalized world.⁵

The ideal of SSR has been described as people-centric—expanding beyond reforms centered on armed forces to be inclusive of civilian security needs, focused on long-term goals versus acute security threats, and intended to graft models of human rights, democratic norms, and rule of law holistically into the security sector as a whole versus a single institution.⁶ After nearly two decades of attempts to achieve the ambitious ideals of SSR, there is widespread consensus that SSR in reality is state-centric, top-down, and often unsuccessful.⁷ Some scholars and practitioners question whether orthodox notions of SSR are in fact “too utopian . . . to succeed.”⁸ These frustrations have given rise to calls for second-generation SSR, broadly characterized as flexible, bottom-up approaches

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emphasized by their willingness to accept realities on the ground, more realistic in aim,⁹ and more inclusive of the community and civil society.¹⁰ Although the attraction of shifting to a second-generation SSR model is clear, the parameters of such a model remain highly vague, and beyond conceptualizing what a second-generation SSR model could entail, little research has been conducted on concrete, practical applications of such programs.¹¹

Policing is an important subset of the security sector, and thus, police reform has become a core tenet of SSR. As such, ideological debate over traditional versus second-generation approaches to police reform is beginning to shift.¹² Frustration and disillusionment is mounting over traditional methods of police reform, with concern expressed by practitioners and academics alike over the inability of traditional modes of police reform to ameliorate local attitudes about law enforcement or quell police abuse, and newer models advocating for increased civil society involvement, utilizing technology, and becoming more inclusive of women in security processes.¹³ Additional research and case studies on second-generation police reform will be especially helpful in defining its parameters and gauging its success against traditional models.

Evolution of Organized Crime in Conflict Spaces Literature

Up until the 1980s, organized crime was primarily viewed as a problem most often limited to particular cities and locales, aside from a limited number of specialized criminal outfits.¹⁴ After the Cold War, many countries experienced instability and transition in the tumult following the establishment of the new world order, which created opportunities for criminal networks to expand.¹⁵ The expansion continued as routes opened up through the Balkans, the Caribbean, and in Central America, which were optimal for illicit activities such as drug smuggling and human

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trafficking.¹⁶ The onset of globalization allowed organized crime to further lose its geographic confines and gain more prominence in the global arena within the decade.¹⁷ It is no surprise then that theories began to emerge in the 1990s examining the link between conflict spaces and organized crime.¹⁸ Mary Kaldor, for example, posited what is described as the “new wars” theory, arguing that globalization and the end of the Cold War blurred the lines between war, organized crime, and large-scale violations of human rights, observing that, “the new wars occur in situations in which state revenues decline because of the decline of the economy as well as the spread of criminality, corruption and inefficiency, violence is increasingly privatized both as a result of growing organized crime and the emergency of paramilitary groups, and political legitimacy is disappearing. Thus, the distinctions between external barbarity and domestic civility, between the combatant as the legitimate bearer of arms and the non-combatant, between the soldier or policeman and the criminal, are breaking down.”¹⁹

Literature examining theories of greed versus grievance in conflict also developed, arguing whether conflict is driven by the link between conflict and organized crime, dependent upon opportunistic political actors who exploit the chances for financial gain opened up by conflict.²⁰ Both the new wars theory and the greed theory recognize the prominent role globalization plays in the exacerbation of conflict. Further, both theories emphasize the politicization of organized crime during conflict: “[organized crime] funds political violence, it changes the abilities of local political actors and it has long-term political consequences for the state and peacebuilding.”²¹ In short, organized crime has evolved from what was thought of as an isolated issue to an expansive problem that entrenches conflict, fosters cross-border instability, and has become entangled with political actors.²²

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The intensity and nature of organized crime itself is also a point of discussion. James Cockayne argues that organized crime is not merely another aspect of the post-conflict space; instead, Cockayne asserts that organized crime is its own “strategic actor” that can manipulate government power and even make war.²³ This breaks from other, more traditional views that perceive criminal activity as “not logical—but rather irrational or at least disorganized—or if logical, then not strategic in the sense relevant to politics, war, and international affairs.”²⁴ Further, organized criminal networks such as gangs sometimes adopt roles traditionally assumed by the state, such as the provision of social assistance.²⁵ Despite the more complex understanding of organized crime that is emerging, emphasis in some contexts remains on crime reduction rather than attempting to understand the relationship between political actors and criminal organizations.²⁶

Another major body of crime-conflict literature is devoted to examining the development of organized crime in a region or country-specific manner. For example, Christiana Steenkamp compared the development of organized crime before and during the war in Syria.²⁷ Francesco Mancini published a study of the rise of organized crime in Jamaica.²⁸ Glenn E. Curtis and Tara Karacan studied the spread of narcotics and weapon trafficking and terrorism into Western Europe through the Balkans and former Warsaw Pact states.²⁹ There are many others. Further, a body of literature exists that focuses on a specific type of organized crime in a variety of contexts. One example is the Rand Corporation’s study on film piracy, organized crime, and terrorism in Russia, Mexico, and Japan.³⁰ Another is Judith Vorrath’s study of drug trafficking in Liberia and Sierra Leone.³¹ In short, the topics that dominate literature regarding organized crime in conflict spaces revolve around theoretical underpinnings, specific geographic locales, and/or the development of specific types of organized crime.

