

Organized Crime as an Obstacle to Successful Peacebuilding

Lessons Learned from the Balkans, Afghanistan and West Africa

Report

7th International Berlin Workshop

December 11-13, 2003

ZENTRUM FÜR INTERNATIONALE FRIEDENSEINSÄTZE (ZIF)
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Report by
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Introduction

There is a growing awareness in peace operations, national capitals and the headquarters of the UN, EU, NATO, and OSCE that combating organized crime is a key element of successful peacebuilding. In Bosnia-Herzegovina, Kosovo, Afghanistan, Liberia, Sierra Leone, and elsewhere, leaders of peace operations are struggling with this issue.

In view of the strategic importance of combating organized crime in peace operations the *German Federal Foreign Office* and the *Zentrum für Internationale Friedenseinsätze (ZIF)* agreed to make “Organized Crime as an Obstacle to Successful Peacebuilding – Lessons Learned from the Balkans, Afghanistan and West Africa” the topic of the 7th International Berlin Workshop.

The Workshop was held from December 11th to 13th, 2003 and brought together about forty leading experts from the field – civilian, police, military – as well as experts from national governments, the relevant international organizations, research bodies, and other non-governmental institutions.

While some progress on fighting organized crime in peace operations has been achieved, most problems remain unsolved. There are many open questions which must be systematically explored, such as:

1. How does organized crime undermine successful peacebuilding? How does it interact with local politics, administration, and the economy? How, in particular, can the role of warlords and similar actors be assessed?

2. What types of organized crime are we dealing with? Who are the key actors in the different countries and regions? Which methods do they apply in the pursuit of their criminal activities? What are the socio-economic and socio-cultural roots, and the regional and global connections of organized crime?
3. What are the key lessons learned and unsolved problems, particularly with regard to handing over the fight against organized crime to local actors? Concepts, methods, and instruments already applied need a thorough evaluation.
4. Finally, to what extent must the fight against organized crime in peace operations be considered as a strategic element of the overall international struggle against organized crime? The answer to this question is obviously decisive for those in national capitals, the UN, the EU as well as the OSCE and NATO, who have to decide which support international peace operations receive in terms of qualified personnel, money, and other means to successfully fulfill their share.

Participants shared their wealth of experience in an admirably open and frank manner. Methods applied, unsolved problems, and lessons learned in the three focal regions were thoroughly discussed with the aim of finding more effective ways to combat organized crime.

The Report summarizes the contributions and discussions of the 7th International Berlin Workshop. The executive summary provides an overview of key issues, lessons learned, and recommendations.

The Report will be widely distributed in the UN, amongst member states, as well as in regional organizations.*

Berlin, July 2004

Winrich Kühne
Director, ZIF

* List of reports on past Workshops:

"The Brahimi Report. Overcoming the North-South Divide," Report on the 6th International Berlin Workshop, June 29–30, 2001, Winrich Kühne (ed.).

"The Security Council and the G 8 in the New Millennium – Who is in Charge of International Peace and Security?," Report on the 5th Berlin Workshop, June 30–July 1, 2000, Winrich Kühne (ed.).

"The United Nations and Regional Security Arrangements – Towards more Effective Task-sharing and Cooperation," Report on 4th Berlin Workshop, June 24–26, 1999, Winrich Kühne (ed.).

"Consolidating Peace Through Practical Disarmament Measure and Control of Small Arms – From Civil War to Civil Society," Report on the 3rd Berlin Workshop, July 2–4, 1998, Winrich Kühne (ed.).

"Improving African and International Capabilities for Preventing and Resolving Violent Conflict – The Great Lakes Region Crisis," Report on the 2nd Berlin Workshop, July 3–5, 1997, Winrich Kühne (ed.).

"The Transition from Peacekeeping to Peacebuilding – Planning, Coordination and Funding in the Twilight Zone," Report on Follow-up Workshop in New York, March 10, 1997, Winrich Kühne (ed.).

"Winning the Peace – Concept and Lessons Learned of Post-Conflict Peacebuilding," Report on the 1st Berlin Workshop, July 4–6, 1996, Winrich Kühne (ed.).

Executive Summary

Organized Crime, State Failure, Violent Conflict, and Terrorism – Understanding the Dynamics

The similarities regarding the dynamics of organized crime in the different countries that were explored in this Workshop are amazing. Most of the issues relevant to the situation in Bosnia Herzegovina, Kosovo, and Afghanistan are also relevant to Sierra Leone and other countries in West Africa. Of course, there are also important differences.

Various factors have contributed to fostering organized crime in *Bosnia-Herzegovina and Kosovo*. Almost forty percent of the population are unemployed. For many of those involved, smuggling is not a crime - it is a business and a survival mechanism. This has resulted in a “Robin Hood mentality”. As long as over two thirds of the young male population have no legal source of income, joining organized crime will remain an attractive option.

The key criminal actors can be divided into two groups: first, local families with immediate as well as extended members; second, foreign criminal groups, coming primarily from the Balkan countries (Kosovo-Albanians, Serbs, Montenegrins) but also from Asian countries such as China.

A key problem is that organized crime is inter-twined with all political, economic, and social activities. To advance their aims, criminal networks foster a “corporate identity” based on ethnicity and clan structures. Some of them utilize their financial assets to fund local social facilities and infrastructure, such as schools and roads. This in turn

provides them with social power, recognition, and support within their communities, making all prosecutorial efforts against them appear to be directed against the community as a whole. As in particular those Kosovars who work with UNMIK know, the “Disneyland” of the international administration and the dynamics of the Kosovo beneath the surface differ widely.

At Disneyland in California there are hidden doors which lead to an underground world, unknown to the visitors above who spend their time in a functioning and colorful but illusory world. Below ground, workers use a network of tunnels, shuttle buses, offices, and warehouses to help maintain the illusion overhead. The same is true for Kosovo. Beneath the surface of the international presence and the expensively administered province, there is the widespread and lucrative trafficking of arms, explosives, drugs, currency, dutiable goods, and human beings.

In the Balkans, many of the state-owned companies are being privatized and change hands to be owned by well-known criminals. The local families are using their power and their knowledge to get control over these companies. This process, sometimes referred to in Kosovo as “the last chance to get rich quickly”, attracts organized criminals because of the opportunity for money laundering. Funds are invested in privatized State-owned enterprises, which have been illegally obtained through drug trafficking, cigarette smuggling, serial vehicle theft, extortion, and other forms of crime. If the funds are withdrawn later they appear as perfectly legitimate assets that can be freely transferred around the globe without fear of discovery.

This fact combined with an acute shortage of legitimate investors in Kosovo creates a difficult dilemma for our endeavor to build up the economy of the Kosovo. On the one hand, we certainly do not want to aid and abet organized criminals, while on the other hand, given the

desperate economic situation, we cannot afford to turn away potential investors. It is a very difficult and time consuming activity to distinguish between the two.

The millions of Euros coming from the international community in the form of assistance are also an incentive for the establishment of organized criminal networks. In post-conflict situations, particularly during the first emergency period, resources from the international community flow into a poor, war-torn territory with very weak or even non-existent state institutions, and therefore a very limited capability to absorb the funds in a productive way.

It is easy to imagine what happens when six billion dollars or more are poured into a system that is not mature enough to control where the money goes; billions will, and have, become easy prey of organized crime.

There is a tragic contradiction between the humanitarian desire to help with streams of money and the fact that, more often than not, it falls into the wrong hands.

In *Afghanistan*, security and drugs are inextricably linked. War and lawlessness have pushed opium production up and this in turn has fuelled the activities of warlords. The suspicion that many warlords are linked to taxation on poppy production is well founded. Profit generated from drug production furthermore provides a funding base for terrorists, albeit in a less organized way.

Nevertheless, it is important to remember that ninety percent of the population are not involved in opium production. Opium poppy cultivation covers only one percent of the total arable land in Afghanistan and less than three percent of irrigated land. It is also important to remember that we bear the responsibility to reduce the demand for drugs in our own countries.

People, including warlords, rarely live in unilateral but rather in multi-lateral relationships. These multiple relationships provide warlords with autonomy and bargaining power, as well as with linkages to other societal pyramids that transform what might otherwise be a vertical command and control structure into a set of lateral relationships.

Within these fairly simple and flexible structures, all people are mutually dependent upon one another. At the bottom is perhaps the most critical element for the entire structure, the "sargroups". These groups consist of ten to twenty people and are headed by a team leader.

The groups are not constantly at the disposal of the warlords but should be seen as "virtual" armies that can be mobilized very rapidly due to the networks that bind a sargroup. The ability to quickly mobilize has been heightened by the use of modern communication equipment. In hindsight, the US led coalition forces made a serious mistake in providing satellite phones to militia commanders.

West Africa has experienced several ethnic-religious conflicts: in Liberia, Sierra Leone, Guinea Bissau, and Côte d'Ivoire, as well as to a lesser extent in Mali, Senegal, and Nigeria. Organized crime constitutes a major concern on the way to peace and security. The situation in West Africa is characterized in particular by a large number of armed, migrant groups. They usually have an eclectic composition and include citizens from various member states. Members of these groups are generally very young and from poor social conditions.

Several of these groups are located on the border between Guinea Bissau, Liberia, Sierra Leone, and Côte d'Ivoire. The porousness of the border, the weakness of national security forces, and the almost unrestricted availability of small arms makes it very easy for them to carry out their operations. There are transnational criminal networks

of Liberian businessmen and stakeholders in Brazil, Mexico, and South East Asia as well as other regions.

For instance, on the 4th October a charter plane from a former Soviet Republic, carrying Serbian weapons, landed first in Lagos, then in Kinshasa, then in Monrovia. It was found to contain 22 tons of AK47s – measured by weight, not even by pieces. Hashish is being shipped from Pakistan to Liberia and further on to Rotterdam. Organized crime gangs operate from the Balkans in connection with the trafficking and transportation of weapons.

Looting, violence, and terror are the *modus operandi* of these armed gangs in West Africa, although some of them may have a political background. They lack a well organized structure, which makes them very difficult to combat and control. Instead, they provide an abundantly fertile ground in which organized crime and criminal activities can flourish: illicit drugs trade, the trafficking in human beings (mainly women and children), small arms, illicit extraction, and exportation of diamonds, iron ore, timber, rubber, and gold.

Basic Issues and Dilemmas of How to Do it Right

Any approach aimed at combating organized crime and re-establishing the rule of law must begin with a thorough stock-taking of capabilities, structures, and instruments remaining in the given area of conflict. It is paramount to get a clear picture of the relationship between organized crime and the remaining administration of a war-torn country: are they completely separate, is organized crime tolerated by the administration, is there even a cooperative relationship or, and - this is the worst case scenario - are key criminals and major players in government and administration identical.

The success in the fight against organized crime very much depends on the formulation of a comprehensive strategy combining court and police restructuring with legislative reform and capacity building.

The first dilemma is the question of where to start, what to do first, and how to set priorities. On the one hand, a multifaceted approach towards rule of law is needed. On the other hand, resources and available means are always limited. In addition, there is the danger of overloading the peace process by being too ambitious on the rule of law side. Ever-increasing tasks and challenges can lead to an unmanageable mission creep. Therefore, priorities must be set carefully.

Post-conflict rebuilding efforts must focus as a priority on strengthening the institutions of law enforcement and criminal justice.

There is a dilemma regarding concepts and standards to be applied in rule of law work. While internationally accepted standards obviously should be the guiding notions, the attempt to apply concepts which reflect “the way things are done at home” is inappropriate and can even be damaging.

Large scale peacekeeping operations are particularly vulnerable to organized crime. They may even provide an “enabling environment” for organized crime. Contracts are generally outsourced for services in logistics, security, information technology, housing, and office support, including cleaning and maintenance services. In particular those organizations with origins in former state intelligence and specialized security services tend to be the only providers of these services in a post-war or failed state scenario, while being connected to organized crime at the same time.

There are indications allowing the conclusion that strategic functions or certain organizational entities of the Interim Administration in Kosovo are targeted by organized crime and that certain functions may already be under some form of influence or control from organized criminal groups.

The short-term nature of international interventions combined with the lack of standardized post-conflict public administration systems leads to a frequent change of approach by the diversity of international actors, often in response to the very personal experience and preferences of the person in charge at the time. This has affected, to varying degrees, most of the priority civil administration functions in a detrimental way. For example, the need to establish robust and reliable oversight and control mechanisms to ensure that Kosovo Consolidated Budget (KCB) funds are used for intended purposes has so far only partially been addressed.

The lack of coordination among the various agencies working in post-conflict situations is a well known problem. The list of organizations, for instance, currently working in the Balkans to combat organized crime, extremism, and terrorism is endless. In contrast, organized crime is very effective in cooperation and coordination across ethnic lines and national borders. Although national and ethnic division remains a key factor of the society in Bosnia-Herzegovina, organized crime easily overcomes these divisions due to mutual self-interest.

When it comes to the role of the police and the military, there was full agreement that the police should have the lead in fighting organized crime. Yet, the military can, in these types of situations, have the role of promoting a single unified strategy and cohesion in anti-crime measures. It can also help contain trafficking activities due to its control of the territory and its credibility in establishing coordination.

