

2. Armed conflict, crime and criminal violence

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I. Introduction

Crime and criminal violence can pose as great a threat to national stability as armed conflict over government or territory.¹ Furthermore, in some areas of armed conflict, high-profile criminal business may have broader transnational implications and resonance than the conflict itself—but both are manifestations of the same weakness, dysfunction or absence of state structures. In many conflict and post-conflict contexts, a fragmentation of violence and diversification and proliferation of armed actors has been coupled with growing reliance by non-state actors on shadow—including criminal—economic activity as a source of funding. This process has contributed to the erosion of boundaries between political and criminal violence and between many ideologically driven actors and organized criminal groups.

This chapter aims to encourage a more active integration of the study of organized crime, especially transnational, and criminal violence into the broader analysis of collective organized armed violence. It also seeks to show that such integration should be broader than a narrow focus on crime–terrorism or crime–insurgency links in the context of armed conflicts.

Section II of this chapter explains the focus on criminal violence in and beyond conflict-related contexts. It addresses the main data and methodological issues in the field; provides an outline of some global trends in crime and criminal violence; and examines the nature and scale of the links between armed conflict on the one hand and crime and criminal violence on the other. Section III analyses the causes and impacts of organized crime in 2009 in armed conflict settings. One case study examines the patterns and transnational implications of piracy based in Somalia. A second illustrates the dynamics of and interaction between the drug economy and armed conflict in Afghanistan. Section IV goes outside the classic conflict setting to examine the similarities and differences between armed conflict,

¹ ‘Organized crime’ is defined, for the purpose of this chapter, as self-perpetuating illegal activity carried out by a structured group over a period of time for material benefit. ‘Criminal violence’ refers to violence perpetrated by an organized criminal group in the pursuit of such a material benefit. On the definition of ‘armed conflict’ see appendix 2A.

as it is usually defined, and intense criminal violence of a comparable scale and intensity that undermines the security and stability of the affected states. A case study of Mexico is presented, where drug trade-related violence has become the main form of organized collective violence in recent years. Conclusions are presented in Section V. Appendix 2A presents the UCDP data on patterns of major armed conflicts in 2000–2009. Appendix 2B presents the 2010 Global Peace Index.

II. Crime and criminal violence: data, methodology and global trends

The relationship between political violence and organized crime or, more broadly, the illicit or informal economy is a vast subject. The focus here is on the comparative dynamics of armed conflict—one of the key forms of political violence—and criminal violence, exploring recent global trends in crime and criminal violence and presenting specific case studies of crime and criminal violence both in and beyond an armed conflict setting.

Data and methodology problems in studying global crime trends

Quantifying levels of crime, particularly organized crime, and comparing them across countries is difficult. Much less data is available on crime than on armed conflict. With all the limitations of conflict data, global trends in armed conflict are much better known than trends in global crime.²

The main source of data on global crime is the United Nations Survey of Crime Trends and Operation of Criminal Justice Systems (UNCJS), which are conducted by the UN Office on Drugs and Crime (UNODC).³ This effort is supplemented by the International Crime Victims Survey (ICVS).⁴ The use of other statistics, such as Interpol data sets comprising data reported directly from national police authorities, is restricted to governments.⁵

Making accurate quantitative and analytical cross-country comparisons of most categories of crime is problematic due to the varying (and generally insufficient) national reporting of crime and the divergence between data

² On the main trends in major armed conflicts in 2009 see appendix 2A.

³ For the latest survey, including crime data provided by 86 countries, see UN Office on Drugs and Crime, 'The tenth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (Tenth CTS, 2005–2006)', <<http://www.unodc.org/unodc/en/data-and-analysis/Tenth-United-Nations-Survey-on-Crime-Trends-and-the-Operations-of-Criminal-Justice-Systems.html>>. Some of the latest UNODC data on criminal violence is published in Geneva Declaration, *Global Burden of Armed Violence* (Geneva Declaration Secretariat: Geneva, Sep. 2008), pp. 67–88.

⁴ For a summary of the latest ICVS data see van Dijk, J., van Kesteren, J. and Smit, P., *Criminal Victimization in International Perspective: Key Findings from the 2004–2005 ICVS and EU ICS* (Boom Legal Publishers: The Hague, 2008). Crime rates based on victim surveys tend to be higher than those derived from government data, but in both cases data mostly comes from developed countries.

⁵ See Interpol, *Annual Report 2008* (Interpol: Lyon, 2009), pp. 15–17.

provided by different sources. Even fewer reliable statistics are available for most types of transnational crime.⁶ Thus, the existing data does not reflect precise levels of crime and is only reliable enough for the purpose of identifying the main longer-term trends in crime rates at national, regional and international levels, some of which are presented below.

National homicide data is one of the few exceptions. National homicide rates are the least affected by under- or over-reporting; are the most reliable crime statistics available; and are one of the few indicators that are relatively comparable between countries.⁷ In most countries, more accurate data is available on overall homicide levels than on many types of political violence—perhaps with the exception of terrorist attacks. Homicide rates are used as the main indicator of the incidence of criminal violence, which is of particular relevance for this chapter.

Some high-profile or heavily securitized categories of transnational crime are also relatively well represented with comparable data; for example, international piracy statistics and UN and national data on narcotics seizures or drug crop cultivation areas. Also, some countries maintain adequately detailed, well kept and accessible national crime statistics. The availability of reliable and comparable data has partly dictated the choice of case studies in this chapter.

The problems of crime data are much worse when it comes to assessing and measuring levels of criminal violence or the scale of organized criminal activity in the context of armed conflicts. This is a result not only of the inherent problems associated with reporting and gathering data in areas of armed conflict, but also of the difficulty of distinguishing between criminal and political violence. For example, large campaigns of both criminal and anti-criminal violence are sometimes integrated into data on one-sided violence against civilians.⁸

Broad trends in global crime

In contrast to armed conflicts, especially major armed conflicts, which have been in steady decline in recent decades, global levels of crime in general and levels of criminal violence in the developing world in particular have

⁶ 'Transnational crime' is defined, for the purpose of this chapter, as criminal activity that is perpetrated by an organized criminal group that operates in more than 1 state; or that is substantially planned, prepared or controlled from or has direct or indirect effects in another state than that in which it is committed.

⁷ Homicides are intentional killings of a purely criminal or semi-criminal type. Homicide data does not include either battle-related deaths or deaths from terrorism or most other types of one-sided violence.

⁸ On the UCDP data set on one-sided violence see Harbom, L. and Wallensteen, P., 'Patterns of major armed conflicts, 1999–2008', *SIPRI Yearbook 2009*, pp. 75–77.

been slowly but steadily rising since at least the 1970s.⁹ While official UN data on global crime levels in 2008–2009 will not be available for several years, the UNODC has indicated that there was a notable increase in many types of transnational crime in 2009, attributing it primarily to the impact of the global economic and financial crisis.¹⁰

The available data shows no simple correlation between socio-economic development and crime rates. Levels of recorded crime in some developed countries and regions for the 1980s and 1990s—the most recent complete decades for which UN data is available—were higher than the global average, although they had lower than average levels of violent crime.¹¹ Differences in recording practices only partly explain this. It is also a clear indication that higher levels of human and socio-economic development and integration into the global economy do not in and of themselves lead to reduced crime—and may even be accompanied by a rise in overall crime rates.