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Areas of Crossover in Literature between SSR and Organized Crime

The majority of literature that addresses both SSR and organized crime does so tangentially, not directly. Security institutions are often attributed as “sources of insecurity”³² without explaining the connection between the failure of the institutions, SSR efforts, and organized crime. A number of authors including Mark Shaw, James Cockayne, Walter Kemp, Vanda Felbab-Brown, and Camino Kavanagh, among others, have made important contributions in filling this gap, particularly stressing the importance of mainstreaming the analysis of threats posed by organized crime in the conflict space in peacekeeping and statebuilding interventions.³³ Additionally, the United Kingdom’s (UK) Stabilization Unit has given significant consideration to “the relationship between elite bargains, political settlements and peace agreements,” recognizing that the interplay of these three issues affects a country’s ability to transition out of conflict. While the focus of this work is not strictly or exclusively on organized crime, it is recognized as an important bargain made in conflict transformation.³⁴

As second-generation SSR comes more to the foreground, scholars and practitioners are calling for more sophisticated analyses that delve into the complexities, nuances, and contextual factors which influence the impact of SSR initiatives.³⁵ The International Peace Institute, for example, brought together a task force on transnational organized crime that issued a blue paper urging for analysis on organized crime to be “integrated into all aspects of peace efforts.”³⁶ In this way, literature on SSR—particularly in the frame of international peacekeeping—and post-conflict organized crime have begun to draw the two areas closer together, opening the door for analysis of the role that they play in promoting peace and stability.

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CASE STUDIES

In order to advance analysis of whether, how, and at what stage SSR initiatives account for surges in organized crime, commonplace in post-conflict periods, and assess the gaps that currently exist connecting the concepts, this project draws on research gathered during fieldwork in two mature case studies, Northern Ireland and Bosnia-Herzegovina. In each country their respective peace processes have been ongoing for over two decades, allowing analysis of the state of the SSR processes and nature and evolution of organized crime in each environment over time. Along with desk research, the case studies draw from in-person and telephone interviews with experienced rule of law practitioners, policy-makers, and academics.

Northern Ireland

Organized crime dynamics in Northern Ireland have shifted and been shaped by the peace process following the Good Friday Agreement (GFA) in 1998 (also known as the Belfast Agreement), which formally ended the thirty-year civil war known as “the Troubles.” Although the scale of organized crime in Northern Ireland is comparatively small, its entwinement with paramilitary groups persists as a key factor impeding the dissolution of paramilitary armed group structures and sustaining negative conflict dynamics to present day—twenty years after the end of the conflict.³⁷ Throughout the Troubles, both so-called republican and loyalist paramilitaries engaged in organized crime and sought to access criminal networks as a crucial means of financing and sustaining conflict. However, the nature of organized criminal behavior and socio-cultural linkages differ between the republican and loyalist communities, which has affected how organized crime dynamics have unfolded.

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During the Troubles, core republican groups—the Provisional Irish Republican Army (PIRA) and the Official Irish Republican Army (IRA)—built strong organizational financing structures capable of generating upward of £8-10 million per year.³⁸ In addition to benefitting from significant donations,³⁹ they were involved in an extensive range of criminal enterprises including cross-border fuel smuggling, drug smuggling, cigarette smuggling, counterfeiting, VAT carousel fraud,⁴⁰ armed robbery, extortion and protection rackets, illegal waste disposal, and more. Numerous legitimate business enterprises provided a money-laundering front, including property investments in Northern Ireland and abroad, taxi companies, pubs and drinking clubs, and carpet shops.⁴¹ Republican criminal activities were centered around the border with the Republic of Ireland, particularly in Armagh county in the rural south. The IRA also developed significant transnational links with other global terrorist organizations, most prominently the Fuerzas Armadas Revolucionarias de Colombia (FARC) in Colombia, the Euskadi Ta Askatasuna (ETA) in Spain, and the Palestine Liberation Organization (PLO) in Palestine. In addition, the IRA formed relationships with foreign governments, benefitting from significant financing and access to arms and explosives trafficked from the Qadhafi regime in Libya.⁴² Save a couple of examples, these groups are now considered to have mostly ceased their conflict activities and associated income generation—at least organizationally. Key figures linked to PIRA continue to generate wealth but are believed to be engaging on an individual basis for personal profit at this point.⁴³

Other republican groups are also relevant in this space. Post-peace process, the Irish National Liberation Army (INLA), an IRA splinter group, has become an active player in cross-border drug smuggling and brothels, which draw upon people smuggling and human trafficking rings, with firm links to Dublin-based organized crime families.⁴⁴ Finally, a number of “dissident”

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republican groups who reject the terms of the GFA remain active in Northern Ireland, including the Real IRA, Continuity IRA, Republican Action Against Drugs, Órglaigh na hÉireann, Irish Republican Movement, and An Nua Phoblachta. Aside from some occasional acts of political violence, these groups are mostly involved in vigilante activities “policing” their own communities and, to a limited extent, play a role in extortion, protection rackets, evictions, and punishment beatings.⁴⁵

Unionist/loyalist paramilitary groups, including the Ulster Volunteer Force (UVF), the Ulster Defence Association (UDA), and Red Hand of Ulster similarly engaged in illicit activities as a means of fundraising during the Troubles. Their activities tended to be more centered within urban and peri-urban communities, particularly loyalist areas in Belfast city and counties Antrim and Down, engaging in activities such as extortion and protection rackets, off-book loans, drug smuggling and distribution, cigarette and alcohol smuggling, prostitution, and human trafficking. While republican fundraising was highly disciplined and organization-centric (at least during the Troubles), loyalist paramilitaries had a greater personal enrichment dynamic. The phrase “For God, Ulster and my back pocket” was a well-known mocking refrain.⁴⁶ Following the GFA, few of these group structures dissolved. Instead there was a significant transition of loyalist paramilitary groups into organized crime activities, particularly the UVF and UDA. Many argue that the role of politics and ideology has become sidelined and that groups now essentially operate as criminal gangs. Tim Mairs, Head of the Police Service of Northern Ireland (PSNI) Reactive and Organized Crime Branch observed, “historically it was about ideology, power and greed. With ideology now largely gone, we’re left with power and greed.”⁴⁷