The military is well positioned to provide one of the critical tools in the fight against organized crime: intelligence. We have better technical capabilities than both local and international police forces. Through NATO, we also have intensive networks for information exchange with the military elements of other peace missions in the Balkan region.

Yet, some profound problems with regard to the willingness of the military to share intelligence were identified. If an international police officer from a non-NATO country tried to access classified intelligence developed by a NATO military source, he would certainly face difficulties. When, due to successful endeavors to hand over tasks to local capabilities, local police officers take over the responsibility for investigations and start asking for information, they would have even greater difficulties. The military is usually not authorized or willing to share intelligence with local police officers.

An even larger challenge, however, is posed by what some participants labeled the “outer framework” conditions. They are very much shaped by economic factors. If a country does not show any sign of positive economic development, efforts to combat organized crime are doomed to fail.

I am firmly convinced that sustainable, long-term economic development offering tangible benefits to all members of Kosovo society is the only way to defeat organized crime in the long run.

A major difficulty of economic development is that past economic structures, for a variety of reasons such as centralized planning and/or years of armed conflict, have to be actively deconstructed. Often they have become the backbone of organized criminal activities. Although very difficult in practice, two processes therefore must be pursued simultaneously: economic deconstruction and reconstruction.

In short, the establishment of the rule of law, including combating organized crime, should be addressed in a strategic and comprehensive manner at the very beginning of a peace operation, not only to avoid vacuums in which organized criminals thrive, but also to open up economic possibilities which would then provide alternatives to organized crime.

Methods and Instruments – Some Specific Issues and Lessons Learned

Instruments and methods developed in the different peace operations were extensively discussed and evaluated during the 7th International Berlin Workshop:

- In the missions operating in Bosnia-Herzegovina and in Kosovo, a wealth of experience and lessons learned have been accumulated and are reflected in this Report.
- The *West African region*, led by ECOWAS (Economic Community of West Africa States), has adapted an impressive spectrum of legal protocols and understandings to address organized crime, trans-border crime, and non-state armed conflict better. Their implementation has just started and is running into a myriad of problems.
- The contribution of war crime courts such as the *Special Court in Sierra Leone* is important. One basic advantage is that such courts can expose the root causes of conflict and principle actors in a judicial setting. The upcoming trials in Sierra Leone will illustrate to what extent organized crime has become involved in instigating war crimes.

- In *Afghanistan*, the struggle against drugs and warlords is still in its very early phase. Success, up to now, has been very limited. Regarding the approach put forward by some panelists, which is a combination of eradication, compensation, crop substitution programs, and interdiction by law enforcement agencies, some participants pointed out that this had been tried in several Latin American countries for years – with very limited success.

Another central issue in combating organized crime is the code-of-silence. The clan structures on which most organized crime is based make it virtually impossible to investigate and accuse leading criminal figures by using open witnesses or other open measures. In order to gain access, covert strategies have to be employed.

The regulations enabling the use of covert and technical measures of surveillance and investigation are therefore extremely important issues for practitioners. In Kosovo, this challenge has been taken up, and some encouraging results have been achieved.

The UN Police in Kosovo, in a single operation, has recently seized 35kg of heroin. Every day, illegal weapons are intercepted including spectacular seizures such as a single cache comprised of 318 AK-47 rifles, 1,008 rocket propelled grenades and 512 hand grenades. UNMIK's Trafficking and Prostitution Investigation Unit (TPIU) has, in the three years of its existence, conducted over 2,000 operations, brought over 140 charges on trafficking in human beings, and shut down close to a hundred premises.

The main advantage of technical surveillance is that this technique does not involve personal risk to either undercover agents nor insider witnesses. Nevertheless, it is a technique which remains costly in terms of both equipment as well as personnel. For the equipment to be successful, there must be a pool of highly professional and qualified operators; these are in short supply from contributing countries.

Technical surveillance also demands rigorous legal scrutiny to prevent abuses and violations of the right to privacy.

One core area that the European Police Mission EUPM in Bosnia-Herzegovina has identified is criminal intelligence. The police plans to move forward aggressively in this area. This work will be supported by the introduction of a confidential telephone hotline system called "Crime Stoppers", modeled on similar programs in the US, Canada, and Great Britain. It will provide citizens with the opportunity to anonymously report crimes and provide additional information.

While surveillance could be described as "safe but expensive", intelligence coming from human sources could be called "risky but cheap". Therefore, *informant management* and *witness protection* are two of the core tasks for successfully combating organized crime.

Key Recommendations

Stop Money Laundering

The ultimate driving force behind all organized criminal activity is financial gain. This gain can be realized in a variety of ways: exploitation of national resources, trafficking in arms, narcotics, cigarettes, or human beings, prostitution, gambling, extortion, and serial theft.

Whatever the source may be, the international community must make a concerted effort to deny organized criminals the fruits of their illegal activities. Efficient mechanisms need to be developed to discover and seize their assets, whether at home or abroad. Targeting international money laundering networks is still totally insufficient. Most important, certain notorious financial "safe havens" must be convinced to stop hiding behind national banking secrecy laws.

Rule of Law Experts and Mission Start-Up

In most peace operations, military components are the first to be deployed to the mission area. To facilitate a timely start of rule of law activities, a small group of legal experts, civil administration experts, and law enforcement personnel should be included in this first deployment. One of the group's tasks would be to support and advise the military component in its law enforcement functions.

Once international civilian and police personnel have taken over rule of law functions, it can assist to guarantee a good working relationship with the military. Early deployment of international judges can ensure that support is offered to local judges from the very beginning and that, where necessary and appropriate, specific cases can be taken over by international judges.

Division of Labor and Cooperation

The military is an important actor in combating organized crime. While the police is better trained and equipped to do law enforcement work in peace operations, the military should function as a backup, particularly in the security vacuum at the outset of an operation. The military's comparative advantage lies in its command and control system as well as its strict procedures.

Sharing intelligence between the military and the international police remains a major problem in combating organized crime. Sharing information with the national police is an even more complicated and unresolved issue.

Emergency Legal Kit

A ready-made, robust rule of law concept specifically formulated for the start-up phase of an international peace operation would be a valuable tool to avoid losing time during the crucial first weeks and months. It should contain elements of a civil and criminal code, civil and criminal procedure rules, as well as provisions for witness protection programs and covert investigations. There should be an agreement on a generic emergency package, like a Transitional Legal Code, based on past experience. The fine-tuning necessary to adapt such a legal kit to the specific local requirements and legal tradition of the mission area could then take place during the mission planning phase.

Training and Recruitment of Mission Personnel

In addition to creating the appropriate legal tools, the international community must pay more attention to identifying, training, and recruiting the personnel who can apply these tools effectively. National governments and international organizations have to improve their mechanisms for selecting and deploying qualified personnel. The practice of “parachuting” highly competent and motivated experts into mission areas without any preparation whatsoever and for short periods of time remains highly problematic.

Most practitioners at the Workshop agreed that it takes up to six months for international legal experts to adapt to their new environment. To avoid the constant wasteful loss of expertise and institutional memory, two to three year rotations should become the norm.

Finally, the centralized recruitment processes operated by several international organizations have proven to be extremely time-consuming, often leaving positions vacant for months. Whenever possible, individual peace operations should be enabled to recruit their personnel directly.

Reconciliation versus Impunity

Ideally, those guilty of war crimes and crimes against humanity during a conflict should be brought to justice afterwards. In reality, however, many of the worst offenders manage to transform themselves from warlords to political and business leaders, often with continued involvement in organized crime.

International peace operations are, therefore, often faced with a choice between bad options and even worse options. On the one hand, not holding ex-combatants accountable for their war crimes diminishes confidence in the establishment of the rule of law and entrenches a culture of impunity. On the other hand, criminal prosecution of influential power-brokers will often prove impossible without endangering the peace process.

In practice, therefore, no peace operation can operate without engaging at least some of the “bad guys”. Some participants felt the best way to act was to distinguish between “relative” and “absolute spoilers.” The former would include the majority of rank-and-file ex-combatants who later turn to organized crime mainly for want of an alternative livelihood but are not fundamentally opposed to the peace process.

Given the right incentives, there is a chance to disconnect these “foot soldiers” from core organized criminal activities and to reintegrate them into society, and every effort should be made to do so. “Absolute

spoilers,” on the other hand, include war-time leaders who seek to prolong conflict and instability for personal greed and power.

This small but particularly dangerous hard core of organized criminals must be identified and brought to justice. It is up to the political leadership of the peace operation to determine the best strategy and timing for their prosecution. Putting a single crime leader behind bars does more harm to his organization than arresting dozens of foot soldiers since they are replaceable while the leader is not. It also sends a very clear message to the public.

Local Ownership – an Unresolved Issue

While all participants agreed that the active involvement of local stakeholders is vital to ensure the sustained success of a peace-building operation, many felt that the concept of “local ownership” is sometimes poorly defined. The central question “What is it we want them to take ownership of?” remains unanswered. Concerns were also raised about the fact that in some cases a rapid transfer of ownership into local hands may lead to delays or even reversals within the implementation of rule of law programs.

On the other hand, insufficient use of local legal expertise was named as a particular problem in past rule of law programs. Often, programs are poorly adapted to local legal traditions or the on-the-ground political reality. Yet, local structures willing and able to continue these programs are a precondition to local ownership. It must be kept in mind that local experts need to be carefully screened to assure that only highly regarded professionals with no connection to past abuses are included.

Regional Dimensions – the Need for Systematic Approaches

The need to incorporate regional dimensions to a greater degree in combating organized crime was repeatedly addressed by the different panels. In the *Balkans*, this is already done with some success. UNMIK, for instance, participates in the Stability Pact Task Force on Trafficking in Human Beings.

In addition to this, the police cooperates with Serbia, the Former Yugoslav Republic of Macedonia (FYROM), Albania, and Montenegro on the exchange of information and intelligence through specific bilateral agreements. The European Union Police Mission (EUPM) in Bosnia and Herzegovina is also working closely with the South-East Cooperation Initiative.

In *West Africa*, cooperation between the three existing UN missions in Sierra Leone, Liberia, and Côte d'Ivoire must be strengthened, in particular with regard to border management. If necessary, the missions' mandates should be amended to focus more closely on the crucial border issue.

Some participants went so far as to suggest that the most effective way to deal with cross-border organized crime in the region would be to combine the three West African missions into one.

Others advanced the idea of a comprehensive framework to tackle West Africa's numerous security, political, social, and economic problems, similar to the Stability Pact for South Eastern Europe. This mechanism should target not only the above-mentioned countries but also other potential flashpoints such as Guinea Bissau and Burkina Faso.

The Need to Act Quickly and Vigorously!

At the end of the Workshop, there was one issue on which all participants fully agreed: *Industrialized Countries*, and in particular Europe, have a *vital, strategic interest* in combating organized crime in the context of peace operations. Combating organized crime at its origin is cheaper than doing so in various European and other cities. Whether it is London, Berlin, Vienna, or other capitals, one will find that international crime groups have a significant, if not dominant, influence. Ninety percent of the heroine in Europe comes from Afghanistan!

Furthermore, there is no doubt that organized crime often is a key factor in preparing the ground for violence and armed conflict by deliberately destabilizing the country. The extensive use of corruption by organized criminal groups undermines government authority; smuggling of natural resources deprives governments of the necessary funds for economic development.

Reason for even more concern is that in such an environment, terrorist groups can easily organize and acquire profits for their operations. Terrorist groups and organized criminals have a shared interest in preventing the (re-)emergence of rule of law and democratic governance, i.e. successful peacebuilding!

If Europe, the US, and other industrialized countries fail to act quickly and vigorously, more countries, among them those in the Balkans, may end up in gloomy scenarios, three of which one longstanding expert in fighting organized crime briefly depicted:

1. *rogue states* which export terrorism and extremism; Kosovo could become such a case if a solution to its political status is not found soon;

2. longtime or even permanent *failed states*, such as Somalia, Liberia and the Democratic Republic of Congo
3. *mafia states*, who have been systematically taken over by organized crime and turned into safe havens for criminal activities in the neighboring states and worldwide.

Obviously, more efforts and better strategies are needed to prevent the countries dealt with in the 7th International Berlin Workshop from falling into these categories.

Official Opening

Kerstin Müller, *Minister of State, Federal Foreign Office*

It is a great pleasure to welcome you on behalf of myself and the Foreign Minister Joschka Fischer to the Seventh International Berlin Workshop. Your presence proves the importance that you attach to this Workshop Series and to the frank exchange of opinions on international issues relating to peacebuilding.

I would like to start by thanking the Berlin *Center for International Peace Operations (ZIF)* and its Director Dr. Kühne for organizing this event. As with previous Workshops, it is being held in cooperation with the Federal Foreign Office. I would also like to mention – and not without some pride – that last year’s inauguration of ZIF was a milestone in our efforts to provide qualified civilian personnel for international peace operations.

In past years, we have addressed various topics such as practical issues of disarmament, small arms, the role of regional security arrangements and post-conflict peacebuilding. This year’s Berlin Workshop is entitled *Organized Crime as an Obstacle to Successful Peacebuilding*. As at previous International Berlin Workshops, we would like our exchange of opinions to focus on crisis prevention, conflict management, and peacebuilding. We should aim for results of practical relevance concerning peacekeeping and peacebuilding tasks of international organizations, above all the United Nations, the European Union, and the Organization for Security and Co-operation in Europe. Another important goal is to analyze past experiences and to learn lessons in order to ensure that future action is even more target-oriented and efficient.