In contrast, those Arab Muslim countries that were not in a state of protracted armed conflict and collapse of governance generally had crime rates lower than the global average, sometimes much lower. Levels of socio-economic development are thus not the only—and not necessarily the main—factor behind crime rates but interact with other factors, including culture, religion and general state capacity. This is further illustrated by the fact that, according to the latest available UNODC data, homicide rates in South Asia are six times lower than homicide rates in Africa, even though the regions have comparable levels of gross domestic product.¹²

Based on the latest available complete global homicide data (for 2004) the three subregions most affected by violent crime are Southern Africa, Central America and South America, with homicide rates of between 25 and 35 per 100 000 people. The second most violent set of subregions, with homicide rates of 15–25 per 100 000, is comprised of the Caribbean and Eastern Europe. A third group includes North Africa, North America, and Central Asia and the South Causasus, with homicide rates in the range 5–10 per 100 000. The Middle East, Oceania, South Asia and South Eastern Europe all have lower homicide rates than North America, followed by East and South East Asia. Western and Central Europe have the lowest rates of homicide in the world.¹³

The global average of violent crime as a proportion of all crime does not exceed 10–15 per cent. Comparing the relatively static global trend in homi-

⁹ UN Office for Drug Control and Crime Prevention, Centre for International Crime Prevention, *Global Report on Crime and Justice* (Oxford University Press: New York, 1999).

¹⁰ UN News Service, 'UN anti-crime tsar warns of global reach of organized crime', 16 Apr. 2009, <<http://www.un.org/apps/news/story.asp?NewsID=30490>>.

¹¹ UN Office for Drug Control and Crime Prevention (note 9).

¹² Geneva Declaration (note 3), p. 73.

¹³ Geneva Declaration (note 3), pp. 70–71.

cide rates since the early 1990s with the overall rise in global crime rates in the same period suggests that, overall, crime is actually becoming less violent.

Finally, comparison of global homicide totals with battle-related fatality data indicates that criminal violence is far more widespread than organized political violence. The best example is provided by sub-Saharan Africa in 2004, where there were 10 times more homicides, at 180 000, than conflict-related deaths.¹⁴ In addition, the steady decline in numbers of armed conflicts since the early 1990s has not been matched by a global decline in homicide rates. Instead, most subregions have shown flat criminal homicide trends.¹⁵

Non-state combatants and organized crime groups: similarities and differences

The closest similarities between organized crime groups and politico-military non-state actors using proceeds from criminal activities as a ‘war resource’ are in their sources and methods of financing. Both may engage in criminal activities that are predatory (e.g. armed robberies, assaults etc.) or parasitical (e.g. collecting ‘revolutionary’ taxes or racketeering). Both are also interested in the general weakening of state control or of law and order, in maximum freedom of movement and so on, in order to allow them to operate.

Both politico-military groups and organized criminal groups are non-state actors. Although they display a wide range of organizational forms and patterns, both overall enjoy greater levels of structural and organizational flexibility than states do. While some more hierarchical structures can be found in both spheres—for example, large drug cartels or army-type guerrilla elements such as the Fuerzas Armadas Revolucionarias de Colombia (FARC, Revolutionary Armed Forces of Colombia) or the Maoist insurgents in Nepal until the late 2000s—there is a common trend towards hybrid and network structural elements joined by more horizontal and informal links.¹⁶

Despite these parallels, fundamental differences between politico-military groups and organized criminal groups persist. A politico-military group ultimately aims to bring about—or prevent—a change in the government of a state or territory in line with some political or ideological agenda. Violence and any criminal activities that yield material benefits or engage-

¹⁴ Geneva Declaration (note 3), p. 72.

¹⁵ Geneva Declaration (note 3), pp. 76–77.

¹⁶ On the shift towards networks see Arquilla, J. and Ronfeldt, D. (eds), *Networks and Netwars: The Future of Terror, Crime, and Militancy* (RAND: Santa Monica, CA, 2001); and Stepanova, E., *Terrorism in Asymmetrical Conflict: Ideological and Structural Aspects*, SIPRI Research Report no. 23 (Oxford University Press: Oxford, 2008), pp. 100–50.

ment with criminal groups are means to achieve that aim. In contrast, organized criminal groups are essentially apolitical; illicit profit is their main motive and *raison d'être*. Penetration of state structures and confrontation with law enforcement agencies are only intended to support this goal. Thus, politico-military combatants in an armed conflict are contesting a declared incompatibility over territory or government, whereas criminal groups are not.

The political opportunism of organized criminal groups is reflected in the fact that such groups are as ready to engage in illicit cooperation with corrupt state officials or with government-aligned armed actors as they are to establish links with rebel groups. This partly explains why even in those conflict areas where close crime–insurgency links can be observed—such as in Afghanistan and parts of Africa and the Andean Belt—insurgents are not the only actors involved in organized crime or cooperating with organized criminal groups.¹⁷ In fact, organized crime at its most advanced stages aims at forming a symbiosis with the state and with the legal economy.

Another difference between the two groups can be found in how they typically use their funds, even if the sources of funding are similar. Politico-military actors are more likely to use financial resources to maintain or enhance their military potential; meet the social needs of the population supporting the group and the administrative needs of ‘governing’ territory under their control; and otherwise advance their political and ideological agenda. Organized criminal groups are more likely to invest in business expansion or to use their profits for unproductive purposes, such as buying large estates or gambling.

These distinctions, however, do not preclude the possibility of the political or ideological degradation of politico-military actors into purely criminal groups or of their forming links with organized criminal groups that go beyond pragmatic or business-type relationships. The distinctions between politico-military and criminal actors may also be less relevant in conflict areas in dysfunctional or failed states with a high degree of fragmentation of armed violence, the spread of militias of different types and the emergence of ‘warlords’ (i.e. powerbrokers fighting for control of power and resources and exploiting opportunities offered by insecurity and a war economy). In such fragmented settings, it is often impossible to single out more politically oriented or more criminally dominated groups from the complex web of localized violence.¹⁸

¹⁷ E.g. in Afghanistan, corrupt state officials and the government’s regional allies may be no less involved in the illicit drug business than the armed Islamist opposition. See section III below.

¹⁸ See e.g. Reno, W., *Warlord Politics and African States* (Lynne Rienner: Boulder, CO, 1999); and Mueller, J., ‘The banality of “ethnic war”’, *International Security*, vol. 25, no. 1 (summer 2000). On the integration of criminal violence in fragmented conflict-related contexts see Stepanova, E., ‘Trends in armed conflicts’, *SIPRI Yearbook 2008*, pp. 44–71.

Links between politico-military and criminal groups

Politico-military non-state actors in armed opposition to governments usually have limited possibilities to finance themselves from legal sources. Most of these groups by default operate primarily within an informal economy and must fund themselves mainly by engaging in various forms of shadow economic activity, including criminal activity.

During the cold war, major non-state armed actors often enjoyed substantial external financial support, particularly from the states of the two competing blocs. When armed groups engaged in criminal activity, they often acted through criminal intermediaries. As external support dried up, many insurgency movements and other non-state armed groups had to become partly or completely self-financed. They engaged more actively in shadow economic activity, stepped up their cooperation with organized criminal groups and, increasingly, cut out the criminal intermediaries in order to maximize financial gains from criminal activity. Although the phenomenon of external states supporting or sponsoring insurgents has not disappeared, most of the insurgent groups that have emerged since the cold war have had to develop closer relationships with organized criminal groups or directly engage in criminal activities in order to operate.

While these relationships and engagement may take different forms, the common stages can be identified.¹⁹ Most of the examples cited are of groups that started with and have not publicly renounced a politico-military agenda and have become engaged in the drug economy. However, politico-military groups, including those aligned with the state, engage in a variety of criminal and other shadow economic activities.²⁰

1. *'Activity appropriation' and limited cooperation.* This stage is passed by all militant groups engaged in criminal activity. Some predatory criminal activities require no special skills, structures or networks, making it possible for politico-military actors simply to carry them out independently of criminal actors. In the case of activities that cannot be 'appropriated' in this way—such as illicit trafficking in drugs or other commodities in order to generate funds or access arms—politico-military actors engage in limited and temporary cooperative relationships with criminal groups. Another

¹⁹ On categorization of types of links between militancy and crime see e.g. Shelley, L. I. et al., *Methods and Motives: Exploring Links between Transnational Organized Crime & International Terrorism*, Report by Transnational Crime and Corruption Center (TRACC) (National Institute of Justice: Rockville, MD, 2005), pp. 34–39; and Stepanova, E., 'El negocio de las drogas ilícitas y los conflictos armados: alcance y límites de sus vínculos' [The illicit drug trade and armed conflict: the scope and limits of its links], ed. J. G. Tokatlian, *Drogas y prohibición* [Drugs and prohibition] (Libros de Zorral: Buenos Aires, 2010), pp. 313–44.