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Organized crime in Northern Ireland has always had a regional dimension, with significant cross-border extension into the Republic of Ireland and the United Kingdom, but it also has historical and contemporary links with broader transnational crime trends. Firstly, as observed above, the IRA and PIRA were well-networked globally. Additionally, Northern Ireland has a long-embedded Chinese community, including a number of families and businesses who have ties to the Chinese triad gangs who are involved in drug smuggling and, increasingly, human trafficking and smuggling. These routes are a core supply source for UVF and UDA dealers.⁴⁸ PSNI are also aware of some small interventions by Russian and Albanian organized crime groups, which they are monitoring, believing that they may be testing the waters, along with other Eastern European gangs operating north and south of the border, including Lithuanian and Romanian groups.

SSR and police reform, meanwhile, have served as core components of the peace process. The British Army gradually withdrew from Northern Ireland between 1998-2007.⁴⁹ An independent commission, called the Patten Commission, developed 175 recommendations for police reform, reshaping the Royal Ulster Constabulary (RUC)—a force largely rejected by Catholics as an “enforcer of Protestant domination”—to become the PSNI, with a new name, new uniform, and new symbols. Further, the size of the force was reduced through an early retirement program, the proportion of Catholic officers increased from 8% to 30% over 10 years, and its approach was demilitarized and moved toward community policing.⁵⁰

These early stage police reforms thus focused on key aspects of organizational structure and culture and worked to reshape and repair the relationship between police and community, particularly the Catholic community. In this frame, police reform in Northern Ireland is widely hailed as a model for success—and rightly so. Scant attention, however, was paid to organized crime

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in the immediate years post-peace deal, particularly the risk that individuals and groups involved in paramilitary-associated criminal activities might transition wholesale into the criminality they had long been involved in. As one retired police officer put it, “Paramilitary activities were like an iceberg. The bombings, shootings and killings were the top, they got all the attention, but the rest—the crime that kept it all running—that was below the surface and it just slipped by.”⁵¹ There appears to have been a mixture of things at play: on the one hand, a somewhat naïve hope that once the ideological fight dissipated, so too would funding activities; and on the other, a professed need for tolerance of such individuals and their activities as part of the careful balancing act of maintaining peace. Interviewees in the security and policy sectors described an implicit message: “if you stop the bombing and killing we’ll look the other way on other activities for now.”

In November 2015, the Northern Ireland Executive launched the Fresh Start Agreement designed to address this dynamic by bringing together the work of an Organized Crime Task Force and a Paramilitary Crime Task Force and fusing them with enhanced cross-border cooperation with the Republic of Ireland to holistically address criminality on the island of Ireland and with greater support from UK government.⁵² “The soft touch period is coming to an end,” observed Neil Jarman, an academic who has worked extensively on conflict transformation, including policing. “Certain things were let go until now but that’s changing.”⁵³ The fruits of these later stage reform efforts are yet to be seen but enhanced attention and analysis of organized crime and paramilitary links is clear. The blinders have come off. A senior retired RUC officer observed, “It was as if we wanted to believe that in ceasing their terrorist activities that they would melt back into the community. When what we needed was to police paramilitaries and their criminality out of existence.”

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In April 2018, Northern Ireland marked the twenty-year anniversary of the Good Friday Agreement. Celebrations and conferences acknowledged the huge positive strides made over twenty years of peace. Nonetheless paramilitary groups remain a fixture of life in Northern Ireland. Recruitment to loyalist paramilitary groups is higher in 2018 than at the time of the GFA in 1998. So-called paramilitary style attacks, including “kneecapping,” never went away and in fact the number of these attacks has risen by 60% in recent years.⁵⁴ Groups now operate more like organized criminal gangs but use politics, paramilitary monikers, and sectarian overlay to inhibit demobilization (referred to as decommissioning in Northern Ireland), a key barrier to implementing the terms of the GFA. The United Kingdom’s “Brexit” vote to leave the European Union and implications for the border with the Republic of Ireland—an issue central to the peace process—has also further stoked tensions and paramilitary recruitment.⁵⁵

Bosnia-Herzegovina

The organized crime landscape in Bosnia-Herzegovina (BiH) is deeply enmeshed with local political leadership and the security sector, a dynamic that stretches back through history but became more deeply entrenched through conflict. In one-party Yugoslavia (1945-1989)—and over the course of its dissolution—organized crime was characterized by strong, tightly-controlled protection rackets, with clear linkage between the state security sector and criminal groups.⁵⁶ Secret police, in particular, engaged in smuggling across the region’s borders, profiting significantly and bringing them into contact with criminal networks within and outside the region.⁵⁷ In the 1980s and early 1990s, these networks were fed by the collapse of communism and associated opening of borders across the Soviet Union, which allowed organized crime to take on a more transnational dimension and injecting flows of weapons into the hands of criminal groups and paramilitaries.