Ladies and Gentlemen, I am very grateful to the organizers of the Workshop for tackling this important topic. Organized crime is a global phenomenon; organized criminal groups operate across ethnic divides and national boundaries. They flourish especially in regions where state control is weak. Furthermore, political conflicts create a climate in which organized crime can take root.

The European Security Strategy – which will be submitted to the European Council for approval this weekend – identifies organized crime as one of the greatest threats to European security. Other major threats are the proliferation of weapons of mass destruction, international terrorism, and the dangers that emanate from failing states. Drug smuggling, human trafficking, illegal arms trading and money laundering cause tremendous damage to all states and societies. They are most harmful in those states which are young and still maturing. Organized crime is often closely linked to corruption, and this combination is a further destabilizing factor for many states. It undermines the rule of law as well as social cohesion. On occasions, organized crime takes over the entire administrative structure of a state.

The relevance of this Workshop's topic is self-evident. The connection between organized crime and terrorism is yet another reason why combating organized crime remains high on the international agenda. This was illustrated by the UN Security Council's open session on "Justice and the Rule of Law" in September 2003. The overwhelming majority of the UN member states recognized the existence of war economies, organized crime, and smuggling as a particular threat to the creation of legal systems based on democratic principles. Therefore, I am convinced that peacekeeping can only be successful if it paves the way for effective measures to fight organized crime.

Numerous international forums – in which Germany is an active participant – are dedicated to fighting organized crime. Direct police

cooperation takes place under the auspices of Interpol. Within the UN framework, the Commission on Crime Prevention and Criminal Justice, and the Commission on Narcotic Drugs deserve particular mention. Germany further contributes through the provision of funds to projects run by the United Nations Office on Drugs and Crime (UNODC). Within the G 8 and the Lyon Group, we are working on concepts and programs to combat organized crime. The OSCE and the Council of the Baltic Sea States tackle the subject in various ways.

The EU is also called upon to promote police and judicial cooperation. It has constantly intensified this cooperation between current and future member states. The EU has developed and expanded the competences of Europol and introduced a European arrest warrant. Furthermore, the EU makes a valuable contribution to the fight against organized crime and corruption, such as the Stability Pact for the Balkans and the combating of drugs in Eastern Europe and Central Asia. Bilateral contributions are of equal importance; Germany thus provides bilateral assistance for police forces around the world in the form of training and equipment.

Ladies and gentlemen, I regret, however, that until now only limited attempts have been made to systematically develop strategies to combat organized crime in conflict situations. This is all the more regrettable as experiences in Afghanistan, Colombia, the conflict zones of Africa, and the various Balkan states have shown that organized crime aggravates the emergence, development, intensity, and length of conflicts.

Our point of entry to peacebuilding must, therefore, target these problems. During this Workshop we should:

- analyze the negative impact of organized crime on peacekeeping measures,
- develop appropriate counter-strategies, and

- draw conclusions for action by the international community.

I think that we must also address some concrete questions:

- How can we improve cooperation between the various actors and various levels?
- How can we develop and strengthen judicial and police systems based on the rule of law in the countries concerned?
- How do we ensure that we take local cultural and economic conditions into account?
- How are corruption and organized crime interrelated in the country where peacekeeping operations are to be conducted?
- What targeted measures are possible in order to foster economic development?

This final question is particularly crucial in drug-growing regions, where the creation of alternative sources of income must be promoted hand-in-hand with the implementation of rule of law principles.

I think this is one of the major problems in Afghanistan, where we try to provide alternatives to the drug trade; we know that this will remain one of the central challenges.

There really is no shortage of tasks and problems, and there are only a few bright spots on the horizon. One case for optimism is Bosnia-Herzegovina, where targeted measures have led to some initial successes. I refer to the introduction of a computer-assisted system for the issuing of identity papers and the creation of a State Border Service. A further point of encouragement is the EU police mission in Bosnia-Herzegovina, which helps local police develop effective structures and pays particular attention to fighting organized crime.

Without anticipating the discussions that will be conducted during this Workshop, I would like to mention the example of Afghanistan. The Bonn Process aims at an overall coordination of reconstruction. Of course, special importance is attached to endeavors to foster the

economic development of the country. Regarding reconstruction in the security sector, specific tasks have been shared by the international community. This is an innovative approach where various “international lead roles” have been assigned and assumed:

- United States of America: the military sphere,
- Japan: demobilization, disarmament, and reintegration (DDR),
- Italy: the legal system,
- the United Kingdom: anti-drug measures, and
- Germany: building up the police, including the establishment of anti-drug units and border police.

I see that the range of potential tasks and requirements would clearly overstretch individual actors if they tried to do it alone. One of the main tasks of conflict prevention and settlement is to ensure that the various actors mutually complement each other and coordinate their actions. This improves the chances for stabilizing a conflict region.

One concrete question that keeps re-emerging is whether the international community is ready to pay due regard to issues of fighting organized crime in drawing up the mandates for future peace operations.

Distinguished guests, I hope that this 7th International Berlin Workshop will provide answers to some of the questions I have just mentioned and will come up with recommendations on how to improve the fight against organized crime. Such recommendations would raise the chances for successfully conducting peacekeeping missions aimed at the reconstruction of states and societies.

I wish you every success in your work and fruitful discussions. Thank you very much.

Opening Panel

Organized Crime and Conflict – Interaction and Policy Implications

Bernard Frahi, Chief Partnership in Development Branch, Division for Operations, United Nations Office on Drugs and Crime (UNODC)

Thank you for the opportunity to address this important conference. The issues it explores are of ongoing concern to the United Nations Office on Drugs and Crime (UNODC). I would like to outline some characteristics of the relationship between organized crime and armed conflict and then, in the second part of my presentation, draw policy conclusions from these points.

Context-specific Formation but Global Implication

Organized crime is in most cases an integral part of a conflict's political economy. An assessment of the conflict's economy is therefore vital for an understanding of the implications that organized crime has for the peacebuilding process. While the debate on the political economy of conflict has expanded rapidly in the last decade, the role of organized crime has been largely neglected. Nevertheless, a key aim of this debate has been to seek possible interventions – with a particular focus on regulations of trade in specific legal commodities (most prominently diamonds) as well as illegal ones (such as drugs) – in an attempt to halt civil wars or reduce their likelihood.

The form that organized crime takes in any conflict – indeed whether it occurs at all – is intimately related to the nature of that conflict, the political and economic interests that surround it, the presence of any valuable commodities in the conflict zone, and the degree to

which the protagonists have the ability to access war supplies on legitimate markets. The criminal networks that develop are shaped by factors inherent to the conflict zone, and in turn shape the nature of the conflict itself.

Critical to our understanding of the role of organized crime is the recognition that such conflicts now take place in an integrated world, where illicit trade to and from conflict zones cannot be isolated to any single community, state or region. Equally, the impact of such conflicts – weak states, humanitarian crises, drug trafficking, organized crime, population flows, and terrorism – cannot be isolated. There is consequently a global interest in confronting these problems, which has important implications for the policy options that we adopt.

Inter-linkages of Organized Crime with Conflict Phases

Armed conflict and organized crime interrelate with each other not only before, but also during and after a conflict. I will elaborate on this point briefly and highlight the various points of interrelation between organized crime and armed conflict and the role of organized crime in a conflict's political economy.

Organized criminal activities may prepare the ground for armed conflict through destabilizing the country in which they occur. Smuggling of natural resources, such as diamonds and timber, deprives governments of the necessary funds for economic development. The extensive use of corruption by organized criminal groups undermines government authority. Organized crime in a conflict region, and this relates to my earlier point on global implications, may furthermore trigger and fuel violence in other parts of the world. In some conflict-ridden states, where the institutions of governance have been severely weakened, terrorist groups have the space to organize and acquire profits for their operations. West Africa, for example, is increasingly

regarded as a haven for money laundering (the diamond trade providing useful opportunities), with profits being funneled to extremist groups in the Middle East and elsewhere.

Organized crime and criminals may also have a vital interest in prolonging an armed conflict. In perhaps its most extreme form, in Colombia, the ideological underpinnings of the non-governmental protagonists, and the nature of their connections to criminal groups, have been subverted by their desire to garner profits. Here, continued war (and associated terror) is economically useful. It is in effect protecting the production of illicit narcotics and the enormous financial resources this generates. Making war in this context is indistinguishable from making profit. In turn, within countries such as Colombia, high-level drug production has spawned a wide variety of criminal groups (much more fragmented than the cartels of old) that are sub-contracted into the trafficking process.

A good and recent example for the role of organized crime in the phase of post-conflict rebuilding is that of Iraq, where a UNODC assessment found that criminal networks have rapidly expanded their operations in the aftermath of the fall of Saddam Hussein. These networks are not entirely new, but a combination of old "sanction-busting" activities, military and security connections, tribal groupings seeking profit, and expanding criminal gangs. The commodities smuggled include oil stolen from refineries and pipelines, and copper stolen from overhead power lines. This has resulted in increasingly powerful criminal networks that have the ability to undercut the formation of an economically prosperous and democratic society.

An Illustration of Complex Links: Organized Crime, Armed Conflict and Illicit Narcotics

The way conflict and organized crime are inter-twined can be further illustrated through the link between conflict, organized criminal activities, and production and trafficking of illicit narcotics – an area that is of great concern to UNODC. Sustained periods of conflict encourage the production of illicit narcotics in two ways: first, by diverting law enforcement and other resources, they provide the space for the production and/or trafficking of drugs. In several conflict zones such as in West and Southern Africa, periods of conflict have resulted in the increased cultivation of marihuana in or near to the conflict zone. The same zones have now also developed into important transit points for drug trafficking. Armed conflict thus facilitates the development of organized crime structures.

Second, and of greater importance, in several conflicts the control over drug production by one (or several) of the protagonists is crucial to providing the resources for that side to sustain the conflict. This is most clearly the case in the Andean region, Afghanistan, and Myanmar. In these situations, organized crime is prolonging and fuelling the conflict. A consequence of both these factors is the increased abuse of drugs by both combatants to the conflict as well as people in the areas immediately surrounding the war zones. In Sierra Leone, for example, the abuse of drugs by child soldiers is at least one of the reasons that the war was characterized by such appalling atrocities. Drug abuse in the countries surrounding Afghanistan has also increased dramatically as these territories are used as transit zones for traffickers. Consequently, organized crime can be said to shape a conflict and create challenges for society which will stretch well into the period after the conflict.

Lessons Learned and Policy Implications for the International Community

Agencies such as the United Nations step into the type of complex environments outlined above. What lessons can be learned and which policy recommendations might be applicable? I would like to highlight the following issues to frame the debate:

Considering the local context: the development of criminal groups in conflict zones must be considered within the context in which they operate; strategies for combating organized crime must be tailored to the specific context in which they occur.

Addressing the nexus between war, illicit drugs, organized crime, and terrorism: this nexus is a critical issue in the current global context. Understanding and confronting it must be seen as central to any debate on the political economy of war and organized crime.

Creating global responses to the problem: criminal groups that traffic illegal commodities into and from conflict zones have critical impacts not only on the conflict itself but also on countries and communities much further away. In creating effective responses, emphasis must be placed on building global multilateral frameworks that rely not only on the actions of one state but also the cooperation between them. Such a multilateral framework is for example envisaged by the *United Nations Convention against Organized Crime* which entered into force in September 2003.

Strengthening law enforcement and criminal justice: post-conflict rebuilding efforts must focus as a priority on strengthening the institutions of law enforcement and criminal justice, including an emphasis on the establishment of independent judiciaries with high levels of integrity. Too often, the focus is on general issues of police

reform without an adequate investment in the specialized services and institutions required to fight organized crime.

Supplementing law enforcement interventions: on their own, law enforcement interventions remain insufficient. Preventing organized crime relies on a multi-dimensional approach, which includes the identification of key preventive measures in the social, economic, and political spheres.

Linking law enforcement to options for alternative livelihoods: law enforcement efforts must be directly linked to concrete activities that provide alternative livelihoods at community level. In Colombia, for instance, aerial chemical spraying combined with under-funded alternative livelihood strategies will continue to create instability, weaken the state institutions, and strengthen attempts to protect local interests through violence.

Assessing political economy in designing approaches: a better understanding of the political economy of organized crime and its development in specific contexts would allow the design of more effective warnings systems and the implementation of policies in all relevant areas that aim to prevent the growth of organized crime in war zones.

Considering organized crime in formulating policy interventions: the impact that criminal groups may have on some policy interventions such as sanctions and trade regulations are not always considered, and thus do not build in the necessary additional measures to prevent and combat organized crime. For example, attempts at regulating the trade in diamonds will be undercut by sophisticated criminal operations that use bribery, fraud or forgery to subvert newly established regulatory systems unless measures against illegal trafficking in diamonds, and corruption are implemented at the same time.

Promoting integrated and holistic approaches: it is paramount to demonstrate to local populations, governments, and international partners alike that policy responses will fail if they do not follow a holistic approach. Ignoring the close links between various causal factors (poverty, inequality, human insecurity, corruption) and their consequences (armed conflict, violence, drug trafficking, displacement of persons, human trafficking) threatens the success of any measures.