²⁰ See e.g. De Koning, R., 'Resource–conflict links in Sierra Leone and the Democratic Republic of the Congo', SIPRI Insights on Peace and Security no. 2008/2, Oct. 2008, <http://books.sipri.org/product_info?c_product_id=364>.

example of limited cooperation would be organized criminal groups outsourcing functions such as providing security to traffickers or controlling local cultivation and trade to politico-military groups based in or controlling the area. Politico-military groups' limited role in the trade in illicit commodities, including drugs and arms, in consumer countries—as had was by the Irish Republican Army (IRA) and as practised by Euskadi Ta Askatasuna (ETA, Basque Homeland and Freedom)—would also fall under this category.²¹

2. *Deeper cooperation and symbiosis.* In this stage, the criminal and politico-military groups develop deeper, broader and virtually unlimited cooperation, sometimes on a national scale. FARC is often cited as an example in this regard. In Colombia, the relationship between FARC and criminal groups developed into a clear division of labour, with the rebels dominating control over coca cultivation, production and trade at the local level, while organized criminals dominating the trafficking of the drug to consumer countries. Another classic case is the Taliban in Afghanistan in the 1990s. Up until 2000, the Taliban collected regular tithes from much of the country's poppy cultivation and tried, with much less success, to tax the local drug trade, while the operation of drug laboratories and international trafficking largely remained out of their control.

3. *Merger.* In the next stage, the armed group becomes so heavily engaged in criminal and shadow economic activity that it is no longer possible to identify it as either predominantly politico-military or purely criminal. Examples include the Islamic Movement of Uzbekistan (IMU), some FARC elements and the Mong Thai Army that was active in Myanmar until the mid-1990s.²²

4. *Complete criminalization and ideological degradation.* Some groups that originally emerged as genuine socio-political actors, or elements and break-away factions of such groups, have effectively abandoned their ideological aims to focus primarily on criminal activities. Examples include the Abu Sayyaf group in the Philippines, which engages in predatory and other criminal activity to such a degree that its commitment to any genuine political goals is heavily disputed.²³ Other examples include some remnants of the Peruvian Sendero Luminoso (Shining Path) rebel movement that partake in controlling the distribution of the drug *paco* in the Argentinian

²¹ See e.g. Federation of American Scientists, Intelligence Resource Program, 'Irish Republican Army', <<http://www.fas.org/irp/world/para/ira.htm>>; and Labrousse, A. and Laniel, L. (eds), *The World Geopolitics of Drugs, 1998/1999* (Kluwer Academic Publishers: Dordrecht, 2002), pp. 124–27.

²² On the IMU see Naumkin, V. V., *Militant Islam in Central Asia: The Case of the Islamic Movement of Uzbekistan* (University of California, Berkeley, Institute of Slavic, East European and Eurasian Studies: Berkeley, CA, 2003). On the Mong Thai Army see Stepanova, E., 'Addressing drugs and conflict in Myanmar: who will support alternative development?', SIPRI Policy Brief, June 2009, <http://books.sipri.org/product_info?c_product_id=383>.

²³ See e.g. Abuza Z., 'The demise of the Abu Sayyaf group in the southern Philippines', *CTC Sentinel*, vol. 1, no. 7 (June 2008), pp. 10–12.

capital Buenos Aires.²⁴ This stage becomes more likely as an armed confrontation becomes protracted, its intensity stabilizes at a relatively low level and the prospects of the politico-military group's political goals being achieved in the foreseeable future fade away. While far from unavoidable, the likelihood of a group's gradual criminalization reaching such a critical point becomes greater in the wake of a military defeat, when some leftover units may intensify their involvement in criminal activities. Similarly, even in relatively effective and inclusive peace processes, more radical offshoots of a politico-military group may remain outside the process, lose popular support, become more isolated and, as a means of survival, become primarily criminal organizations.

This description does not imply that every politico-military non-state actor will eventually develop extensive links with organized crime and become criminalized. Nor does it imply that the same group, or parts of it, cannot be related to organized crime in more than one way in different spheres of illicit activity. Also, these are only rough descriptions of some common types of link, and are not exhaustive or universal.

It is also important to note some specifics regarding the financing and links to crime of many grassroots Islamist armed movements—ranging from Hamas in the Palestinian territories to the Islamic Courts movement in Somalia—that are in large part funded through the redistribution of regular religious donations (*zakat*) and charitable donations from local members and support groups and sources in other Muslim countries and diasporas around the world. These funds are channelled through a chain of Islamic charities, foundations and banking institutions. They are partly used for the benign social, humanitarian and religious purposes for which many of the donors believed they were to be used and partly redirected for armed violence, sometimes including terrorism. Such a system could be considered the reverse of money laundering. As well as not engaging in predatory or violent crime, such groups actually attempt to enforce basic law and order in areas under their control, albeit sometimes by extremely harsh means. Furthermore, in their countries, communities and diasporas these movements tend to enjoy a better reputation for financial efficiency and probity in their operations than many secular or non-fundamentalist Muslim authorities.²⁵ However, such groups—particularly when operating in a context of weak or absent state control or of protracted conflict—frequently engage in parasitic activities such as taxing trade in all types of

²⁴ International Crisis Group (ICG), *Latin American Drugs I: Losing the Fight*, Latin America Report no. 25 (ICG: Bogotá/Brussels, 14 Mar. 2008), p. 21.

²⁵ The IMU, which has evolved from a non-criminalized fundamentalist Islamist group to heavy criminalization, including predatory criminal violence, is a rare exception to this general pattern.

commodities and resources—from consumer goods and fuel to precious metals, illicit drugs and arms.²⁶

III. Transnational crime in armed conflict settings

Piracy and conflict in Somalia

In 2009 the frequency of pirate attacks continued to rise for the fourth successive year.²⁷ The global epicentre of piracy was the coastline of Somalia, the Gulf of Aden and the adjacent areas of the Indian Ocean. Somali pirates hijacked 47 out of 49 vessels hijacked worldwide during the year and took 867 of the total of 1052 hostages. They also carried out 53 per cent of all pirate attacks in 2009—217 out of 406.²⁸

Somali pirates seized vessels and held crews hostage for ransom, usually without causing serious harm to the ships or hostages. Pirates controlled many small coastal villages and towns and were the main contributors to the relative prosperity of larger port towns such as Boosaso. Their speed-boats and small vessels operated both from these strongholds and from larger ‘mother ships’—often hijacked dhows or fishing boats—which allowed the pirates to operate far from the coast.²⁹ While in 2008 most Somali pirate attacks took place in the Gulf of Aden, in 2009 their geographic range expanded well into the Indian Ocean, as far as the Seychelles.³⁰ This was partly a result of international anti-piracy operations, which provided a relatively safe international transit corridor immediately off the Somali coast and the Horn of Africa.³¹

Pirates emerged as a force off the Somali coast with the collapse of the Somali state in the early 1990s. At first they largely performed a coping and resilience function, protecting Somalia’s otherwise unprotected waters rich with tuna, shrimp and lobster from a surge of illegal commercial fishing (worth up to \$300 million per year) and forcing foreign ships to pay a

²⁶ See Stepanova, E., ‘Beyond “narcoterrorism”: illicit drug business and terrorist tactics in armed conflicts’, ed. J. Buxton, *The Politics of Narcotic Drugs: A Survey* (Routledge: London, 2010); and Stepanova, E., ‘Illicit drug trafficking and Islamist terrorism as threats to Russia’s security: the limits of the linkage’, PONARS Policy Memo no. 393, Center for Strategic and International Studies, Dec. 2005, <http://csis.org/files/media/isis/pubs/pm_0393.pdf>.