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As war broke out in BiH (1992-1995) and sanctions were imposed, reliance on organized crime networks became crucial to sustaining conflict, providing conflict actors with access to supply chains and weapons, circumventing siege-like conditions and arms embargos. In addition, organized crime actors brought their skills to bear in the fight, as they were experienced, conversant in violence and experts at recruiting. This reliance on criminal actors and networks during conflict allowed some to amass significant wealth and further strengthened relationships between the political figures, security institutions, and the criminal class, allowing the ascension of organized crime figures to institutional and political office.⁵⁸

The Dayton Accords brought an end to violence but installed a power-sharing arrangement that entrenched wartime divisions, hardening, rather than resolving, political and security sector decentralization along ethnic lines. Post-Dayton privatization of ex-Yugoslav state infrastructure furthered this dynamic, with sweetheart deals, corruption, and fraud plaguing the process, now widely viewed as a means of rewarding certain individuals of certain ethnicities. For some this provided a path into the legitimate economy while for others it provided a means of concealing illicit gains.⁵⁹ Overall, it caused the lines between criminal enterprise and lawful business interests to blur.⁶⁰ As a UNODC report notes, “These links help to explain how organized crime has been able to operate in the region with so little imprint on the conventional crime situation: organized crime in the Balkans has been very organized, and lubricated with corruption.”⁶¹

In terms of key illicit activities, BiH remains a significant transit country for the drug trade—specifically heroin trafficked through the “Balkan route,” which connects Afghanistan to Western Europe. Weapons flows from the region, mostly of small arms and light weapons, remain a significant source of arms found on the frontlines of active conflict zones.⁶² Human trafficking and

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migrant smuggling grew into profitable new markets during conflict years, drawing international attention through scandals involving sexual exploitation by peacekeepers.⁶³ Cigarette smuggling remains active but is believed to have reduced, following years as a booming trade during the war years.⁶⁴ More recently, BiH has drawn attention and support to tackle radicalization and recruitment of citizens to ISIS.

Police reform in BiH is widely considered to be incomplete. The initial aim of SSR was to strengthen central state security institutions and to centralize police structures, moving away from ethnically and geographically distinct police forces, which had played a negative role during the conflict. However, the terms of the Dayton Accords undercut this goal by allowing for a highly decentralized and fragmented political arrangement. Although intended as a temporary measure, Dayton was never replaced over time. The Accords created a central government with limited powers, run by a three-member Presidency composed of a member of each major ethnic group, divided into two autonomous entities—the Federation of Bosnia and Herzegovina (the Federation), Republika Srpska, and a third region, the Brčko District, which is governed under another separate local government. Even within the autonomous Federation there is further sub-division into ten cantons.

This fractured and divided landscape has been mirrored in policing. Republika Srpska has its own Ministry of Interior and police force. The Federation, meanwhile, has ten canton police agencies with general policing competencies and one district police force for Brčko District, with an additional overarching federal police force possessing limited competencies over complex and organized crime, inter-cantonal crime, anti-terrorism, and VIP protection. While federal or decentralized policing arrangements exist in many countries, in BiH it has resulted in 13 different

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law enforcement agencies for a population of 3.5 million. The number of agencies was increased further to add a state border service in 2000, court security, and the State Investigation and Protection Agency (SIPA), which should have broad competence to deal with serious and organized crime but whose authority is resisted by Republika Srpska and, to a lesser extent, some of the cantons.⁶⁵ Although harmonization across institutions is mandated by law, it has never been implemented in practice.

Post-conflict dynamics impeded coordination and cooperation between the different cantons and Republika Srpska, allowing organized crime and even ordinary crime to deploy the strategy of operating between the state’s many internal boundary lines. At one point, even a simple car theft in Sarajevo city presented a police coordination challenge, as a vehicle could be driven just a few kilometers across the river and police had no power to investigate and limited capacity to coordinate. Basic coordination on this front has improved, but it demonstrates the very real challenges when extrapolated to the level of tackling serious and organized crime. Additionally, policing budgets and planning are managed by the political leadership of each of the cantons and Republika Srpska, again normal in many countries but problematic given dynamics in BiH. The overlap between political and criminal class means that political leadership can constrain any sort of investigation into criminality. As one retired police officer put it, “The politicians don’t want police reform. They like it as it is; a mess.”⁶⁶

Adding to the political complexities at play, the police reform process was disjointed, managed by a series of different international actors during different phases, with mixed results and poor coordination. Immediately post-Dayton, the United Nations deployed the International Police Task Force (IPTF), which ran three phases of programming between 1995-2002, initially providing

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basic restructuring assistance and performance monitoring, secondly implementing a police certification process, and finally supporting the set-up of two national-level agencies: the border police and SIPA. In 2003, the European Union Police Mission (EUPM) took over, focusing on depoliticization, consolidation, and strengthening state bodies. At this stage, organized crime was recognized and addressed as a serious concern, with the EUPM mission mandated to: strengthen the operational capacity of law enforcement agencies to address organized crime and corruption, assist and support in planning and conducting investigations against organized crime and corruption in adopting a systematic approach, and assist and promote the development of criminal investigative capacities; and the mandate to address organized crime and corruption further strengthened in 2006.⁶⁷ Paddy Ashdown, then High Representative, has observed, “When, in 2002, I first arrived in Bosnia and Herzegovina [...] it was apparent to me that the biggest threat to peace and security was the grip that organized crime had on the country.”⁶⁸ In spite of some strides made, particularly in reforming and strengthening the justice sector, the seeds had already been sown, allowing the fractured policing model in place and politics to resist later stage reform initiatives. Each phase of programming aimed at depoliticizing policing and increasing central state capacity and coordination, was met with resistance, particularly from Republika Srpska, which continue to resist any state-level intervention in their jurisdiction.⁶⁹ EUPM closed its mission in 2012. Despite nearly ten years of programming involving support from multiple donors and organizations, the international community had failed to affect the kind of progress in police reform it had envisaged. Police reform is considered “unfinished business” and weaknesses on this core security issue are generally regarded to have negatively impacted the international community’s broader leverage on key political and security issues.⁷⁰