These issues provide only an introduction to the variety of critical factors that require review when debating the links between organized crime and conflict. UNODC is privileged to attend this meeting and looks forward to a fruitful exchange of ideas.

The Role of the Military in Combating Organized Crime

Lieutenant General Fabio Mini, *former Commander Kosovo Force (KFOR)*

My previous experience in fighting organized crime includes the operation “Vespri Siciliani” in Sicily eleven years ago. As many of you will remember, in 1992, two judges – Giovanni Falcone and Paolo Borsellino – were killed by the Mafia in Sicily. The situation deteriorated to the extent that the Mafia was not only taking over minds and resources all over Sicily but also undermining the state authority. The judicial system was not functioning because judges as well as witnesses were scared and, what is worse, they had lost confidence in the authority and power of the state. At this point, the government decided to engage the army in fighting organized crime since the situation had escalated beyond a law enforcement problem; organized crime was becoming a threat to state institutions.

Lessons Learned as Commander of KFOR

When I assumed the position of Commander of the Kosovo Force (KFOR) in 2002, I thought the situation in Kosovo was completely different. The United Nations Interim Administration Mission in Kosovo (UNMIK) was administering the country; the judicial system and law enforcement were functioning and 10,000 international and local police officers were deployed in a country of 2 million citizens across 10,000 square kilometers. Consequently, my first directive was that KFOR should no longer conduct independent anti-crime activities, but only act in support of police and judiciary.

However, I had to change my view two or three months later when we had analyzed how regional organized crime affected Kosovo and how crime in Kosovo affected the region. The problem was, and remains, that organized crime is completely inter-twined with all political, economic, and social activities. This results in a threat to state institutions and to the democratization process – not only in Kosovo but also in Bosnia-Herzegovina, Southern Serbia, Macedonia, and Albania. The military presence was therefore essential in fighting organized crime in Kosovo both in a supportive as well as in a leading role.

Security Council Resolution 1244 assigns to the military the responsibility for establishing and maintaining “a safe and secure environment”. This is of course a very vague term lacking a precise definition. Nevertheless, it is also clear that activities such as weapons smuggling, drugs smuggling, trafficking of human beings, extremism, terrorism, and money laundering – all of which can be found in Kosovo and in the Balkans – are a threat to a safe and secure environment.

Comparative Advantages of the Military

The measures required to successfully fight the established organized criminal structures exceeded the capacities of the police in Kosovo at the time. The local police force was still in the process of being built up and the international police was trying to strengthen internal cooperation structures – a major challenge if officers from 80 or 90 nations each bring their own concepts and procedures to the operation. In these types of situations the military can have the role of promoting a single unified strategy and cohesion in anti-crime measures. It can coordinate various activities not only within the military but also between military, police, and other organizations and agencies.

Another comparative advantage of the military in supporting the fight against organized crime is the control of the territory. One of the main routes of drugs that we tracked down passes through Kosovo, goes directly to Bari, from Bari to Sicily, from Sicily to Marseille, and from Marseille to Hamburg. This route originates as far away as in Afghanistan; it is a very direct route and moves on to Europe. The crimes we are witnessing in Kosovo affect us Europeans directly because Kosovo is not the end of trafficking – it is a passage. The military can help contain trafficking activities due to its control of the territory and its credibility in establishing coordination.

International Funds – Strengthening Local Organized Crime?

I would also like to address some problems and challenges that I witnessed during my time in the Balkans. The first problem is that funds from the international community can become an incentive for the establishment of organized criminal networks. In post-conflict situations, particularly during the first emergency period, resources from the international community flow into a poor territory with either weak or even non-existent state institutions. Under these circumstances, the enormous amount of resources that are put into a country become a catalyst for organized crime.

In Sicily during 1992, only 14 billion dollars of state subsidies, given to the autonomous region of Sicily for a population of five million people, were enough to attract the interest of criminals. This facilitated their attempt to make the local public budget the main funding source for the Mafia, which resulted in a considerable broadening of its power base. The international community spent six to nine billion dollars on Kosovo the past three and a half years for around two million people. It is easy to imagine what happens in Kosovo, in Bosnia-Herzegovina, or in any crisis region when six to nine or twelve

to thirteen billion dollars are poured into a system that is not mature enough to control where the money goes.

Lack of Cooperation

Cooperation among international actors is another major challenge. The lack of coordination among the various agencies working in post-conflict situations is a well known problem. The list of organizations currently working in Kosovo to combat organized crime, extremism, and terrorism is endless. However, problems are caused by conflicts of competence, conflicts of jurisdiction, and duplication of effort. Centralized coordination is not the major rule that is applied during those operations.

Less well known is the need to strengthen the cooperation between the military and the judicial system in combating organized crime, particularly in the area of intelligence as evidence. Military intelligence is not necessarily evidence, as we had to find out in Kosovo, and transforming the former into the latter can be a complex and difficult process. Frequently, the military intelligence shared is not even sufficient to build up a case. We have to find legal ways to make the best use of what we know. My cooperation with Mr. Paul Coffey, Chief of the Justice Department, was excellent and by mutual understanding we overcame many difficulties. This is fine, but issues like this cannot be left to good will and personal friendship.

We must bear in mind that while we often have a problem cooperating amongst ourselves, organized crime is always very effective in cooperation and coordination across ethnic and national borders due to the self-interest behind it. When intercepting radio communications, we were astonished to find out, for example, that Albanian was spoken at one end and Bulgarian at the other without any communication difficulties.

An example for good cooperation and a success that I would like to illustrate occurred towards the end of my term in Kosovo. A common intelligence database was established in KFOR with the participation of the Office of Organized Crime; all intelligence and investigative units were under supervision of the judicial prosecutor, Department of Justice in Kosovo. This database currently contains a vast quantity of data and lists actors of crime, regardless of whether they are low profile criminals, extremists, terrorists, or prominent public officials or even politicians. Individuals are not listed because they belong to one level of society or to specific categories but because they are actors of crime and often many of them belong to all categories: the same person is a political leader, a chief of clan, a leader of a gang, and is corrupting and undermining the stability of the region.

Future Scenarios for Kosovo

I would like to close by outlining three possible scenarios for Kosovo that I also presented to the North Atlantic Council (NAC) when I left Kosovo: an optimistic, a pessimistic, and a realistic scenario. The optimistic scenario is that Kosovo will develop slowly but steadily and the Interim Administration will succeed in setting up democratic institutions that allow economic growth. The pessimistic scenario is that Kosovo will turn into a rogue state; Kosovo is already exporting terrorism and extremism at least to Southern Serbia and Macedonia. The third scenario is that of a failed state, like Somalia. This scenario is very realistic if the final status of Kosovo is not determined or if one of the many interested parties will not accept the decision of the international community or even not wait for it.

However, there may even develop a fourth scenario, which is already visible to some extent in Kosovo like in many other crisis areas: the mafia state. To my knowledge there is no other place in Europe where money laundering is as easy as in Kosovo or the Balkans in general.

In the future, if Kosovo is led by an administration made up of clan chiefs, who can establish rules and laws allowing for a fiscal paradise, for gambling casinos in the middle of Europe, then this would at least be a regional, if not a global problem. The mafia state is not a rogue state; the mafia state is not a failed state – it is a very effective, but criminal state.

The Role of International Prosecutors and Courts in Combating Organized and Serious Crime

David Crane, *The Prosecutor, United Nations Special Court for Sierra Leone*

When you place a war crimes tribunal in the middle of a world that has not known the rule of law for decades, you will find some incredible contradictions and some incredible truisms. I have been charged with prosecuting those who bear the greatest responsibility for war crimes, crimes against humanity, and other violations of international humanitarian law relating to the ten-year civil war in Sierra Leone. First, I would like to address some of the characteristics of contemporary conflicts, based on my experience in Sierra Leone, and then outline the role of an international prosecutor in relation to these conflicts.

The Changing Nature of Conflict: Dynamics and Impact

Violent conflicts today are less national and more regional in scope. As I began my investigations in August 2002, I realized that there is much more to the conflict in Sierra Leone than simply what occurred within the country. At any given time, we send investigators to other parts of West Africa, North America, Europe, North Africa, and the Middle East to investigate war crimes connected to the conflict in Sierra Leone.

Conflicts are furthermore evolving into uncivilized events, they are less political and more economic in origin and scope, and the combatants are mere pawns in a deadly criminal enterprise. This is true for the case of Sierra Leone, where the primary conflict cause is very clearly the control of a commodity. Consequently, the Special Court

for Sierra Leone is explicitly addressing these economic aspects of war crimes. This approach has not been pursued since the Nuremberg trials; the tribunals in Yugoslavia and Rwanda focus on ethnicity and genocide.

There is also a distinct change in actors. The key players in contemporary conflicts are not sovereign states but either non-state actors or state actors using state assets for their own personal and criminal gain. These are precisely the findings of the criminal investigation in West Africa. Related to the change of actors is a very troubling development: the decreasing respect for the law of armed conflict. Criminals neither apply nor understand the law of armed conflict; it does not converge with their *modus operandi*. Combatant structures have developed into large groups of criminals. This, in my opinion, is a dangerous trend for the future.

The criminalization of violent conflict obviously leads to the question whether the *Geneva Conventions* and the *Law of Armed Conflict* are still sufficient. The scenario that the *Geneva Conventions* are based on, namely standard warfare of defined armies fighting each other in the open, belongs to the past.

Dealing with Contemporary Conflict: The Role of War Crimes Tribunals

The role of an international prosecutor in facing these types of new conflicts is to function as a catalyst for change. While there are laws in Sierra Leone, the respect for the law does not exist. As a result, individuals, organizations, state and non-state actors pursuing criminal activities enjoy a great deal of freedom of movement. It is therefore crucial that the Special Tribunal provides an example of the rule of law in a situation which is characterized by impunity and an absence of law. Therefore, in Sierra Leone, we not only try to show that

the rule of law can work but also aim to create legacies by which future prosecutors, lawyers, and judges can develop a system that can tackle the root causes of these types of conflict.

A further advantage of a war crimes tribunal is that it can expose the root causes of a conflict in a judicial setting. The upcoming trials in Sierra Leone will illustrate that we are dealing with a new type of conflict, where criminal enterprises cause war crimes and crimes against humanity. This raises an important legal question: Can a corporation be individually criminally liable for war crimes and crimes against humanity?

Finally, there are two additional and valuable roles international prosecutors can fulfill:

- *Coordinate the efforts of other organizations* and help them identify areas of work in the field of rule of law where they can do maximum good. Large numbers of well intended people who come to a post-conflict setting without any coordination are usually more problematic than beneficial.
- *Provide training*; training the local Bar and the local police in conducting complex criminal investigations is just as much a part of the mandate as the criminal prosecution of individuals.

Let me conclude by stating that it is the ultimate task of the international community to show that the rule of law can be more powerful than the rule of the gun. If we fail in demonstrating this, people in various regions of the world will continue to resort to violence in order to further their interests. However, with the proper plan and perspective this is in my opinion an attainable goal.

Discussion

The discussion started with a brief review of past practices in combating organized crime. Various factors were scrutinized that have hampered its effectiveness. For instance, the issue of rule of law in peace operations was often addressed solely from the perspective of police reform while little attention was paid to the development of the judicial system. When the judicial system was eventually addressed, this was done with a view to one specific country while global, regional, and sub-regional approaches were neglected. Furthermore, the international community often only focused on the visible symptoms of organized crime rather than addressing the root causes. Participants also agreed that establishing the rule of law, including combating organized crime, should be addressed immediately when an international mission is deployed. A vacuum in which organized criminals can thrive must be avoided.

One of the re-occurring problems, particularly at the outset of a peacekeeping operation, is who to talk to and with whom to cooperate. While some participants advocated a strict stance against criminals, others noted that it is virtually impossible to avoid talking to criminals. During the first weeks of an operation, international staff has little choice but to talk to those likely to be involved in organized criminal activities in order to get the mission started. Yet, limits have to be set for how long one should talk to suspected criminals and when they should be investigated and prosecuted: "If after four years in Kosovo and after ten years in Bosnia-Herzegovina we allow criminals to stay in charge and to stay in power, we are failing."

The consideration of local cultures as well as local ownership is yet another area that has not received sufficient attention in the past:

“We know what is good for others but we don’t take into consideration what they think,” criticized one participant. In a large number of post-conflict settings, the international community is more concerned about organized criminals than the people in the region themselves, which raises the question of whose interests interventions actually serve. The legal prosecution of certain individuals might, in many instances, not be a priority for the local population, particularly given the scarcity of resources. To provide a concrete example: the Chamber for War Crimes in the Bosnian court system is certainly a measure where one has to ask whether this fits “our” agenda of rule of law rather than the urgent needs of a post-conflict society. There was consensus, however, that local societies and local institutions must be more involved in re-establishing the rule of law from the very beginning of the process if sustainable results are to be produced.

Another issue addressed was the frequent lack of applicable law in the early phase of a peace operation. In East Timor, as well as in Kosovo, there was no appropriate applicable law available for a period of six to eighteen months. Senior staff in both missions felt very strongly that an emergency legal kit was needed even though many lawyers at the time argued against it from a legal perspective. Post-conflict situations, however, are emergency situations in which emergency laws will be needed at times.