²⁷ There were 239 piracy incidents in 2006, 263 in 2007, 293 in 2008 and 406 in 2009. International Maritime Bureau, Piracy Reporting Centre, ‘2009 worldwide piracy figures surpass 400’, 14 Jan. 2010, <http://www.icc-ccs.org/index.php?option=com_content&id=385>.

²⁸ International Maritime Bureau (note 27). In 2009, 28 piracy incidents occurred off the coast of Nigeria, 15 in Indonesia and 13 in the South China Sea.

²⁹ Beckman, R. and Koh, T., ‘Pirates and the law’, *New York Times*, 21 Apr. 2009.

³⁰ International Maritime Bureau (note 27); and ‘Somali pirates hit oil tanker in long-range attack’, Associated Press, 9 Nov. 2009. At the time of writing, the longest-range Somali pirate attack took place on 9 Nov. 2009, 1852 kilometres east of the Somali capital, Mogadishu. EU NAVFOR Somalia, ‘Longest range pirate attack on crude oil tanker in Indian Ocean’, Press release, 9 Nov. 2009, <<http://www.eunavfor.eu/2009/11/page/3/>>.

³¹ International Maritime Bureau (note 27).

'tax'.³² Later on, piracy turned into a booming shadow economic industry and one of the few profitable—and cross-clan—activities for Somalis in coastal areas, with turnover in 2008 reaching \$50–80 million, according to some estimates.³³ While a share of the ransoms extracted was set aside to buy arms, fuel and so on for further operations, the rest was divided among the pirates and their extended families and clan members, and often included a cut for 'bosses' and local officials.³⁴ More generally, Somali piracy in 2009 illustrated the elusive boundary between legal and illegal economies, and between elements of formal governance structures and organized crime in chronically weak or failed states torn by conflicts and instability. Somali pirates often described themselves as marines or coastguards and were allegedly linked to elements in the regional authorities, senior national officials or even 'all significant political actors in Somalia'.³⁵

While piracy benefited limited groups of people, as well as patronage systems connected to authorities in areas where they existed, it did not emerge as an effective coping strategy for the wider population, even in coastal areas.³⁶ Although high levels of insecurity and the use of informal money transfer systems made it difficult to trace where the cash from ransoms in Somalia went, the bulk of it was apparently put to unproductive uses such as building larger houses among huts, buying expensive cars or hosting opulent wedding parties. Piracy also scared off commercial cargo ships from Somali ports and may have been linked to the growth of kidnapping for ransom onshore.³⁷

While pirate activity in Somalia was fragmented and scattered along the 3025 kilometre-long Somali coastline, its main hubs were in areas that were not the main hotbeds of the armed conflict in the country, such as the semi-autonomous Puntland, where it enjoyed a degree of patronage from the local authorities. Ironically, the most direct link between pirate activity and armed confrontation took the form of pirate attacks on ships that were carrying weapons for the Somali Government in violation of the UN arms embargo.³⁸ There is to date no credible evidence that piracy has directly fuelled armed conflict in Somalia, nor that pirates have any overt or systematic links to the Islamist insurgent groups, although some southern

³² Hari, J., 'You are being lied to about pirates', *The Independent*, 5 Jan. 2009.

³³ Straziuso, J., 'US drones protecting ships from Somali pirates', Associated Press, 23 Oct. 2009; and Gettleman, J., 'Somalia's pirates flourish in a lawless nation', *New York Times*, 30 Oct. 2008.

³⁴ Gettleman, J., 'Somalia's pirates flourish in a lawless nation', *New York Times*, 31 Oct. 2008.

³⁵ Gettleman (note 34). See also Hari (note 32).

³⁶ While turnover from piracy reached \$50–80 million in 2008 (see above), the total remittances from the Somali diaspora reportedly amounted to \$1 billion. World Bank, 'Somalia: country brief', Aug. 2009, <<http://go.worldbank.org/79I6OT3500>>.

³⁷ Gettleman (note 34).

³⁸ Guled, A., 'Somali pirates hijack two more ships', Reuters, 11 Nov. 2009, <<http://www.reuters.com/article/idUSTRE5AA0VP20091111>>.

pirate bases were in insurgent-held areas.³⁹ Pirates were viewed by both radical and the more moderate Islamists as un-Islamic forces and blamed for ‘spoiling’ devout Muslims and introducing alcohol, drugs and other ‘evils’. The pirates appeared to be more wary of the Islamist forces onshore than of international naval patrols at sea.⁴⁰

The main way in which the armed confrontation in turn affected the level of pirate activity was indirect, but perhaps more fundamental. This was the role of the ongoing armed confrontation between numerous groups and factions in undermining any governance arrangements at the national level and preventing the emergence of local or regional governance structures that are not dysfunctional, corrupt and partly financed by illicit transnational crime, such as the autonomous authorities of Puntland.⁴¹ The conflict could be said to have been roughly between government forces—with formal backing from the UN and external military and intelligence support mainly from Ethiopia and the United States⁴²—and the Islamist insurgents. However, the line of confrontation was not always clear, given the Islamist background of most government officials in 2009 and their former alliance with the radical Islamist al-Shabab insurgent group. In reality, none of the armed factions in 2009 was powerful, coherent or popular enough to prevail over others and end the violence. The African Union Mission in Somalia (AMISOM), a UN-mandated peacekeeping force, has compromised its local legitimacy by, among other things, its association with the Ethiopian forces that occupied Somalia from 2006 to January 2009 and were associated with some of the worst attacks against civilians in the country.⁴³

While both ongoing armed violence of a more political, religious or clan-based nature onshore and piracy offshore can be seen as manifestations of the profound weakness or absence of state capacity in Somalia, the armed conflict can also be seen as a critical catalyst of that state weakness, even if its implications were less transnational and less publicized internationally than the threat posed by Somalia-based piracy to commercial navigation.

³⁹ Guled, A. and Sheikh, A., ‘Somali pirates seize weapons ship, attack tanker’, Reuters, 9 Nov. 2009, <<http://www.reuters.com/article/idUSL9062439>>.

⁴⁰ Gettleman, J., ‘The pirate chronicles: for Somali pirates, worst enemy may be on shore’, *New York Times*, 9 May 2009.

⁴¹ The only exceptions from this general pattern are Somaliland in the north and areas controlled by the radical Islamists, including al-Shabab.

⁴² In 2009 France started to train 500 Somali soldiers at its base in Djibouti and, in Jan. 2010, the EU decided to provide training to 2000 Somali troops. ‘EU agrees to train Somali troops’, BBC News, 25 Jan. 2010, <<http://news.bbc.co.uk/2/hi/8479564.stm>>.

⁴³ On the nature of the conflict in Somalia and on violence against civilians see Stepanova, E., ‘Trends in armed conflicts: one-sided violence against civilians’, *SIPRI Yearbook 2009*, pp. 46–52. The expansion of AMISOM is now opposed not only by anti-government Islamist insurgents but also by a group of clerics who back the Somali president. ‘Somalia peacekeeping effort encounters country’s resistance to foreign intervention’, Voice of America, 23 Mar. 2009, <<http://www1.voanews.com/english/news/a-13-2009-03-23-voa26-68824977.html>>.

Ideally, efforts to address problems of internal state building and conflict resolution onshore in Somalia should be linked with the management of the piracy threat by external actors through enforcement and diplomatic means. However, they continued to develop as two separate tracks in 2009.