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Organized crime and corruption continue to undercut peace and security in BiH and across the Balkans, quietly undermining and corroding state institutions from within in a manner that becomes more and more organized and challenging to address.⁷¹ An EU mission with justice and security reform goals remains in place, working to support local authorities to meet targets for EU accession. Policing remains divided, and there are growing concerns that Republika Srpska has sought to militarize its police force, recently receiving weapons and tactical support from Russia.⁷²

OBSERVATIONS

Organized Crime Is a Reality in Conflict and Post-Conflict Contexts.

Across conflict contexts, reliance on transnational organized crime, illicit trafficking, and criminal networks has become key to financing and sustaining conflict. Following from this, post-conflict contexts characterized by fragile governance structures, political deal-making, weak security, and groups of unemployed, directionless conflict actors and populations who have become both tolerant of and traumatized by violence are ripe for the expansion and growth of organized crime.

Organized crime is increasingly recognized as a threat to international peace and security. It is a factor in almost all conflict, post-conflict, and transitional environments where the international community provides support, including in all current UN peacekeeping, peacebuilding, and special political mission countries.⁷³ In spite of this, Mark Shaw points out that, “almost without exception, the growth of crime [...] in the post-transition period caught new governments by surprise.”⁷⁴ Northern Ireland is illustrative. As the case study demonstrates, at the end of the Troubles, there was a naïve hope that organized crime would eventually dry out with the conflict. This mistaken

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belief was rooted in the idea that paramilitary groups would stop their funding activities if the conflict was over and the notion that the activities of the groups was sustained primarily by ideological and political motives. As time has passed and paramilitary recruitment has soared to levels even beyond that during the end of the Troubles, it has become clear that these structures are entrenched and will not dissipate on their own. The structures which were active during conflict have proven adaptable in evolving beyond the roles they played during the civil war.

BiH has a complicated relationship with organized criminal groups given the fractured power-sharing structure put in place due to compromises made during the negotiation of the Dayton Agreement. As this case study demonstrates, the power structure allows for a redundancy of enforcement agencies with confusing and limited jurisdiction that inhibit police from tackling even basic crime. Organized crime strengthened its grip in BiH post-Dayton, and it has flourished under these conditions.

The case studies provide two helpful observations for practitioners. First, organized crime is an issue that will not resolve itself merely because the conflict is over. As the Northern Ireland example demonstrates, organized criminal groups are adaptable beyond the ideological and political associations they forge during conflict and are able to embed deeply into post-conflict society. Second, as the BiH example shows, a society’s power structures can enable organized crime post-conflict. These tough realities are of primary importance for practitioners to grapple with in the immediate planning phases.

Timing Is Key.

As a result of recognition of the threat to peace and security posed by organized crime, significant global attention and support are directed towards criminal justice sector support

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programs aimed at combatting organized crime. However, these are rarely targeted during the immediate post-conflict phase or mainstreamed into considerations made during peace deal negotiations. Rather, they tend to be confined to mid- and later-stage engagement. Programming appears to fall into the categories of state building, development, or bilateral cooperation projects, rather than as core to peacebuilding itself.

In Northern Ireland, addressing violent crime and terrorism was prioritized. Only recently have serious efforts developed to target organized crime as well, significantly in November 2015 with the Fresh Start Agreement. In BiH, the IPTF began its work in 1995 after the Dayton Agreement was signed. Even though widespread cognizance of the importance of addressing organized crime occurred relatively early, organized criminal groups were able to take advantage of the fragmented power structure immediately.

Going beyond Northern Ireland and BiH, practitioners should observe that organized criminal groups are able to adapt quickly to post-conflict settings and take advantage of the landscape presented to dig into society. As time passes, the criminal structures become increasingly embedded. Tackling organized crime in post-conflict programming comes with certain tradeoffs, which are discussed in depth below. As such, this section does not comment on the wisdom of Northern Ireland, BiH, or any other post-conflict society to wait to implement organized crime initiatives until later stages (if at all). Rather, this section observes that the immediate phases post-conflict present ripe opportunities for organized crime to adapt to the new status quo. Further, the more time passes, the more intricately organized crime can forge itself into society. As such, initiatives to combat organized crime should be implemented in immediate post-conflict stages if the particular context allows.

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Peace Processes—the Challenge of Balance and Timing

As peace processes aim to end conflict and transition conflict actors toward legitimate peacetime activities, we tend to assume that conflict-related financing activities will also cease. In reality, peace processes often create permissive environments in order to allow space for conflict actors to transition away from conflict and legitimize their behaviors. Peace processes are challenged by balancing the immediate need to end violent conflict and build basic stability and confronting the negative behaviors of actors important to the peace process. In the early stages post-conflict, this may involve reducing active conflict to tolerable levels of violence, while permitting or turning a blind eye to certain illicit behaviors. Tackling organized crime may present as an issue that can wait until basic stability has been achieved.⁷⁵ However, this assumes that conflict actors may transition into more positive roles in time or perhaps accepts a certain level of drift of conflict actors. In a key 2013 paper, Walter Kemp, Mark Shaw, and Arthur Boutellis ask, “Against this backdrop, which is more risky: addressing the issue of organized crime at an early stage and potentially stirring up a hornet’s nest of armed and dangerous groups, or waiting a few years until the same groups have exchanged their uniforms for suits and control business, politics, and the security apparatus, not just illicit markets?”⁷⁶

In Northern Ireland, a decision was made to address violent conflict versus organized criminal structures. Such balancing may be necessary in post-conflict society; however, the decision to do so in Northern Ireland was influenced in part by the misguided assumption that organized crime would cease on its own. Had Northern Ireland balanced the reality that organized crime was only going to become more deeply enmeshed in society against the immediate need for stability, perhaps a more strategic plan could have been formulated to tackle organized crime at earlier stages.