Despite all criticism, it was noted that progress has been made with regard to combating organized crime. The *Brahimi Report* was the first official recognition at the international level that an integrated approach on rule of law encompassing justice, human rights, judiciary reform, and police reform has to be pursued. Peacekeeping mandates need to be designed accordingly, as it was already put into practice in the Security Council Resolution 1509 concerning Liberia. This is the right way forward.

Organized Crime in the Balkans

**Gerd Thielmann, Deputy Police Head of Mission,
European Union Police Mission (EUPM)**

I would like to give a policeman's perspective on the work in Bosnia-Herzegovina. Many of the issues I will raise can also be applied to Kosovo and African countries alike.

The thirty-five years of the socialist Tito regime were followed by eleven years of growing nationalism. Escalating tensions resulted in five years of armed conflict and genocide. Since the *Dayton Peace Agreement*, Bosnia-Herzegovina has been a state divided into two entities: the Republic of Srpska and the Federation consisting of ten cantons. However, this construction is rather fragile and its future uncertain. In short, the people of Bosnia-Herzegovina have never lived in a democratic state and neither experienced nor learned to trust the rule of law.

Various factors have contributed to fostering organized crime in Bosnia-Herzegovina. Almost forty percent of the population is unemployed. The current economic figures are worse than Albania's. The rule of law is weak, which is exacerbated by institutionalized corruption. There is a big crime market that is linked to the international arena through cross-border relations.

It is within these structures that people must survive in Bosnia-Herzegovina. For many of those involved, smuggling is not a crime: it is a business – a survival mechanism. This has resulted in a “Robin Hood mentality.”

The key criminal actors can be divided into two groups: first, local families with immediate as well as extended members; second, foreign criminal groups, coming primarily from the Balkan countries (Kosovo-Albanians, Serbs, Montenegrins) but also from Asian countries such as China.

These actors are involved in a range of activities:

- *smuggling*: all commodities are being smuggled from coal to weapons;
- *white collar crime*: many of the state owned companies are being privatized and changing hands, only to be owned by well known criminals. The local families are using their power and their knowledge to get control over these companies;
- *money laundering*: due to the separation between the Republic of Srpska and the Federation, a favorable environment exists for such activities;
- *human trafficking*: this involves primarily Eastern European women, who either work in the country or are in transit to Central or Western Europe;
- *people smuggling*: remains very common especially originating from the Far and Near East and moving towards Central Europe and the United Kingdom;
- *drug trafficking*: this has created two problems: first, the increase of illicit narcotics on the local market and, second, the establishment of a route to Central Europe;
- *corruption*: this common practice has, over time, created channels for large money flows into the country. To provide an example, a German tobacco company gave a check to the local administration for twelve million KM (€6.1 million);

- *car theft and re-sale*: in Sarajevo, cars are stolen over night and the owner is offered to buy it back for 3,000 KM to 5,000 KM (€1,500 to €2,500) the next day. There are rumors that this money is used to support Karadzic.

Although national and ethnic division remains a key factor in the society of Bosnia-Herzegovina, organized crime easily overcomes these divisions due to mutual self-interest. There are also various regional connections such as the inter-entity connections, which are very strong and cover the entire region of the former Yugoslavia. The lack of a language barrier enhances these types of cooperation: members of the different ethnic groups shared the same education and the present borders are not old and remain porous.

The international network is maintained by diasporas, which are based in Austria, Germany, and Switzerland. A smaller segment of the diaspora resides in Belgium, Luxembourg, and Scandinavia. There is also a popular smuggling route for people in Southern Europe mainly to Italy, France, and the UK. The global connection is formed, as mentioned, between Bosnian criminal groups and those in Asia and the Middle East.

Our main activities in tackling organized crime have been to monitor operations conducted by local police forces as well as restructuring the Criminal Investigation Departments (CID), in accordance with a uniform "intelligence-led" model. We are not involved in any investigations themselves as we do not have an executive mandate to do so.

**James Lyon, Director, Serbia Project,
International Crisis Group (ICG)**

Let me start by asking why Europe should have an interest in fighting organized crime in the Balkans. The answer becomes immediately clear when one takes a closer look at organized crime in Western European cities. Whether it is London, Berlin, or Vienna, one will find that Balkan criminal groups have a significant, if not dominant, influence. In addition, some of these criminal gangs have links to terrorist groups and support them financially.

As it is very difficult to draw firm lines between these entities when discussing organized crime, my presentation will not only concentrate on Bosnia-Herzegovina but also raise linkages to Kosovo and Serbia. In Bosnia-Herzegovina, as well as in Kosovo and Serbia, the rise of organized crime structures was closely linked to the events and developments during the Balkan wars: armies and paramilitary groups needed to buy weapons; political parties had to finance themselves; and ordinary citizens had to survive under conditions of economic blockade. As a result, the criminal elements in the areas controlled by Muslims, Serbs, and Croats share many similarities, although there are also significant differences.

The main commonality is the significant, if not central, role played by the leading ethnically based parties in organized crime structures. These parties are the Serbian Democratic Party (SDS) in the Republic of Srpska, the Party of Democratic Action (SDA) in the Muslim-controlled parts of the Federation, and the Croatian Democratic Union (HDZ) in the Croat-controlled parts of the Federation. Their influence imbued all structures to the extent that there used to be the joke that Bosnia-Herzegovina did not have organized crime, rather it had a government.

The elections in 2000 provided new hope when the non-nationalist Social Democratic Party of Bosnia Herzegovina (SDP) replaced the SDA as the strongest party in the Muslim areas of the Federation. The party won the elections on its campaign for anti-corruption and its anti-organized crime platform. However, this new hope turned to disappointment when, once in government, the SDP made no attempt to fight organized crime. In fact, it simply took over the existing criminal rackets from the SDA.

Another similarity is the background of most leading organized crime figures. They are typically war-time or current political and military leaders, who very often have close ties to the security structures. In many cases, all these characterizations apply to the same person.

Nevertheless, there are also several differences predominantly concerning the number of members of former paramilitary units: the Serbian and Croatian organized crime groups utilize many more than the Muslim groups. These paramilitary groups during the war were controlled by Serbian state security or Yugoslav Army counter-intelligence or the Croatian state security services. In Muslim criminal organizations, the main unifying element seems to be a close connection to the then dominant party, the SDA.

Unfortunately, the international community failed to act on a number of occasions in the past with respect to organized crime, even when such action would have involved very little risk. The underlying reason would appear to be a lack of understanding of the local conditions especially concerning the close inter-twining of political parties, paramilitary groups, networks of former members of state security services, and criminals.

It is well known, for instance, that large amounts of weapons from Bosnia-Herzegovina have, in the recent past, been sold through Albania to Kosovo and Serbia to Iraq, Liberia, Libya, as well as other

countries under UN arms embargo. At present, although the Stabilisation Force (SFOR) and the local police forces are aware of these activities neither have the manpower to stop them. As the armies of the Bosnia-Herzegovina entities are currently being reduced in size, which results in superfluous equipment, it is likely that there will be a fire-sale of surplus stocks, including weapons and explosives. One cannot expect that SFOR and the local police will have any greater success at stopping these shipments in the future than they have had in the past.

Other examples of missed opportunities concern, first, SFOR's refusal in 1999 to stop paramilitaries moving from Republic of Srpska to Kosovo to participate in the fighting. Second, for several years, SFOR has failed to target the well known criminal activities of Bosnian Mujahideen groups. Finally, a continuous problem remains the lack of control over the border of Bosnia-Herzegovina; weapons, drugs, cigarettes, and other contraband goods are moved across the border with complete impunity.

In conclusion, after having invested so much political effort and financial resources, the international community must use its presence in the Balkans more effectively. It is not a question of authority or enforcement capacity; it has both the moral authority with the local population and enforcement assets in place to move against organized crime groups in Bosnia-Herzegovina and its neighbors. That course would benefit not only the people of Bosnia-Herzegovina but also the people in London, Berlin, and Vienna.

Zoran Pajic, Special Adviser to the High Representative, Office of the High Representative of the International Community in Bosnia and Herzegovina (OHR)

Peacebuilding in Bosnia-Herzegovina is a twofold process. First, Bosnia-Herzegovina has gone through a period of transition from a communist system of government with a highly centralized planned economy to a parliamentary democracy with an open market economy. This transition is, as everywhere, a painful process. In that respect, Bosnia-Herzegovina is comparable to nations such as Romania, Bulgaria, and other eastern European countries. Second, the country is also in a further transition phase after a period of prolonged ethno-political conflict. When we complain about the slow speed of change in Bosnia-Herzegovina, we tend to forget that these simultaneous processes make the country a very special case.

As has already been mentioned, one of the consequences of armed conflict is the devastation of state institutions with the judiciary being the most vulnerable institution. This observation is certainly true for Bosnia-Herzegovina. During the war from 1992 to 1995, virtually all the elements of the public administration and especially the judiciary were completely subordinated to the interest of nationalistic political parties. This, in itself, creates an ideal environment for organized crime, corruption, and chaos in law enforcement.

The fight against organized crime has two elements. The first element concerns the hands-on work in the field by the law enforcement agencies while the second consists of the legal framework and administrative structures. I strongly believe that progress in both areas must be made in conjunction with each other in order to achieve success. Without a close linkage between them, the "ownership" question of how to hand over responsibility for tackling organized crime to local institutions becomes moot.

In my opinion, we are slowly moving ahead in both fields. The European Union Police Mission (EUPM), the Stabilisation Force (SFOR), and local police forces are engaged in the day-to-day fight against organized crime. At the same time, the Office of the High Representative (OHR), in cooperation with local legal experts, has undertaken the major project of legal and administrative reform for Bosnia-Herzegovina.

When I began my work as head of this project in June 2002, I was confronted with a variety of different legal reform projects that were run by a number of international experts. These activities were in various states of completion and often with contradictory approaches to the issue. Each was trying to impose their view on the OHR and the Bosnian institutions. My response to this cacophony was to start from scratch.

We have instigated multiple approaches for dealing with the above challenges. The first was to form a group of eight leading Bosnian legal experts, lawyers, judges, and academics that, within several months, produced a working draft of a criminal code and a criminal procedure code. Concurrent to this, we further concentrated on capacity building measures in this area through the provision of training courses for judges, prosecutors, and lawyers.

The second approach concerned institution building that we saw to be crucial in the transformation process. Annex IV of the 1995 *Dayton Agreement*, which is the *de facto* constitution of Bosnia-Herzegovina, originally provided for only three ministries on the state level. Most other prerogatives, legislative as well as administrative, were located at the level of the two entities – the Republic of Srpska and the Federation of Bosnia-Herzegovina.

However, in recent years, both the international community and political forces within Bosnia-Herzegovina have managed to reverse

this process to a certain extent. Quite sensibly, in my view, more and more responsibilities have been transferred from the entity institutions to the central authorities. As a result, there are now eight ministries at the state level and quite soon it is expected that a further crucial ministry will be established – the Ministry of Defence. Given the recent history of Bosnia-Herzegovina, this fact alone constitutes a major success.

A recurring theme in this Workshop is that success in the fight against organized crime depends on the formulation of a comprehensive strategy combining court restructuring with legislative reform, and capacity building. Court restructuring in Bosnia-Herzegovina in practice means that unsuitable judges must be siphoned off; this is always a difficult and controversial process. It is made problematic by the fact that there is the need on the one hand to promote the principle of judicial independence, and on the other hand to submit judges to a process of lustration.

In order to maintain any credibility, great care was given to upholding the principle of the separation of powers. This was achieved in Bosnia-Herzegovina by excluding political parties, as well as the legislative and executive branches of government, from the appointment process for both judges and public prosecutors. In consequence, an independent judicial and prosecutorial council was established by the High Representative. This body is solely responsible for appointing and confirming judges and public prosecutors.

Drafting new legislation for Bosnia-Herzegovina is an equally delicate process. We had to take great care to respect local as well as European legal traditions, such as the *European Convention on Human Rights*. At the same time, we needed to incorporate successful examples from other legal systems and provide for efficient judicial procedures.

The central issue in Bosnia-Herzegovina right now, in my view, is capacity building. Most of the other elements are in place. There are new institutions and new legislation. Nevertheless, the mindset of many legal professionals in the country has not yet changed. This challenge is tackled by the international community through bilateral agreements made with Bosnia-Herzegovina and the provision of professional training courses for all participants in the legal process: judges, prosecutors, and lawyers.

**Harri Holkeri, *Special Representative of the Secretary-General,
United Nations Interim Administration Mission in Kosovo (UNMIK)***

All of us who work to solve the problems of South East Europe are deeply familiar with organized crime, its mechanisms, how the crime syndicates thrive on a climate of fear, and the use of clandestine channels for trafficking women, weapons, drugs, and stolen vehicles.

Our fight against organized crime must be viewed in the context in which it operates. We are faced with the complex reality of counter-acting the deep-rooted intricate network of underworld links that transcend borders and ethnicities. Organized crime is a phenomenon throughout the Balkans that was aggravated in Kosovo by the impact of the conflict and social disorder over the last decade. The region or area of Kosovo (Kosovo is not a country) is as much a part of the regional organized crime landscape as its neighbors due to the undetermined status, as a distinct UN administered unit that remains a part of former Yugoslavia (now Serbia-Montenegro). This is exacerbated by the porous boundaries and borders, the proliferation of weapons carried forward from the conflict, and the fact of a society in post-conflict flux.