On 8 December 2008 the European Union (EU) deployed to the region its first naval operation under the European Security and Defence Policy, the EU Naval Force Somalia (EU NAVFOR Somalia, or Operation Atalanta) to escort ships, including vessels leased by the World Food Programme to deliver humanitarian relief to Somalia.⁴⁴ In 2009 the USA, the North Atlantic Treaty Organization (NATO) and several other states, including China, Russia, India, Japan and South Korea, deployed ships to patrol the area and combat piracy. One of Somalia's neighbours, Kenya, accepted pirates for trial from foreign forces and signed memoranda of understanding with the EU, the United Kingdom and the USA agreeing to try suspected pirates in return for assistance in upgrading its judicial system.⁴⁵

Thus, the international response to Somali piracy developed in 2009, mounting more frequent and better-coordinated naval patrols and establishing procedures for the criminal prosecution of Somali pirates, including in cooperation with states in the region. However, there are limits to how much can be achieved with such an approach. While some progress was made by the international community in managing piracy, no visible progress was made regarding state building, including building or strengthening functional governance at the subnational level, or conflict resolution. The main condition for a long-term decline in piracy along the longest coastline in Africa can only be the revival of a semblance of functional government in Somalia, which requires a more representative Islamist government and an end to armed confrontation with the radical Islamists.

The present moderate Islamist government of Sheikh Sharif Sheikh Ahmed has international legitimacy and, unlike its recent predecessors, retains at least some domestic legitimacy. However, neither the government nor any other faction in Somalia is likely to prevail militarily, even with external support. The challenge of state building requires not only—and not even primarily—an internationally dictated solution, but a sustainable internal power-sharing arrangement. Such an arrangement could make use of any ties that some of the Islamists in the present government retain with parts of al-Shabab to sow further divisions among the radicals and integrate some of the rebel leaders, such as Abu Mansur and Sheikh

⁴⁴ EU NAVFOR Somalia, 'Mission: European Union naval operation against piracy', <<http://www.eunavfor.eu/about-us/mission/>>.

⁴⁵ Corder, M., 'Nations look to Kenya as venue for piracy trials', Associated Press, 17 Apr. 2009; and Marquand, R., 'Sticky legal battles await for captured Somali pirates', *Christian Science Monitor*, 14 Apr. 2009.

Hassan Dahir Aweys, into the government or, if that fails, even directly engage the key armed opposition actors. This kind of arrangement, however, is likely to be resisted by the USA, the key external actor in Somali affairs from outside the region, which has ruled out any political solution involving al-Shabab.

Illicit drugs and armed violence in Afghanistan

Afghanistan is the locus of one of the world's most intense major armed conflicts and of the great majority of global poppy cultivation and opiate production.⁴⁶ The opiate output of Afghanistan has grown exponentially since the toppling of the Taliban government by a US-led invasion in 2001. According to UNODC statistics, the area under poppy cultivation in 2007 was more than 25 times that in 2001, when the Taliban ban on opium poppy cultivation was in force.⁴⁷ While the area under poppy cultivation decreased in both 2008 and 2009, it remains more than 35 per cent greater than that in the pre-2001 peak year of 1999.⁴⁸

In addition to the lack of functional state capacity in post-Taliban Afghanistan, other main factors behind the exponential growth of the opium economy have been its role as a socio-economic adaptation strategy for peasants in a country torn by decades of armed conflict and dominated by the shadow economy; the potential income from trafficking opiates, which make it the most lucrative illicit business for many smuggling networks overlapping with tribal and clan networks; and the role of the illicit drug business in financing the Taliban-dominated insurgency. This last factor has grown significantly in importance since the early years after the invasion, as the insurgency has gained strength and extended areas under its control. In 2006–2007 various insurgent groups and warlords collected \$200–400 million a year in drug-related funds, according to UNODC estimates. This income came from levies on opium farmers; protection fees on laboratory processing of opiates; transit fees on drug convoys; and 'taxation' on imports of chemical precursors.⁴⁹ The UNODC is, however, careful to emphasize that those who profit from the opium business in Afghanistan include 'a broad range of profiteers, at home and abroad',

⁴⁶ In 2008 Afghanistan produced over 93% of opiates and accounted for 83% of poppy cultivation worldwide. UN Office on Drugs and Crime (UNODC), *World Drug Report 2009* (UNODC: Vienna, 2009), pp. 33–34.

⁴⁷ Poppy cultivation in Afghanistan reached its peak of 193 000 hectares in 2007, having risen from a low of 8000 ha in 2001. UN Office on Drugs and Crime (UNODC), *Afghanistan Opium Survey 2008* (UNODC: Vienna, Nov. 2008), p. 7.

⁴⁸ UN Office on Drugs and Crime (UNODC) and Afghan Ministry of Counter Narcotics, *Afghanistan Opium Survey 2009: Summary Findings* (UNODC: Vienna, Sep. 2009), p. 1.

⁴⁹ UN Office on Drugs and Crime (UNODC), *Addiction, Crime and Insurgency: The Transnational Threat of the Afghan Opium* (UNODC: Vienna, 2009), p. 2.

including purely criminal groups and even government officials.⁵⁰ Some field-based studies go further to suggest that there is a widespread perception in southern Afghanistan that ‘corrupt officials are more involved in the drugs trade than anti-government elements’, while the Taliban’s involvement in the drug trade is seen by the local population as being limited to collecting an agricultural tithe (*ushr*), which is typically divided equally between the local mullah and the Taliban.⁵¹

The Afghan opium economy and its output have had dramatic transnational implications. According to the head of the UNODC, Antonio Maria Costa, Afghan opiates were in 2009 feeding a global trade in heroin that resulted in over 10 000 narcotics-related deaths in NATO member countries alone.⁵² This not only underscores the scale of the impact of drugs of Afghan origin on the outside world but also calls into question the goals and relevance of the foreign military presence in Afghanistan. The implications of Afghanistan’s booming opium economy for its neighbours, such as Iran, and the major transit and consumer states bordering the region, such as Russia, were even more serious.⁵³

Despite the continued growth of the Afghan security forces, the USA and the NATO-led International Security Assistance Force (ISAF) were the most militarily powerful actors in Afghanistan during 2009, and the Taliban were the main insurgent force.⁵⁴ Annual US spending in Afghanistan now exceeds that in Iraq—\$65 billion was proposed for Afghanistan, compared with \$61 billion for Iraq in the financial year (FY) 2010 budget request, mostly for military- and security-related purposes.⁵⁵ The USA’s overarching goal in Afghanistan—redefined in a December 2009 speech by US President Barack Obama—is ‘to disrupt, dismantle, and defeat al Qaeda

⁵⁰ The UNODC also notes that Afghan farmers have annually gained up to \$1 billion from opium production, whereas the global heroin market is worth around \$65 billion per year. UN Office on Drugs and Crime (note 49), pp. 2–3.

⁵¹ Mansfield, D., ‘Responding to risk and uncertainty: understanding the nature of change in the rural livelihoods of opium poppy growing households in the 2007/2008 growing season’, Report for the British Government’s Afghan Drugs Inter-departmental Unit, July 2008, <http://www.davidmansfield.org/field_work.php>, p. 47.

⁵² UNODC (note 49), p. 1; and Costa’s presentation of this UNODC report quoted in MacFarquhar, N., ‘Report shows Afghan drugs reach deep in the West’, *New York Times*, 23 Oct. 2009.

⁵³ Iran reported the largest heroin seizures in 2007 (25% of the world total) and had one of the highest rates of opiate consumption (2.8% of its population). Russia quickly evolved from being primarily a transit point to become, by 2009, Europe’s largest consumer market for opiates, with an addiction rate of 1.6% and, according to some estimates, the world’s largest market for heroin of Afghan origin. UN Office on Drugs and Crime (note 46), pp. 42, 55; and Viktor Ivanov, head of the Russian Federal Drug Control Service, quoted in ‘Russia is top heroin consumer, report finds’, Reuters, 7 Mar. 2009.

⁵⁴ See Foxley, T., ‘Security and politics in Afghanistan: progress, problems and prospects’, *SIPRI Yearbook 2009*.