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Northern Ireland’s retroactive approach may now bear fruit as practitioners struggle with organized crime after it has been allowed to proliferate unchecked for the past two decades.

In BiH, the phase immediately post-Dayton perhaps would have provided the best opportunity to meet organized crime head on before organized criminal groups were able to realize the full extent that they could exploit the fragmented power structure to their advantage. Going forward, it is important to observe that prioritizing immediate stability over organized crime is not wrong in and of itself and may be necessary in many contexts. However, timing is crucial to combat organized crime and must be included in the analysis of how to best build peace in the long term.

If You Open the Window, How and When Do You Close It?

Much like the age-old debate of peace versus justice, in some cases the answer to the above question may be that peace is too fragile to address organized crime dynamics in the post-conflict space. However, if that decision is made, we need to be more cognizant of the bargain made and plan for the potential consequences. We need to engage in planning and discussing a phased decision to address it, at every level including in SSR programming and planning, crafting a vision and timeline for how and when organized crime dynamics will be addressed should they emerge. As the Northern Ireland and BiH examples demonstrate, it is crucial to be aware that the decision not to engage early on may have broader impact on SSR programming, including the risk of corruption of the security sector.

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RECOMMENDATIONS

Multi-Level Approach

Organized crime needs to be taken into consideration at multiple levels given the critical role it plays in post-conflict society. This section will highlight a few such levels, but is not intended to be all-encompassing.

First, considerations regarding organized crime should be grafted into diplomacy efforts. As the International Peace Institute recommends, “[p]eacemaking efforts, including the drafting of peace agreements, should consider the crime-conflict relationship, and the role of [transnational organized crime] as a potential peace spoiler.”⁷⁷ Involving police experts in the peace negotiation process is one way to accomplish this objective.⁷⁸ For example, enforcement expertise would have benefitted Northern Ireland as peace was brokered. Had Northern Ireland had a more nuanced analysis of the potential durability of organized crime past conflict phases, perhaps it would have taken a more proactive approach rather than simply turning a blind eye to organized crime in exchange for more immediate peace. BiH is more difficult to generalize given the ethnic, religious, historic, and political complexities that went into negotiating the Dayton Agreement. Richard Holbrooke, who brokered the agreement, noted that both the dangers of failing to reach agreement and the realization that any agreement would necessarily be imperfect were critical during negotiations: “There is a sense here that peace is probably inevitable because of the dangers if we fail. That may be true, as far as it goes. But the critical question—will the Bosnians grasp an imperfect peace or let the war resume—remains unsolved.”⁷⁹ The BiH example demonstrates that, while desirable, incorporating organized crime in diplomacy phases may not always be possible.

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Further, organized crime should be incorporated at a strategic level, which is discussed in depth in the section above. Additionally, considerations regarding organized crime should be considered both from above at a senior leadership level and on the ground at the practitioner level. Too often a disconnect exists between policy objectives and practice realities that hinder the ability to effectively combat organized crime. Henri Boshoff, Dylan Hendrickson, Sylvie More, and Thierry Vircoulon expound upon this disconnect in the context of the Democratic Republic of the Congo (DRC): “In the police sector, the foreign domination of international-Congolese planning bodies has led to slow uptake of the reform process on the part of the national authorities. A clear disconnect has been evident between donor-dominated Kinshasa-based discussions on institutional and technical reform and Congolese security chiefs’ preoccupation and focus on operations in the East. As a result of this, and because of the fact that internal security is considered less important than defence [by DRC leadership], progress in the area of police reform has been slow.”⁸⁰

In short, a multi-layered approach should be adopted to effectively address organized crime in post-conflict societies. This approach should also promote coordination and linkage between the different layers and levels of intervention, breaking down counterproductive silos between donor and implementer mandates, as well as diplomatic, development, and stabilization actors.

Analysis

Too often, critical analysis of the threat posed by organized crime in post-conflict environments and consideration of how to tackle it are missing or engaged in too late. Yet, as observed above, analytically balancing stability concerns against timing is crucial. As Kemp, Shaw, and Boutellis note, “policymakers may be wary of taking on criminals since it may add to instability, especially where links exist between serious crimes and various powerful actors whose support is

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needed if the peace process is to proceed. Therefore, tackling organized crime is usually a low priority. On the other hand, it is precisely during this period of transition that criminal groups take advantage of political uncertainty and weak rule of law in order to create facts on the ground and exploit new opportunities.”⁸¹

Northern Ireland failed to ask these questions following the GFA, going easy on conflict-related organized crime to secure more immediate peace while mistakenly hoping that organized crime would dry up with the conflict. Had these strategic questions been asked at the onset, a more proactive stance could have been adopted. Even if organized crime was tabled in early stages for stability, it is likely that efforts to combat organized crime would have begun much sooner. As it is, Northern Ireland must retroactively struggle with the organized crime problem now that it has become an increasingly rooted fixture of society.