I would like to illustrate some examples where we have made progress. The UN Police in Kosovo, in a single operation, has recently seized 35 kg of heroin. Every day illegal weapons are intercepted with spectacular seizures such as a single cache comprised of 318 AK-47 rifles, 1,008 rocket propelled grenades and 512 hand grenades. UNMIK's Trafficking and Prostitution Investigation Unit (TPIU) has, in the three years of its existence, conducted over 2,000 operations, brought over 140 charges on trafficking in human beings, and shut down close to a 100 premises. Concurrent to this work, they have created a database of about 2,400 victims and suspects involved in trafficking in human beings. There is now installed an active and effective

responsibility policy in the police service that removes officers who do not perform at the professional standards required for a new modern police force.

Nevertheless, even as I list these examples, the problems of organized crime run deeper than the external manifestations which can be seen through these achievements. Just as there is no golden solution for enforcement measures against organized crime; it is difficult to pinpoint concrete achievements. The real perpetrators operate behind the scenes. It is a complex problem that requires complex solutions. We must concentrate on the long-term structures and tactics; there are no short-cuts.

Moving from Event- to Process-Oriented

The international police force deployed in Kosovo brought the expertise of 50 different countries to UNMIK. They encountered, however, an environment that none of them had experienced before. Institutional memory for this force began in 1999. We have learned a great deal about the realities of crime in the Balkans. This is owed, to a large extent, to the quick development of the Kosovo Police Service (KPS). The KPS has the added-value of knowing its own society and remains dedicated to protecting it from all categories of crime.

To ensure continuity of investigations based on credible local intelligence, UNMIK has dedicated major resources to developing the Kosovo police and judicial system. Even though 'police and justice' are a reserved competence under the Special Representative of the Secretary-General (SRSG), the majority of law enforcement officers, judges, and prosecutors are Kosovan. Capacity is being built into the local police system to enhance investigation skills, intelligence-gathering, undercover operations, and surveillance.

Members of the KPS are being integrated into specialized units and are now deployed in all of the Regional Investigation Units such as the Trafficking and Prostitution Investigation Unit (TPIU) with 26 KPS officers and the Centralized Drugs Unit with 17 KPS officers (50 percent of their strength from the KPS). Nevertheless, there is still a long way to go with the process of replacing internationals with KPS staff into other units such as the Central Criminal Investigation Unit (CCIU) and the Kosovo Organized Crime Bureau (KOCB). Eight local police officers have been deployed into the CCIU and eleven into KOCB.

The hazards to all law enforcement officers when they confront serious crime can be clearly seen in the recent tragic murders of three Kosovo Police Officers. They were engaged in serious crimes investigations, prompting a desperate reaction of criminal groups. Adequate measures need to be put in place to protect police officers, judges, prosecutors, and witnesses who are on the front line of the fight against organized crime.

These attacks come in the wake of encouraging successes in investigations of serious crimes. In the case of the bombing of a railway bridge in northern Kosovo earlier this year, for example, investigators identified a ring of conspirators, arrested one suspect and issued warrants for a number of remaining identified perpetrators.

Understanding the mechanics of organized crime operations is only a beginning. For successful prosecution, we must establish beyond any doubt the obscure linkages of criminal elements in the court of law. Establishing the vital chain-links in the intricate organized crime network requires analysis of crime patterns over a period of time.

Integrating a Regional Perspective

Practical tools are in place which strengthen UNMIK's ability to combat organized crime. The regulation enabling the use of covert

and technical measures of surveillance and investigation is among the most important. We are starting to see some good results in Kosovo. We are also assisting our neighbors with their investigations through the use of covert measures and there has been a great improvement in the control of Kosovo's borders and boundaries. Parallel to this, Pristina Airport Police have established and now utilize a database of criminal suspects' names via a sophisticated computerized system used to track the movement of travelers.

Furthering its regional anti-crime efforts, UNMIK participates in the South East Cooperation Initiative and the Stability Pact Task Force on Trafficking in Human Beings. In addition to this, the police cooperate with Serbia, FYROM, Albania, and Montenegro on the exchange of information and intelligence through specific bilateral agreements.

These regional approaches produced a noteworthy success on 29th November 2003. The cooperation of UNMIK police, Serbian Police and the active involvement of KPS officers resulted in the safe rescue of a Kosovo-Albanian businessman abducted in Serbia. The four Serbian abductors were arrested during a successful joint operation in Novi Sad and Smeredovo.

While progress has been substantial, many challenges remain. A code-of-silence among criminals hinders police investigations and prosecutions. We must foster a greater sense of civic responsibility and counter the climate of fear on which crime networks thrive. From this, we are developing and employing other legal instruments that lay the base for witness protection and the provision of incentives for co-operation.

UNMIK Regulations on organized crime, extremism, and trafficking in human beings now provide the necessary tools for effective action to reduce the potential rewards of criminality. As we make clear in the "Standards for Kosovo," the solution lies in the institutionalization of

the rule of law within the socio-political framework of a Euro-Atlantic society. UNMIK is committed to the establishment of police and justice systems based on European norms. Vast progress has been made in that direction as reflected in a spectacular drop in crime rates by 70 percent in the last two years.

Bertram Welsing, *Head Kosovo Organized Crime Bureau, United Nations Interim Administration Mission in Kosovo (UNMIK)*

In my presentation, I would like to focus on three specific factors that pose a challenge to combating organized crime: the code-of-silence, the clan structure, and the clan's split role in society.

The Code-of-Silence

The code-of-silence is one of the main challenges we face in our day-to-day work and it is supported and maintained by the clan structure in Kosovo. People are born into well connected networks engaged in organized crime. The clan families maintain very close relationships and usually preserve a strong legal, political, and social basis. These sealed structures are enhanced by the small size of the population and result in close-knit sub-communities.

These structures have a twofold impact on the work of the Kosovo Organized Crime Bureau (KOCB). First, it is tremendously difficult to identify people whom you can trust in a professional setting and who you thus choose for employment. As the Kosovo Police Service (KPS) officers are selected from this closely knit society, it is crucial to screen candidates properly and to conduct extensive background checks. Nevertheless, there is no guarantee that these processes are infallible, which remains an area of continual concern because of the sensitive nature of the KOCB's work. Second, the clan structures have an impact on the investigation environment. It is not possible to investigate within these clans through using open witnesses or other open measures. In order to gain access as well as ascend these hierarchies, we must employ covert strategies.

Yet another factor affecting our work is the split role of these families in society. Some of the clans utilize their financial assets to fund local

social facilities and infrastructure, such as schools and roads. This in turn provides them with social power, recognition, and support within their communities. Of even greater concern, however, are those actors on KOCB's target list who utilize the profits from organized crime activities to fund terrorism and extremism.

Better Cooperation Underway

In order to tackle these challenges, we will be cooperating closer with other UNMIK police units. The new Deputy Police Commissioner – Robert Pedlow – is responsible for all central investigation units such as the KOCB, Central Criminal Investigation Unit (CCIU), Trafficking and Prostitution Investigation Unit (TPIU), the Counter Terrorism Task Force (CTTF), and others. His main role is to coordinate the intelligence and information gathering as well as to decide which specialized unit will run which case and carry out searches, seizures, and arrests. This re-organization has not only resulted in a more centralized approach but also provided options for a higher level of cooperation and communication throughout Kosovo. Constructive new regulations such as the money laundering regulation are supportive of all these efforts.

To make use of these new regulations, KOCB has set up a financial investigation task force. The new task force is comprised of three financial investigators and one KPS officer, who have a thorough understanding of economic crimes and financial investigation and will take care of stringent training of other investigators throughout Kosovo. This task force will carry out financial investigations with the aim of confiscating all possible assets stemming from illegal activities and thus cutting off the criminals from their profits and their power.

Despite the immensity of these challenges, we have made some good progress although these have neither been published nor widely

circulated. Fifteen different seizures of heroine between 20 kg and 40 kg, for example, were made possible due to intelligence that was forwarded to European law enforcement agencies by KOCB. Good cooperation and communication structures have furthermore been established with Serbia-Montenegro, Albania, and the Former Yugoslav Republic of Macedonia (FYROM).

Nikolaus Graf Lambsdorff, Deputy Special Representative of the Secretary-General, Head of Pillar IV (EU), United Nations Interim Administration Mission in Kosovo (UNMIK)

At the time of the establishment of UNMIK in 1999, the fight against organized crime was not a top priority. Within the last eighteen months, this issue has emerged as one of our core tasks and can now be used as a measure of our success. It is very significant that the emergency measures such as guaranteeing public security and reconstructing basic infrastructure no longer occupy the center stage. We have been able to move on to questions such as institution building and long-term economic development.

As the head of UNMIK's Pillar IV – Economic Reconstruction – I am not directly involved in the fight against organized crime, however, our endeavors are closely connected to it. Therefore, I would like to concentrate on two related issues: privatization and the connections between economic development and organized crime.

One of Pillar IV's responsibilities is the restructuring of Publicly Owned Enterprises (POEs) and, where appropriate, privatization of Socially Owned Enterprises (SOEs) through the Kosovo Trust Agency (KTA). A notification of issuance of the so-called 'third wave' of privatization of SOEs will be published shortly. This process, sometimes referred to in Kosovo as "the last chance to get rich quickly," attracts organized crime groups because of the opportunity for money laundering. Funds are invested in privatized SOEs, which have been illegally obtained through drug trafficking, cigarette smuggling, serial vehicle theft, extortion, and other forms of crime. If the funds are withdrawn later they appear as perfectly legitimate assets that can be freely transferred around the globe without fear of discovery.

This fact, combined with an acute shortage of legitimate investors in Kosovo creates a difficult dilemma for our work: on the one hand, we certainly do not want to aid and abet organized criminals while on the other, given the desperate economic situation of Kosovo, we cannot afford to turn away potential investors. Unfortunately, it remains a very difficult and time consuming activity to distinguish between the two. In many cases, it is simply impossible because the origin of local funds to be invested in the privatization of an SOE cannot be determined by KTA personnel. There may exist legitimate reasons such as documentation having been lost or destroyed – a situation not uncommon in Kosovo and other post-conflict societies. In other instances, the source of the money is a member of the large Albanian diaspora living in Europe and North America. Again, KTA does not have the means at its disposal to determine whether it is dealing with a legitimate investor or a money launderer. In short, we still have not been able to find a completely satisfactory solution for cases like this. This is the main reason why we are currently improving the privatization process.

The second issue I would like to mention is more general; it concerns the connections between economic development and organized crime. I am firmly convinced that sustainable, long-term economic development offering tangible benefits to all members of Kosovo society is the only way to defeat organized crime. What is required, above all else, are legitimate employment opportunities offering a living wage. The unemployment rate in Kosovo is horrendous, at around 50 percent, and continues to be the highest in Europe. Youth unemployment is even higher at 70 percent. As long as over two thirds of the young male population have no legal source of income, crime will remain an attractive option.

Unfortunately, there is no sound base from which to start an economic recovery program. UNMIK's Pillar IV is officially called "Economic Reconstruction." In my opinion, this name is highly misleading, but offers an important insight into the heart of the problem. Kosovo has no economy worthy of reconstructing. Nobody would want to reconstruct the economic system as it existed before 1999. As to the economic structures that developed during the period of embargo and armed conflict, they must be actively de-constructed since these structures form the backbone of most organized criminal activities in Kosovo today. In short, all our endeavors must engage two processes: economic reconstruction must go hand in hand with the deconstruction of socialist and sometimes criminal structures.

I would like to end my presentation by stressing two important aspects of the fight against organized crime: first, the international community must succeed in the fight against organized crime, if for no other reason than for what I would call "investment protection." It has spent more money, on a per capita base, in Kosovo than in any other region. In addition to the financial perspective, the international community's credibility is at stake. If it fails in Kosovo, it will lose on both aspects, and organized crime is the single greatest threat to these investments.

Second, I believe, and most law enforcement practitioners would agree, that combating organized crime at its origin is cheaper than doing so in various European cities where it is already established and will continue to establish itself if left unchecked. Therefore, money spent on economic development and rule of law programs in Kosovo are a very sound investment in the safety of all of Europe.

**Peter Schumann, *Principal International Officer,
Ministry of Public Services, United Nations Interim Administration
Mission in Kosovo (UNMIK)***

At Disneyland in California there are hidden doors which lead to an underground world, unknown to the visitors above who spend their time in a functioning and colorful but illusory world. Below ground, workers use a network of tunnels, shuttle buses, offices and warehouses to help maintain the illusion overhead. The same is true for Kosovo. Beneath the surface of the international presence and the expensively administered province, there is a widespread and lucrative trafficking of arms, explosives, drugs, currency, dutiable goods, and human beings. The Disneyland of the international administration and the dynamics of the Kosovo beneath the surface differ widely as in particular those Kosovars who work with the United Nations Interim Administration Mission in Kosovo (UNMIK) know.