⁵⁵ Harrison, T., ‘Analysis of the FY 2010 defense budget request’, Presentation, Center for Strategic and Budgetary Assessments (CSBA), 12 Aug. 2009, <http://www.csbaonline.org/4Publications/PubLibrary/S.20090812.Press_Briefing_on_/S.20090812.Press_Briefing_on_.pdf>, p. 4. On military spending in and by Afghanistan see chapter 5 in this volume.

in Afghanistan and Pakistan, and to prevent its capacity to threaten America and our allies in the future'.⁵⁶ Anti-Taliban counterinsurgency in Afghanistan is seen as one of the main ways to achieve that goal. The US strategy envisages a surge of 30 000 additional US troops in Afghanistan and makes the transfer of security duties to Afghan forces a condition for US withdrawal.

Even though the Afghan opiates do not threaten the USA directly, from 2001 the USA was the largest contributor to counternarcotics efforts in Afghanistan, allocating about \$2.9 billion in FYs 2001–2009. However, in March 2009 the US special representative for Afghanistan and Pakistan, Richard Holbrooke, called this 'the most wasteful and ineffective program I have seen in 40 years in and out of the government'.⁵⁷ In 2009 the Obama Administration called for a major review of US counternarcotics policy in Afghanistan.⁵⁸ The revised policy formally moved away from the USA's usual heavy reliance on forced eradication and prioritized a combination of interdiction—more effective drug seizures, targeting drug traders, cross-border traffickers and heroin laboratories—and alternative development measures, such as crop substitution.⁵⁹

However, the stepped up counternarcotics efforts in Afghanistan were subordinated to the US counterinsurgency strategy, focusing on 'going after those targets where there is a strong nexus between the insurgency and the narcotics trade, to deny resources to the Taliban'.⁶⁰ While linking counternarcotics to anti-Taliban counterinsurgency was probably necessary to provide a 'national interest' justification for increasing counternarcotics assistance to Afghanistan—the USA is not directly threatened by Afghan-sourced opiates—it was also highly questionable, for reasons discussed below.

⁵⁶ White House, 'Remarks by the President in address to the nation on the way forward in Afghanistan and Pakistan', Press release, 1 Dec. 2009, <<http://www.whitehouse.gov/the-press-office/remarks-president-address-nation-way-forward-afghanistan-and-pakistan>>.

⁵⁷ Quoted in Blanchard, C. M., *Afghanistan: Narcotics and U.S. Policy*, Congressional Research Service (CRS) Report for Congress RL32686 (US Congress: Washington, DC, 21 Apr. 2009), p. i.

⁵⁸ The policy shift was first announced by Holbrooke during a G8 conference on stabilizing Afghanistan, Trieste, 27 June 2009. 'U.S. reverse Afghan drug policy', Reuters, 27 June 2009; Blanchard (note 57), pp. 7–8; and Presidential Determination on Major Illicit Drug Transit or Major Illicit Drug Producing Countries for Fiscal Year 2010, US Presidential Determination no. 2009-30 of 15 Sep. 2009, *Federal Register*, 23 Sep. 2009, pp. 48369–72.

⁵⁹ On the strengths and weaknesses of various counternarcotics measures and the counterproductive effects of forced eradication in Afghanistan see Rubin, B. R. and Sherman, J., *Counter-Narcotics to Stabilize Afghanistan: The False Promise of Crop Eradication* (New York University, Center on International Cooperation: New York, Feb. 2008); and Felbab-Brown, V., 'Afghanistan: when counternarcotics undermine counterterrorism', *Washington Quarterly*, vol 28, no. 4 (autumn 2005).

⁶⁰ Michael G. Vickers, Assistant Secretary of Defense for Special Operations/Low-Intensity Conflict and Interdependent Capabilities, quoted in Shanker, T. and Bumiller E., 'U.S. shifts Afghan narcotics strategy', *New York Times*, 23 July 2009.

NATO, for its part, struggled to execute a number of counternarcotics tasks in Afghanistan, mainly confined to assisting the Afghan authorities ‘through training, intelligence and logistics, and *in-extremis* support’, in 2009.⁶¹ The guidance issued by the NATO defence ministers meeting in Budapest in October 2008 for the first time allowed ISAF to provide support in actions against drug laboratories and traffickers—but only those ‘providing material support to the insurgents’.⁶² NATO’s transformation and its search for a new mission may have extended its purview beyond collective defence, but it did not, and probably could not, turn NATO into an effective police force or development agency—the types of actor better suited to counternarcotics. Although some NATO members, particularly those such as the UK whose own domestic markets were heavily affected by the trade in Afghan opiates, showed genuine interest in counternarcotics in Afghanistan, willingness to get involved varied from one member state to another.

Whether the renewed counternarcotics efforts of NATO and the USA can contribute to a significant and sustainable reduction in Afghanistan’s opium output is doubtful. Their interests and capabilities in this field can have only limited impact on Afghanistan’s deeply embedded opium economy. A more fundamental question, as in the case of anti-piracy efforts along the Somali coast, is whether counternarcotics can ever succeed in Afghanistan while the state is unable to establish even a minimally functional presence in much of the country.

Deeply embedded drug economies have never been—and cannot be—effectively undermined by external forces or actors. In the few cases where an opium economy has been reduced—for example, Maoist China, Myanmar since the mid-1990s and Thailand from the 1970s to the 2000s—it has primarily come as the result of actions by functional national authorities, usually with minimal foreign aid.⁶³ Afghanistan in 2000–2001 is another case in point. In 2001, the year of the US-led invasion, Afghan opium production had been reduced by 91 per cent in a year following a total religious ban (*haram*) imposed on 27 June 2000 by the Taliban regime.⁶⁴ The motivations behind the ban were multiple. When the Taliban came to power in 1996 Afghanistan was already the well-established hub of the regional shadow economy. The Taliban tried from the start to limit opium cultivation on religious grounds. They also taxed it, having established a form of rentier state taxing all sorts of formal and informal trade and agricultural

⁶¹ NATO, *Afghanistan Report 2009* (NATO Public Diplomacy Division: Brussels, 2009), p. 29.

⁶² NATO (note 61), p. 29.

⁶³ Stepanova, E. A., [The role of drug trafficking in the political economy of conflict and terrorism], (Ves Mir/IMEMO: Moscow, 2005) (in Russian); and Stepanova (note 22).

⁶⁴ UN International Drug Control Programme (UNDCP), *Afghanistan: Annual Opium Poppy Survey 2001* (UNDCP: Islamabad, 2001), p. ii.

production.⁶⁵ However, their revenues from taxing the smuggling of consumer goods were larger than those from opium cultivation; for example, in 1997 the Taliban collected \$75 million in revenues from taxing the regional trade in consumer goods, and only \$27 million from taxing poppy cultivation.⁶⁶ It may be that the 2000 opium cultivation ban was in part intended to avert further international sanctions that could have hurt the Taliban's income from taxing smuggling. Thus, market and political conditions coupled with a strong religious imperative favoured an opium cultivation ban.

Perhaps more importantly, by 2000 the Taliban had emerged as a functional de facto state controlling much of Afghanistan, with the exception of some regions in the north. They were able to impose basic (sharia) law and order and to ensure that their decisions were implemented at local level. No authority had managed to exercise effective governance in such a large part of the country since at least the 1970s, when a series of internationalized internal conflicts began, nor has any authority since the 2001 invasion.

Experience has shown that a major opium economy can be substantially weakened only if two basic, underlying conditions are in place: favourable global and regional market conditions and functioning state capacity, including some basically functioning governance in drug-producing areas. The precise combination of different types of counternarcotics strategies or the scale of foreign counternarcotics assistance has proved much less decisive.⁶⁷

The drops in Afghan opium cultivation in 2008 and 2009 were largely the result of a positive market correction. Overproduction of opium in 2007 pushed opiate prices down. This combined with a sharp rise in wheat prices and food insecurity among Afghan peasant led to a discernible shift to wheat cultivation in Afghanistan, partly at the expense of poppy crops.⁶⁸

However, the second condition—functioning state capacity—was missing in 2009, illustrated by significant poppy cultivation even in Kabul Province, close to the Afghan capital; a very low level of drug seizures; and the complicity of the government's powerbrokers in the regions and elements of the security services, especially the police, in the drug trade.⁶⁹ The armed confrontations with the insurgents that continued throughout 2009 and intensified around the presidential elections in August resulted in no

⁶⁵ For more detail see e.g. Rubin, B. R., 'The political economy of war and peace in Afghanistan', *World Development*, vol. 28, no. 10 (Oct. 2000).