BiH demonstrates the urgency of implementing initiatives against organized crime, particularly in contexts in which power structures are complex and susceptible to manipulation by opportunistic politicians and organized criminals. In BiH, the structures set into place by the Dayton Agreement severely impede efforts to combat organized crime. However, revision of the Dayton Agreement is unlikely.⁸² As such, the immediate post-Dayton phase provided perhaps the greatest occasion to address organized crime in BiH prior to organized criminal networks realizing the extent to which the fragmented power-structure and bloated law enforcement apparatus was favorable to their activities.

Developing an analytical approach allows practitioners to make informed decisions regarding the tradeoffs of addressing organized crime and to strategically determine whether such tradeoffs are

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justified given a particular society’s unique context and long-term peacebuilding goals. At the onset of the peace process, this should include: (1) conducting a threat assessment to consider the contextual nature of crime, the broader political economy of the conflict and how that may develop during a transition to peace; (2) based upon information gathered and other factors at play, discussing whether organized crime can/should be tackled at all or whether the threat of immediate violent conflict is so significant that organized crime should be tabled; (3) if organized crime should be addressed, deciding at what time it should be addressed; (4) when the timing is strategically appropriate to tackle organized crime, determining what methods should be used to address it; (5) conducting further sector-specific analysis and planning, including for SSR and other relevant program areas; and (6) ensuring ongoing analysis and periodic review to track progress, assess new vulnerabilities, track program impact; and to develop diplomatic-, political-, strategic-, and program-level course-correction where necessary.

The International Peace Institute has proffered concrete recommendations for strengthening the culture of analysis, which bear repeating here:⁸³ (1) improve information sharing; (2) convene a Working Group to develop protocols to propel information sharing regarding organized crime; (3) incorporate police experts during the negotiation of peace agreements; (4) improve operational interaction; and (5) include organized crime in peacekeeping mandates.⁸⁴

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Changing Police Culture and Structures: Going beyond Community Policing

Working to reshape security architecture and outlook, including police culture and structured institutional change, are core to SSR and police reform. Significant strides have been made to advance cultural shifts in policing in post-conflict environments, particularly a popular emphasis on community policing over the past two decades.⁸⁵ Community policing can form an integral part of tackling ordinary and organized crimes. As police develop relationships of trust with the community, they are capable of observing dynamics on the ground and gain information from citizens to inform strategic decisions on how to address crime.⁸⁶ However, in tackling organized crime, we need to draw upon, but also go beyond, community policing models.

Developing police and law enforcement intelligence is key to expanding reform efforts beyond community policing, given the importance of law enforcement intelligence gathering and information-sharing in effectively combatting serious and organized crime. In spite of this, significant sensitivity and hesitancy to engage with police to build specialized police intelligence and analytical functions often pervades post-conflict contexts. The reasons for this are clear. State intelligence agencies often play a role in conflict and authoritarian regimes, gaining a negative reputation given secrecy, spying, military and security operations. As such, the international community struggles with how to sensitively build intelligence capacity without re-instrumentalizing negative intelligence services. This sensitivity contributed to the exclusion of intelligence institutions from reform efforts in Central African Republic and the DRC, for example.⁸⁷ Such exclusion can also “undermine the reform process by serving as a home for the types of corrupt and repressive activities that SSR efforts are attempting to eliminate within the regular forces.”⁸⁸ Conversely,

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developing intelligence institutions can bolster reform efforts; for example, the development of intelligence institutions was an important facet of reform efforts in Sierra Leone,⁸⁹ which is often cited as a relatively successful implementation of SSR.⁹⁰ Given its importance, the international community needs to strategically engage on developing this key area of support. To address the negative stigma surrounding intelligence-gathering bodies often carried over from former regimes, a clear distinction should be made between law enforcement intelligence and intelligence-led policing and high intelligence services, and that distinction should be clearly articulated to local actors.

Here, the Northern Irish experience is illustrative. Intelligence gathering played a central role in the British government’s war with the IRA, developing a complex web of informants, which it regards as having played a central role in bringing an end to the conflict. This, however, has left its mark on society, breeding a culture of suspicion. Recently declassified Troubles-era reports reveal that the RUC were instructed to place intelligence gathering and recruitment of informants above fighting crime.⁹¹ For example, “[a]s a consequence, a number of British agents are now known to have been involved in murders, bombings and shootings, while continuing to pass on information about their terrorist associates.”⁹² Additionally, from an institutional structure perspective, the RUC relied heavily upon British military intelligence, alongside its own internal intelligence unit, the Special Branch. Senior retired RUC officers point out that when the British Army pulled out, in the wake of the GFA, the newly restructuring PSNI was left with a major gap in its intelligence-gathering capacity during crucial post-conflict years.⁹³ These cultural and structural concerns remain sensitive issues that need to be addressed to allow the PSNI to break with the conflict-era approach of the past, reorient toward fighting crime, and deploy intelligence-led policing in addressing organized and paramilitary crime.