Political Organization and Organized Crime – Elements of a Conceptual Framework

Following the breakdown of the “Eastern Bloc” and the emergence of new political and economic alliances, state organs initially charged with specialized security and intelligence functions either collapsed and disappeared or re-surfaced within the broader framework of an emerging private sector. This was also the case in the former Yugoslav Federation and continues to affect peacekeeping and peacebuilding efforts ongoing in the Balkans. Empirical evidence confirms continued close links between organized crime and these former state security and intelligence organizations. Furthermore, nationalist movements and their political organizations developed armed units whose members had even before engaged in criminal activities, such as

smuggling, extortion, production, and marketing of counterfeit products as well as breaking international embargoes.

In the mid 1990s, efforts to break the UN embargo imposed on former Yugoslavia resulted in rather unique alliances, not only between Serbia and neighboring countries, such as Albania, but also between state actors and the emerging private and informal sector. Between 1995 and 1996, for example, sizeable quantities of petroleum products, mostly diesel fuel and lubricants, were transported through Albania to Montenegro and Serbia, in violation of the UN embargo. There are indications that organizations based in Kosovo played a role in these operations. Greece's embargo against FYROM provided additional opportunities for organizations already engaged in similar illegal activities. In addition, during the time of oppression in Kosovo, informal economic and underground political activities and tactics based on unwritten rules were a way of resisting the negation of self-determination and basic human rights for the Kosovo Albanians and had become a *modus operandi* of survival. Many of the actors who initially focused on sanction busting activities later came to play an increasing role in the "war of liberation" itself, as mercenaries performing special security, intelligence, and counter-insurgency operations, or by following their own economic and political agenda.

Obviously, this past directly collides with the demands of peace-building in a true post-conflict situation. A new type of relationship between the citizen, the post-war state, and its democratic institutions must be established, based on rule of law principles. This requires giving up the often mystified and glorified role attributed to resistance tactics and their heroes. The old values and norms become completely counterproductive in a new society where simple survival mechanisms are replaced with economic and social development strategies and rule of law systems. Organized crime will resist this change and ensure that extreme nationalist and conservative policies

remain at the forefront and that newly created governmental institutions do not become a threat.

Challenges for Peacebuilding – Opportunities for Organized Crime

Peacebuilding through transparent and professional institutions of governance is one of the main objectives of UNSC Resolution 1244/1999. Massive investments were made over the past four years to first establish a Joint Interim Administration, managed primarily by UNMIK international staff. This was followed by Provisional Institutions of Self Government (PISG), with UNMIK international staff reducing its activities to perform advisory and monitoring functions in addition to intervention in the case of non-compliance with UNMIK policies and laws.

Challenges faced during this period range from policy and legal to organizational and managerial issues experienced both at UNMIK and UN Headquarter level. It is primarily up to the Mission to develop solutions, for example, to:

- create administrative structures for civil registration, issuance of civil documents, and vehicle registration;
- launch transparent and rule-based land administration and preventing sale of land owned by minority community members under duress;
- establish a post-conflict civil service, including managing reconciliation programs to address what often appears as vicious cycle when former perpetrators become victims;
- set up a transparent, professional public procurement system as well as internal and external audit and oversight systems.

However, major shortcomings were encountered due to the lack of time for recruiting qualified staff. The continuous “re-cycling” of international staff for a multitude of positions where in fact highly specialized professional experience is required, has often resulted in weak and vulnerable public administration systems being put in place. It has also contributed at a later stage to the fact that the *status quo* was advocated instead of rapid and sustainable social and political changes.

The short-term nature of interventions combined with the lack of standardized post-conflict public administration systems leads to a frequent change of approach by the diversity of international actors, often in response to the very personal experience and preferences of the person in charge at the time. This has affected, to varying degrees, most of the priority civil administration functions. For example, while the need to establish robust and reliable oversight and control mechanisms to ensure that Kosovo Consolidated Budget (KCB) funds are used for intended purposes is recognized, these mechanisms are still only notionally established. Neither is an external audit function in place nor are internal audits conducted in accordance with generally agreed standards. While basic systems of budget planning and expenditure control are in place, the Provisional Institutions of self-government lack qualified and experienced manpower to operate these systems effectively and detect misuse and deliberate abuse as well as to take remedial action.

The assumption that those who perceive themselves as the victors of the conflict are also the ones to negotiate the establishment of institutions of civil administration for all Kosovars has its inherent risks. The renewed presence of Belgrade “Parallel Structures” that interfere in key public administration functions, transferred to the Provisional Institutions of Self Government, creates a fertile ground for collusion between political and criminal intentions. This can be seen

particularly in the area of vehicle registration and issuance of civil documents, which exploits special concessions introduced in specific support of the Kosovo Serbs.

An assessment of political and security organizations, established in the immediate aftermath of an armed conflict, should include scrutiny of their democratic and representative nature as well as rigorous examinations as to the extent that they relate to armed groups, including liberation and independence movements.

The principle that nobody is above the law should also apply to all those negotiating a political solution to a conflict. Background checks of senior civil servants, including verification of supporting documents submitted during the application process, should be a standard procedure. In Kosovo, none of the Permanent Secretaries, Chief Executive Officers, or others with substantive financial approval and authorizing functions were screened prior to or after their appointment. Similarly, local and regional companies competing for large contracts to supply goods and services to the provisional government should be subjected to detailed background checks. So far, these checks are not even being conducted for companies winning public tenders more often than others, not even when contracts were awarded after other competitors “were tendered to death” and withdrew from the process.

As the executive branch of government is expanding and taking on more responsibilities, there is also a growing trend toward a politicization of the civil service. There are indications that politicians interfere in administrative processes through “management by threat and intimidation”. There is also a proliferation of the bureaucracy, trying hard to evade control and seek legal protection when solid public scrutiny would be more appropriate.

There are other shortcomings of public administration observed in post-conflict Kosovo. When looked at individually, these deficiencies

may simply add to the common picture of weak or incompetent administrative practices, attributed in general to a lack of skills, knowledge and experience or may at times also be linked to attitudes resulting from past socialist practices. However, when examined in totality, as part of a system, the outcome of the assessment is different. There are indications allowing the conclusion that strategic functions or certain organizational entities of the Interim Administration in Kosovo are targeted by organized crime and that certain functions may already be under some form of influence or control from organized criminal groups.

Final Observations

Large scale and multi-dimensional peacekeeping operations are particularly vulnerable to organized crime. At the same time, these operations also contribute to and provide an enabling environment for organized crime. By the very nature of large scale and “big budget” operations, contracts are generally outsourced for services in logistics, security, information technology, housing, and office support, including cleaning and maintenance services. Organized crime, in particular those organizations with origins in former state intelligence and specialized security and military services, tend to be the only providers of these services in a post-conflict or failed state scenario.

Large scale peacekeeping operations also provide customers for services offered by organized crime. Trafficking of women and children for the purpose of prostitution, provision of drugs, sale of illegal merchandise ranging from smuggled cigarettes to pirated software, CDs as well as provision of high value cars at preferential prices, are the most common products and services offered. Without the resources coming from well paid peacekeepers, the entrepreneur’s economic risk would be much higher and the opportunity to recover initial investment lower.

Special measures must be put in place to combat organized crime as an integrated part of any peacekeeping operation. Combating organized crime cannot be left to special police operations. It must include building credible and robust institutions of public administration operating within the overall framework of rule of law. To assume that organized crime has nothing or little to do with peacekeeping implies ignoring a major threat to peacebuilding. In fact, there are strong indications that organized crime itself must become a target of peacebuilding.

Of course, one needs to keep in mind that not everything going wrong in an emerging civil administration is to be attributed to organized crime. The lack of qualified and experienced civil servants makes it very difficult for each and every senior manager to effectively run an organization. However, as stated above, there are very obvious and far reaching vulnerabilities and challenges, also as a result of very low remuneration for civil servants at all levels. It seems, therefore, justified to say that the institutions of self government in Kosovo are under extreme challenges from organized crime to the extent that the very impressive achievements of UNMIK as a peacekeeping and peacebuilding operation may be at risk!

Discussion

Rule of Law Delayed

There was general agreement among participants that the issue of organized crime and, more generally, of rule of law was tackled much too late by the international community in Bosnia-Herzegovina. The *Dayton Agreement* was concluded in 1995, yet judicial reform programs were not launched until seven years later, in 2002.

Two reasons were offered to explain this omission. First, in the mid-nineties rule of law was not yet seen as a central challenge for international peace missions. One participant, who was closely involved in the process, recalled the debate of the time. While some advocated taking early action on rule of law issues, others held the opinion that they should not be dealt with at all by UN peacekeeping missions. Instead, they should be left for later, and much smaller peacebuilding missions. It was only after the on-the-ground reality in Bosnia-Herzegovina had clearly demonstrated the urgent need that rule of law and law enforcement became priorities. Nevertheless, it took several more years to start the overhaul of the judicial system, including capacity building measures.

Second, much time and energy was wasted by the international community in trying to establish a consensus between Bosniaks, Croats, and Serbs on every single issue. Even legal and administrative technicalities became politicized, allowing certain interest groups within the ethnic communities to obstruct the reform process. In addition, the international community's strong focus on elections in its early engagement with Bosnia-Herzegovina was questioned. It is now widely accepted that elections – even when they are free and fair – do

not automatically solve the various problems facing a post-conflict society.

The Role of Ethnicity

Attention then turned to the phenomenon of the close cooperation between organized crime networks across ethnic divides. Many participants felt it offered important insights into the mechanisms of conflict in the region. Crime groups are clearly organized along ethnic lines. In fact, the core unit of most organized criminal gangs in the region is the extended family or clan. Therefore, one might expect violent conflicts between Bosnian, Croatian, and Serbian organized criminal groups to be based on ethnicity – reality is different. While there are certainly conflicts between various groups, they seem to be based on economic competition rather than ethnicity. Indeed, when it fits their mutual interest, Croatian, Serbian, and Bosnian groups are quite willing to cooperate with each other.

This leads to the broader question of the nature and role of ethnicity throughout the Balkans. Several participants agreed that the amicable partnership between different organized criminal gangs provides a good example of the instrumentalization of ethnicity by individuals or groups motivated solely by considerations of profit and power. To advance these aims, criminal networks foster a “corporate identity” based on ethnicity. In this way, they appeal to the feelings of ethnic solidarity within their communities, making all prosecutorial efforts against them appear to be directed against the community as a whole. In a slightly different form, most organized crime leaders, irrespective of their ethnic background, tend to play this game. Consequently, it is very difficult for the international presence to properly manage this fusion between ethnic corporate identity on the one hand and reactions to effective cooperation across ethnic lines for the sake of profit on the other hand.

Strategies and Instruments for Successfully Fighting Organized Crime in the Balkans

Timothy Clayson, *former International Judge, Supreme Court of Kosovo*

During my service in Kosovo, first as a District Court Judge and later as a judge at the Supreme Court, I dealt with very few cases directly involving organized crime. Therefore, I will concentrate on more general aspects of the judicial system in Kosovo and offer some suggestions on how to improve it, bearing in mind all that has been said already about the threats posed by organized crime to post-conflict societies.

In Kosovo, the United Nations has introduced international judges into the domestic legal system and in this way the model is wholly different from that of the international tribunals for the former Yugoslavia and Rwanda. I have to say that I think in principle the Kosovo experiment is far more relevant to the fight against organized crime than are the international tribunals. The purpose of introducing international judges into the domestic legal system is primarily to enhance and strengthen the local judiciary, and the international judges have the power, where necessary, to take over and conduct any proceeding case in Kosovo to a conclusion.

I am firmly convinced that the guiding principle in any rule of law program must be to ensure that compliance with the law is more attractive than law-breaking. I am equally certain that there exists a large “silent majority” of Kosovars who would like nothing better than to live their lives without trespassing on their neighbors. The way to bring these two elements together is to demonstrate that the judicial

process works and that it does so for the tangible benefit of the ordinary citizen.

In this context, I am delighted about a recent case concerning corruption within the Kosovo judiciary. I am delighted because the victim – a very ordinary citizen who was asked for a bribe by a rather prominent judge – immediately filed a complaint, and the judge was properly disciplined. These events send a clear and very welcome message. In addition, they also confirm my impression that corruption, although certainly a major problem in Kosovo in general, is not particularly widespread within the judiciary. If bribes were generally accepted in the system, the victim would not have dared to file the complaint, or there would have been a cover-up.

One central aspect of the reform of the judicial system is the appointment of judges and other officials from minority groups, most importantly Serbs. The first group of judges appointed through UNMIK after the end of hostilities in 1999 was entirely composed of Albanians. Understandably, the Serbian minority felt excluded and did not develop any confidence in the new judicial institutions. Only recently have a number of Serbian judges been selected. My first impression is that these appointments were well received both by the Serbian minority population and their Albanian colleagues.

A further crucial element of judicial reform is the establishment of some form of supervisory body for the judiciary. In Kosovo, this was achieved through the Kosovo Judicial and Prosecutorial Council, on which I served as chairman for 18 months. The Council oversees the selection and appointment of local judges and prosecutors. In addition, the institution has disciplinary powers. At present, international judges form the majority on the Council, but it will be handed over to local ownership in the future. It is absolutely critical that the Council's prerogatives and impartiality are maintained after the transfer,

particularly since there have been attempts in the past to curtail the Council's powers and to establish outside influence by political actors. Until now, the majority of international judges was able to defeat these machinations, but local judges might be more susceptible to pressure or outright intimidation.