⁶⁶ Naqvi, Z. F., *Afghanistan–Pakistan Trade Relations* (World Bank: Islamabad, 1999), pp. 15–16. At that time, the more profitable functions such as refinement of opium into heroin mostly took place outside Afghanistan.

⁶⁷ See e.g. Stepanova (note 19); Stepanova (note 22); Stepanova (note 26); and Stepanova (note 63).

⁶⁸ UN Office on Drugs and Crime and Afghan Ministry of Counter Narcotics (note 48), p. 25.

⁶⁹ UN Office on Drugs and Crime and Afghan Ministry of Counter Narcotics (note 48), p. 31. See also Mansfield (note 51).

apparent improvement—and arguably a deterioration—in state functionality. The controversy surrounding Hamid Karzai's re-election as president further damaged local and international perceptions of his government's legitimacy.

The prospects for a decisive military victory for either the insurgency or the Afghan Government and its international backers were bleak in 2009. Rather, the confrontation seems set to drag on for years. In these circumstances, no mix of counternarcotics measures, hard or soft, will succeed.

A sustainable reduction in Afghan opium production is completely dependent on the re-establishment of some form of functional governance that is able to restore some public services and provide minimal law and order and a non-confrontational relationship with the local population in areas that are out of stable control by the national government or foreign forces. This goal requires durable ceasefires; it is unlikely to be achieved in the midst of continuing armed confrontation with the Taliban. It is to be hoped that the increasingly vocal and high-profile calls for negotiation with at least parts of the insurgency heard at the beginning of 2010 will bear fruit.⁷⁰ Not only do they point to the best means of ending the conflict, but they also offer hopes of establishing more functional and locally legitimate authorities in the areas most affected by poppy cultivation and opium production. This is a *sine qua non* for a genuine and sustainable reduction in Afghanistan's opium economy.

IV. A new type of armed conflict?

Even in the absence of an armed conflict in the classic sense, violence committed by, between and against organized criminal groups may itself become comparable to that of an armed conflict in terms of its scale and intensity. Criminal violence in countries such as Brazil, Mexico and South Africa has acquired a chronic, systemic character and threatens to undermine social order at the national level and the governance system in several areas.

Such situations do not meet the classic definition of armed conflict for several reasons, even if they account for an equivalent number of fatalities. Perhaps the most important is that the definition of an armed conflict requires that the fighting be contesting a declared incompatibility over government or political control of territory. Most organized criminal groups engaged in fighting state security forces do not claim to be contesting such an incompatibility. Nevertheless, some of the more intense and lethal violent campaigns waged by criminal actors or the violence used by

⁷⁰ See e.g. Green, M., 'McChrystal sees Taliban role', *Financial Times*, 24 Jan. 2010; Tarling, S. and Reshad, F., 'Kabul seeks to reintegrate Taliban', *Financial Times*, 26 Jan. 2010; and Filkins, D., 'U.N. seeks to drop some Taliban from terror list', *New York Times*, 24 Jan. 2010.

governments as part of anti-criminal campaigns have already been included in data sets on one-sided violence against civilians—a type of violence distinct from armed conflict, even if it is often committed in conflict-related contexts.⁷¹ In other cases, violence committed by criminal organizations is still categorized as purely criminal and is only reflected in national homicide statistics.

In cases of high homicide levels coupled with sustained patterns of widespread and intense armed confrontation between government security forces and violent organized criminal groups, it is worth exploring whether they actually herald the emergence of a new type of armed conflict, in terms of both actors and the type of incompatibility involved. One such case is drug trafficking-related violence in Mexico, which continued unabated in 2009.

Drug-related violence in Mexico

Unlike Afghanistan, a leading drug producer, Mexico primarily serves as a key transit point along a drug trafficking route. Mexico is a base for some of the most notorious violent drug trafficking organizations in the western hemisphere. Although it has not been the site of a classic armed conflict for more than a decade, Mexico is now experiencing the high-intensity, combat-style narcotics-related violence that could be compared with a major armed conflict.

The number of fatalities caused by organized crime, especially drug trafficking, has steadily increased in Mexico from 2100 in 2006 to 2600 in 2007 and at least 6200 in 2008—only 1 of the 16 major armed conflicts in 2008 caused more battle-related fatalities.⁷² While Mexico has generally had high crime rates in the past, recent years have seen a sharp escalation of criminal and anti-criminal violence.

The role of Mexican organized criminal groups in trafficking illicit drugs has expanded intensively since 2001. Traditionally, Mexican groups controlled the trade in cannabis (which has long been produced in Mexico), but in recent years they have taken over the trafficking of cocaine, and its distribution in North America, from Colombian traffickers. This resulted from a combination of factors. Notably, Mexico's 'location curse' acquired special importance with the destruction of large Colombian cartels in the 1990s and the subsequent fragmentation of the Colombian drug business and 'outsourcing' of functions such as trafficking. By 2009 Mexican organized criminal groups had largely replaced criminal actors from

⁷¹ On the UCDP one-sided violence data set see Harbom and Walensteen (note 8), pp. 75–77. On one-sided violence see Stepanova (note 43).

⁷² Freedom House, 'Mexico', *Freedom in the World 2009* (Freedom House: Washington, DC, 16 July 2009); and Harbom and Wallenstein (note 8), pp. 81–83.

Colombia and elsewhere as the pre-eminent drug trafficking organizations in the Americas. The most recent stage of this process involved internal feuds over control of the groups and growing turf wars between them.

The most important and largest organized criminal groups in Mexico—including the Tijuana, Sinaloa, Gulf and Beltran Leyva cartels—have sought in recent years to establish their own quasi-states-within-a-state in areas under their control in order to maximize their profits and to contest the control of the most violence-prone cities, such as Ciudad Juárez and Tijuana.⁷³ Mexican organized criminal groups had diverse organizational structures, from more hierarchical and top-down to networks of semi-independent cells. All of the larger groups had paramilitary units or forces or, like the Gulf Cartel, which controlled territory along Mexico's eastern coastline, hired a paramilitary force, Las Zetas, to perform the same functions.⁷⁴ While most cartels smuggled cocaine, cannabis and, increasingly, opiates produced in the Andean Belt, a few groups specialized in trafficking methamphetamines to the USA. One of the latter, La Familia Michoacana, originally emerged as a vigilante anti-drug group. La Familia also stood out for its cult-like organization and pseudoreligious ideology, as well as its substantial recruitment of drug addicts. In Oct. 2009 the US Department of Justice targeted La Familia distribution networks in the USA in its largest operation ever undertaken against a Mexican drug cartel.⁷⁵

After taking office in December 2006 Mexican President Felipe Calderón initiated a major crackdown on organized crime, with a 'zero tolerance' approach. The crackdown used military methods—and military forces—against the criminals. Calderón's campaign was intended to bolster his legitimacy after a very narrow victory in a heavily contested election by winning the support of a crime-weary population. By 2009 it had helped to create a cycle of violence, with gangs resorting to more intense and extreme violence in the hope that the population would pressure the authorities to seek a ceasefire with them. By some estimates there were over 6200 drug-related killings in Mexico in 2008, more than double the number in 2007, and over 1100 in the first half of 2009.⁷⁶ The majority of fatalities in 2007–2009 were among members of criminal groups and law

⁷³ Although the Mexican organized groups involved in drug trafficking are not strictly cartels in the economic sense of the word—organizations that cooperate to control prices and production—they are commonly referred to as such.