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The Crucial Link between Disarmament, Demobilization, and Reintegration (DDR) and SSR Programming

Engaging a linked strategic approach and ensuring coordination between DDR and SSR programming is crucial in guarding against the drift of armed actors from conflict into organized crime after cessation of hostilities and also in guarding against the penetration of security agencies by organized criminal elements. SSR is broad; Hanggi identifies at least three distinct contexts in which SSR is utilized: (1) the development context, (2) the post-authoritarian context, and (3) the post-conflict context.⁹⁴ DDR on the other hand is typically only associated with ex-combatants in the post-conflict context. Further, DDR has traditionally been thought to be a separate issue from SSR.⁹⁵ Within the post-conflict context, however, there is growing consensus that DDR and SSR should be linked and that doing so may prevent ex-combatants from contributing to organized crime.⁹⁶ For one, both DDR and SSR have the same purpose—namely the “consolidation of the state’s monopoly of force to uphold the rule of law.”⁹⁷ Further, DDR and SSR can be mutually reinforcing. Effective DDR can demobilize ex-combatants into the security structures SSR seeks to reform. Conversely, ineffective SSR, such as failing to properly vet and retrain ex-combatants prior to entry in a civilian police force, can have disastrous implications for DDR.⁹⁸

Ex-combatants are interwoven into the security sectors of many post-conflict contexts.⁹⁹ The relationship between ex-combatants and politicians, civilians, outside actors, and their former victims is thought to uniquely situate ex-combatants in a position to influence the outcomes of SSR. As such, it is argued that successful SSR is largely dependent on the buy-in of ex-combatants.¹⁰⁰ Edward Rees claims that “DDR is as important to SSR as SSR is at the heart of the process of building rule of law in the wake of war.”¹⁰¹ The link between SSR and DDR is not always

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emphasized to the extent that Rees emphasizes it. However, the importance of the relationship between SSR and DDR is widely recognized. The African Union Policy Framework on SSR, for example, which was adopted in 2013, acknowledges that “[i]n post-conflict situations, SSR and DDR may be intrinsically linked and may complement each other.” Despite this growing recognition, more research is needed to establish the relationship between DDR, SSR, and organized crime in post-conflict societies.

In BiH, DDR and SSR processes were slow to begin post-Dayton. As a result, a first phase of voluntary demobilization of combatants occurred in 1996 without financial or programmatic support from the local or international community, resulting in many attempting to rejoin society faced with barriers of lack of education and employment opportunities, as well as high incidence of post-traumatic stress disorder and mental health issues. As a result, many of this first wave of combatants became involved in organized crime, human trafficking, and the black-market economy. Second- and third-phase demobilization efforts in 2002-2004 and 2006-2007 focused on soldiers, managed with support from International Organization for Migration and the Bosnian government with smaller-scale ongoing assistance from the North Atlantic Treaty Organization Trust Fund. This included the provision of significant financial assistance, livelihoods programming, assistance, and training, and civil education courses addressing topics including human rights. Similarly, SSR initiatives were slow to start and ran with different international organizations involved in different phases. Police reform involved some vetting and demobilization of ethnic police forces but occurred with little coordination with other DDR processes. Transitional justice and identification of war criminals absorbed greater focus than organized crime.

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In Northern Ireland, the GFA and peace process failed to articulate any clear approach to DDR post-GFA. Many ex-combatants are ex-prisoners who remain frustrated that they never received adequate assistance to support their reintegration into communities, including the fact that many possess limited education and skills needed for the modern work force and have a criminal record, which inhibits their ability to move into the legitimate economy. Many complain that this is a factor that has pushed them to engage in illicit activities. In Northern Ireland, significant attention was directed toward SSR with little to no focus on DDR and thus not even an attempt to coordinate between these two processes.

Going beyond BiH and Northern Ireland, there is broad recognition that DDR and SSR should be interconnected and mutually reinforcing in design, resourcing, management, and evaluation but it nonetheless does not always happen in practice. Demobilization and reintegration phases need to invest in context-specific analysis of economic factors, crime, and smuggling dynamics in localities. They also need to design programming and specific countermeasures to tackle vulnerability to increases in societal violence and organized crime post-conflict, as well as guide and support the transition of ex-combatants either into civilian life or their integration into the security apparatus as shaped by SSR processes.

CONCLUSION

This study has sought to advance and encourage deeper exploration of the important role of SSR and police reform in tackling organized crime in post-conflict environments. In doing so, it has drawn upon a series of observations, experiences and lessons learned from Northern Ireland and Bosnia-Herzegovina, two mature case studies that allow us to look back and analyze the role that

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organized crime has played in their post-conflict trajectories. Over twenty-plus years since their respective peace processes, both case studies have made enormous strides in progressing reforms and building peace, and yet both continue to be hampered in consolidating peace dividends and stability by ongoing organized crime linked to negative conflict dynamics of old. Further still, Northern Ireland and Bosnia-Herzegovina represent two case studies where the domestic and international peacebuilding community benefitted from base levels of development, educational attainment and international funding which are unlikely to be paralleled in many of the challenging conflict and post-conflict environments we operate in today. Yet still they failed to stem the undermining effects of organized crime in the post-conflict space. This report seeks to demonstrate—through a universally applicable set of observations and responses—that what is required is early stage recognition of the threat of organized crime to peace and security, accompanied by a deep cognizance of the risks it poses in crafting a multi-level approach, dependent upon strong and ongoing analysis, and leading to carefully timed interventions and reforms, particularly in the key areas of SSR and police reform, which are so central to any state’s response to tackling organized crime.

Fast forward twenty years and organized crime today plays perhaps an even more insidious role in theaters of conflict globally. Organized crime, conflict and extremist groups have grown more and more transnational in nature. Ignoring these dynamics, or blithely waiting to resolve them once the basics of peace and structural reforms have been achieved, is no longer an option. They exist as a quiet force against those gains, undermining and undercutting progress.

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