⁷⁴ Manwaring, M. G., *A 'New' Dynamic in the Western Hemisphere Security Environment: The Mexican Zetas and Other Private Armies* (US Army War College, Strategic Studies Institute: Carlisle, PA, Sep. 2009), p. 18.

⁷⁵ 'Mexico, U.S.: La Familia Michoacana's increasing woes', STRATFOR, 22 Oct. 2009, <<http://www.stratfor.com/memberships/147679/>>.

⁷⁶ Lacey, M., 'In drug war, Mexico fights cartel and itself', *New York Times*, 30 Mar. 2009. While these tallies are still lower than those of drug-trade related killings by Colombian cartels in the 1980s, the situation in Mexico has not been aggravated by a parallel major armed conflict, as it was in Colombia.

enforcement personnel (including the acting chief of federal police), although innocent civilians are often caught in crossfire and, in some cases, targeted directly with kidnappings and other abuses.⁷⁷ Drug-related and other criminal and anti-criminal violence were the prevailing forms of armed violence in Mexico in 2009, although they sometimes overlapped with other forms, for example agrarian violence over land rights in rural areas.⁷⁸

The similarities of the Mexican Government's approach to the 'enforcement' component of the US-backed Colombian counternarcotics strategy were striking, especially in the large-scale use of armed forces to fight organized criminal groups. In 2009 the Mexican Government continued to deploy over 25 000 soldiers to the most insecure areas alongside the local police.⁷⁹ The troops confronted heavily armed paramilitary groups in urban settings, from the border town of Tijuana to the capital, Mexico City, using military-grade weapons that included anti-tank rockets and armour-piercing munitions. While this involvement of the military was partly motivated by the reputation of Mexico's armed forces as significantly less corrupt than the police, the military did not prove well suited for these essentially law enforcement tasks, especially in densely populated areas, and a growing number of soldiers and officers defected from the military to join the cartels.⁸⁰

The United States also supported the Mexican crackdown, including through the supply of equipment and training to Mexican security forces under the Mérida Initiative (also known as Plan Mexico), similar to the support given to Colombia (Plan Colombia), but on a smaller scale. The Mérida Initiative was originally envisaged as a 2–3-year initiative providing counternarcotics assistance and funding of \$1.4 billion to Central American countries, chiefly Mexico.⁸¹ Criticisms have included that it fails to address root causes, such as poverty in Mexico and demand for drugs in the USA, and that human rights concerns linked to the Mexican Army's previous record in counternarcotics have been given too little attention.⁸²

Yet another similarity between Mexico in the late 2000s and Colombia in the 1990s was the emergence and proliferation of vigilante self-defence groups that quickly transformed into major organized criminal actors themselves, such as La Familia Michoacana. While symmetrical means to confront an asymmetrical challenge—deploying cartel-style vigilante

⁷⁷ 'Mexico security memo: May 12, 2008', STRATFOR, 12 May 2008, <<http://www.stratfor.com/memberships/116374/>>.

⁷⁸ Malkin, E., 'Gunmen kill union leader in Mexico', *New York Times*, 1 Nov. 2009.

⁷⁹ Freedom House (note 72).

⁸⁰ Lacey (note 76).

⁸¹ US Department of State, 'Merida Initiative', <<http://www.state.gov/p/inl/merida/>>.

⁸² E.g. Witness for Peace, 'Merida Initiative "Plan Mexico" fact sheet', 2009, <<http://www.witnessforpeace.org/article.php?id=698>>.

groups to fight cartels—may actually be a more efficient strategy against existing cartels than large-scale military deployments, it also guarantees continuing turf wars and high levels of drug-related violence.

The ongoing large-scale police reform and the revamping of the entire judicial system in Mexico are perhaps the more promising responses to the ongoing violence in the long term. Measures undertaken so far include the reorganization of the two federal police agencies under a single commander and the establishment of a new police training institute and of a national database to share information and intelligence.⁸³ These measures are especially urgent in view of both pervasive corruption, especially in the police, which requires the rebuilding of entire forces across Mexico, and the general inefficiency and limited functionality of the law enforcement and judicial systems—illustrated by the fact that of the 50 000 arrests in Mexico since the launch of the counternarcotics offensive in December 2006, only a small number were the result of thorough professional investigations or ended in convictions.⁸⁴ In 2008 Mexico's chief organized-crime prosecutor and the director of the national Interpol office were arrested for accepting money from drug cartels.⁸⁵

V. Conclusions

The main global trends in armed conflict and other forms of organized political violence display different dynamics to those shown by global trends in criminal violence. Criminal violence is incomparably more frequent and far more widespread than armed conflict or one-sided violence against civilians. The decline and stabilization in the overall number of armed conflicts contrasts with a slow but steady increase in overall global crime levels in recent years, as well as a lack of any discernible decline in global, regional and subregional levels of criminal violence. The distribution of criminal violence around the world also shows that the countries and regions that display the highest rates of criminal violence are not necessarily those most heavily affected by major armed conflicts, even though the intensity and modes of armed violence in these areas approximate those typical of classic armed conflict. Protracted and intense armed confrontation involving purely criminal organizations—whether the violence is aimed at the state, other non-state groups or civilians—and states requires further empirical and theoretical research and deserves a category of its own in crime and conflict analysis. Campaigns of criminal violence are often matched—or even escalated—by high-intensity anti-criminal

⁸³ See Olson, E. L., *Police Reform and Modernization in Mexico, 2009* (Woodrow Wilson International Center for Scholars, Mexico Institute: Washington, DC, 2009).

⁸⁴ Lacey, M., 'In Mexican drug war, investigators are fearful', *New York Times*, 16 Oct. 2009.

⁸⁵ Ellingwood, K., 'Former anti-drug chief is arrested', *Los Angeles Times*, 22 Nov. 2008.

violence by police and other state security forces. Even in the most violence-prone regions, crime levels appear to be lower where the response goes beyond containment or harsh enforcement. This brings into question the attempts to apply military means to counter this type of armed violence.

As this chapter also shows, it cannot be taken for granted that close links will be forged between armed opposition groups and organized criminal actors, even in the midst of ongoing armed conflicts, especially where Islamist insurgents are concerned. There may be a high degree of collusion between transnational criminal and politico-military non-state actors in some conflict-affected regions but much less in others. Even where highly profitable and transnational forms of organized crime emerge in unstable, conflict-torn countries, such as piracy off the Somali coast, this may not have direct links with an armed insurgency.

The dominant illicit economic activities that form the basis of the large-scale and deeply embedded regional shadow economy—for example the opium economy centred in Afghanistan—play multifunctional roles in conflict or post-conflict environments: not only financing armed opposition groups, but yielding profits to most major local politico-military actors, including those loyal to the government, alongside criminal trafficking networks. Segments of weak or corrupt state systems may be no less closely involved in illegal business activity than armed opposition groups, while parts of the state security apparatus and government-affiliated actors (including former insurgents partly integrated into state security forces) may be heavily engaged in criminal violence.

In sum, the most important link between armed conflict and organized crime in conflict-affected areas may be more fundamental, even if less straightforward, than the role of revenues from criminal or informal economic activity in the financing of armed opposition groups. It may be more accurate to view both as key manifestations of general state dysfunction. At the same time, as shown by the cases of Afghanistan and Somalia, protracted armed conflicts with no decisive outcome in sight appear to pose more critical obstacles to rebuilding law, order and minimally functional governance at levels from national to local than even large-scale and transnational organized crime. The latter, in turn, can only be effectively addressed once the state has already regained some basic elements of functionality, such as the ability to provide minimal law and order. This explains why the fight against organized crime, including transnational crime, in such settings should not be divorced from genuine conflict resolution efforts. It also implies that finding political solutions to armed conflicts should take priority in the most complex and protracted conflict settings, as it is the *sine qua non* for rebuilding or extending functional state capacity and thus essential for effectively tackling organized crime.