A final point concerns the remuneration of judicial personnel and also of law enforcement officials. In Kosovo, current wages are simply too low. While competitive wages alone are not sufficient to eradicate corruption, they remain a necessary precondition. Even if meager salaries do not positively encourage corrupt practices, at the very least they will undermine morale. Yet competent and highly motivated judicial and law enforcement personnel are a crucial element in the fight against organized crime in Kosovo. Therefore, money spent on competitive wages will pay future dividends for the international community.

To my mind these considerations are at the heart of ensuring that the re-emergence of the rule of law in post-conflict societies has a chance of success. Sufficient resources and high quality judicial officers must always be guaranteed and their independence and integrity not compromised.

Anthony Nott, Senior Advisor and Coordinator on Major and Organized Crime, Crime Advisory Unit, Operations Department, European Union Police Mission (EUPM)

In my presentation, I would like to focus on the European Union Police Mission's (EUPM) approach to combating organized crime in Bosnia-Herzegovina with specific attention to the issue of gathering and sharing criminal intelligence.

EUPM's strategic objective is – to quote from its mission statement – “to leave in place, under Bosnia-Herzegovina ownership, sufficient capacity to achieve a modern, sustainable, professional, and multi-ethnic police force trained, equipped and able to assume full responsibility and to independently uphold law enforcement at the level of international standards expected in a democratic society.”

In order to achieve this aim, a common strategy must be adopted, particularly given the diverse professional background of international personnel in the mission. EUPM officers come from nearly 30 contributing countries with very different law enforcement systems. Some countries have military, gendarmerie-type police units alongside civilian services; others operate several parallel civilian police services. In some countries, the police force is controlled centrally from the Ministry of the Interior, others have a federal system where the primacy lies with states or provinces.

While the EUPM objective is similar to that of my international colleagues working in Kosovo, the mission's mandate differs from UNMIK's in one crucial aspect. It is non-executive, meaning that EUPM officers are only allowed to “monitor, mentor, and inspect” the local police who are alone responsible for the actual police work. While we occasionally have to stand back and allow mistakes to occur, monitoring, mentoring, and inspecting is by no means a purely passive

role. We vigorously promote our ideas and concepts, and most local police officers are willing to learn from past mistakes and utilize modern methods to combat organized crime.

I would like to provide the legal definition of organized crime used by EUPM, which is closely modeled on the definition developed by the German Federal Criminal Police Agency (BKA). According to this definition, organized criminal activity occurs where there is:

- collaboration of three or more people*,
- each with defined tasks,
- for a prolonged or indefinite period of time*,
- using some form of discipline or control,
- suspected of committing serious criminal offenses*,
- operating at national or international level,
- using violence or threats of violence to influence the group will,
- using an internal hierarchical structure,
- engaged in money laundering,
- exerting influence, including corruption, on politics, media, public administration, judicial authorities, police or the economy, and
- determined by pursuit of profit and power*.

(* = mandatory to the definition)

EUPM is currently working to restructure the local police service in order to focus them on certain types of crime closely linked to organized criminal activities and to guarantee an integrated approach in investigating these crimes. We are recommending to the authorities in Bosnia-Herzegovina the establishment of Major and Organized Crime Divisions at Entity, Public Security Center District, and Canton level, each with seven operational sub-divisions:

Homicide: cases of homicide need to be investigated with greater professionalism in Bosnia-Herzegovina. Often they are disguised as ethnically motivated while in fact they are related to organized

crime. A good example of this was the recent murder of a prominent businessman and of a local police officer. In a review of these investigations, conducted by a EUPM-trained local official, it was revealed that they were linked to organized crime.

Commercial fraud: commercial fraud and money laundering activities are a very important basis for all organized criminals and they are widespread in Bosnia-Herzegovina. Between January and October 2003, for example, €52 million are known to have been laundered by eleven criminal organizations in the Republic of Srpska alone.

Organized crime: in this context, organized crime refers to serial crime such as serial vehicle theft.

Drugs: drug trafficking is a rapidly growing concern in Bosnia-Herzegovina with drugs smuggled across the borders for consumption within the country as well as in-transit to Western Europe.

Anti-human trafficking: similar to drug smuggling, human trafficking is almost totally in the hands of the organized crime networks. Taking into account that human trafficking usually involves sexual abuse, EUPM has broadened the local human trafficking divisions to include a Sexual Offences Section. This approach guarantees that trafficking victims are treated with the same sensitivity as rape victims.

Professional standards: in the past, investigations into this area were primarily focused on the petty corruption by patrol officers accepting small sums. It has now been widened to a proactive police anti-corruption approach which further targets high-level corruption.

In addition to these seven operational sub-divisions, EUPM will establish three support sub-divisions assisting it to move towards its aim of “providing a dynamic and coordinated operational support, which is intelligence lead and focused on enabling the Major and Organized Crime Division to achieve its strategic aim.” These support sub-

divisions will be tasked with providing scientific and technical support, surveillance support, and criminal intelligence support.

The main advantage of technical surveillance of suspects is that this technique does not involve personal risk to either undercover agents or insider witnesses. Nevertheless, it remains costly in terms of both equipment as well as personnel. For the equipment to be successful, there must be a pool of highly professional and qualified operators, experts who are in short supply even in contributing countries. Technical surveillance also demands rigorous legal scrutiny to prevent abuses and violations of the right to privacy. Although the legal framework and supervision are absent in Bosnia-Herzegovina, appropriate legislation will be introduced in the future.

While technical surveillance could be described as “safe but expensive,” intelligence developed by human sources could be called “risky but cheap.” Therefore, informant management and witness protection are two of the core tasks of the criminal intelligence support subdivision. Before insider witnesses can become a truly useful tool in combating organized crime, both aspects still need to be improved dramatically. Again, there is the lack of a legal framework and to address this, the OHR is currently working on legislation concerning witness protection programs. Another core area that the EUPM has identified is criminal intelligence and, in the coming months, we plan to move forward aggressively in this area. This work will be supported by the introduction of a confidential telephone hotline system called “Crime Stoppers”, modeled on similar programs in the US, Canada, and Great Britain. This will provide citizens with the opportunity to anonymously report crimes or provide additional information.

Finally, the EUPM and local Major and Organized Crimes Divisions work in close partnership with local, regional, and international institutions such as the State Border Service (SBS), BiH Customs, the BiH Tax

Department, the Stabilisation Force (SFOR), South-East European Cooperative Initiative (SECI), and Interpol. In all cases, the exchange of actionable intelligence is the key issue. All of our work is based on the raw material of intelligence that leads to admissible evidence before a court of law. If EUPM can train local police officers to collect and develop this type of information in cooperation with other law enforcement agencies, I believe we can be successful in the fight against organized crime in Bosnia-Herzegovina.

***André Heinrichs, former Head, Kosovo Organized Crime Bureau,
United Nations Interim Administration Mission in Kosovo (UNMIK)***

Organized Crime must be placed center-stage as the single most significant threat to political stability, to the establishment of the rule of law, and to economic growth both within Kosovo and in the Western Balkans. Organized crime complicates the establishment of key institutions, hinders investment in the local economy, and supports a climate of fear and intimidation. Criminal activities provide funds and support for both extremism and terrorism. Extensive criminal networks, not limited to the Balkans, spread throughout Europe and have a significant impact on regional and international organized crime. Therefore, fighting organized crime in Kosovo must be a European interest.

Fighting Organized Crime: UNMIK's Overall Strategy

The overall strategy of the United Nations Interim Administration Mission in Kosovo (UNMIK) against organized crime consists of four elements: legal reform, capacity building, cooperation, and integration. The first element aims to redress inadequacies in the applicable law through judicial reform. Second, capacity building measures, which focus on investigative and analysis techniques, are applied within the police force to enhance intelligence-driven operations – ultimately leading to arrests and convictions. Third, the UNMIK Police Force works in close cooperation with other key players such as KFOR, the Kosovo Department of Justice, and other law enforcement agencies. The final element is the integration of the local police, the Kosovo Police Service (KPS), into the fight against organized crime.

The activities at the Kosovo Organized Crime Bureau (KOCB), which I headed for one and a half years, are guided by three core principles: a

simultaneous attack on the *micro and macro level* of organized crime; a *regional approach* to fight organized crime; and the *rule of police primacy*. Concerning the first principle, we target the individuals committing the crimes (micro level) as well as the groups, organizations, networks, and structures involved (macro level). This approach constitutes a move beyond the familiar incident or “case-by-case” method. The regional approach consists of a close coordination of UNMIK’s efforts and activities with regional as well as international law enforcement agencies and judicial actors. Appropriate liaison was established over time with Interpol, Europol, SECI Centre (South-East European Cooperative Initiative – Regional Centre for Combating Trans-border Crime) and law enforcement agencies from neighboring countries. Our third priority is police primacy. Although the active support and assistance of the military is vital, the leading part of fighting organized crime should remain firmly in the hands of the police.

The KOCB’s Process of Investigation

A typical investigation by the KOCB unfolds in a sequence of four steps or stages: *identifying* target crime networks, *gathering and analyzing* of intelligence, *establishing* action concepts, and *developing* evidential material. The strategic guideline is set by the Operational Planning Group (OPG) and in the first operational step, target networks and leading actors within them are identified through the so-called Tasking and Coordinating Groups (TCG). Both of these groups, include representatives of the police forces as well as the military (and others) and work under police primacy.

The second step involves the gathering and analysis of all available intelligence and information. It is at this stage that challenges and conflicts usually occur over the ownership of information and intelligence sharing. A typical example for such a problem would be an

international police officer from a non-NATO country trying to access classified intelligence developed by a NATO military source. As KPS officers are becoming increasingly involved in investigations, this problem continues to be ever more pronounced. The military is usually not willing or not authorized to share this intelligence with local officers.

The next step is the establishment of individual investigation and action concepts. This involves a decision on the investigation's ultimate goal: "disrupting" or "dismantling" the criminal enterprise in question. On several occasions in the past, there was a conflict of interests at this stage between the military and the police. The military preferred a short-term "disrupting" strategy, whereas the police preferred a "dismantling" approach. However, these two approaches should not be seen as mutually exclusive but rather as complementary. The dismantling of organized crime structures can only be achieved over a long timeframe. A disruptive strategy sometimes needs to be applied in addition or as an alternative to prevent serious crimes. In short, long-term strategies must be employed without the concern of having to obtain rapid success; short-term strategies should allow quick successes, for example arrests and seizures, without being overburdened with concerns about the long-term dismantling.

The fourth and final step is developing evidential material sufficient for the conviction of the criminals. In tackling this problem, all available conventional and unconventional measures must be applied. Nevertheless, great care is taken to ensure that they strictly remain within the confines of the existing legal framework.

Lessons for the Future

I would like to end by outlining three central lessons that have emerged from our experiences in combating organized crime in Kosovo. There is a crucial need to:

- *Develop and implement a mission-specific concept* at the earliest possible stage including the necessary element of prevention. This concept will assist in preventing the establishment of organized crime groups, creating trust in the law enforcement agencies, and providing the pre-requisite information and intelligence basis.
- *Ensure that specialized personnel are secured for long-term employment* by the peace mission. Since long-term objectives and strategies require above all experience and consistency, international police personnel deployed in the fight against organized crime need to remain with the respective mission over a longer time span to implement projects. This must include both capacity building programs for local police officers as well as long term investigations.
- *Secure and guarantee proper funding*: long-term investigations by international officers with all the required special equipment are not cheap; nevertheless, they provide value for money. Expenditures for fighting organized crime in Kosovo and the Balkans is a sound investment in the public safety for the whole of Europe.

Lieutenant General Fabio Mini, *former Commander Kosovo Force (KFOR)*

I would like to limit myself to four short suggestions on how to combat organized crime in a social environment such as the Balkans. My comments are based on my experience as Commander of KFOR in Kosovo. Intensive exchange of ideas with colleagues working in other Balkan countries as well as my own previous experience with organized crime in Sicily convince me that these experiences are applicable to many environments.

My first recommendation is to concentrate investigations on the leading figures of organized crime networks. Putting a single crime leader behind bars does more harm to his organization than arresting dozens of foot soldiers since they are replaceable while the leader is not. In addition, vigorous action against leading criminals sends a very clear message to the public. The identities of these persons are generally well known; in fact they are often highly influential figures in their communities wielding great financial and political power. Mr. Welsing, Mr. Heinrichs, and Mr. Nott have also pointed out this fact, and I am very much in agreement with what they have said. What law enforcement agencies need, therefore, is not raw and loose information but actionable intelligence on specific facts and leaders.

The international community should also make a conscious effort to isolate known crime figures and restrict social contact with them to an absolute minimum. It is extremely frustrating for law enforcement personnel to spend their working day collecting evidence against leading criminals and then to find themselves invited together with them to a social event in the evening – something that happened to me on several occasions.

My second recommendation is more in the form of a warning. In my opinion, there is no room, at least not in public, for compromising on the prosecution of leading crime figures. In extraordinary circumstances, when a plea bargain is necessary, it can be arranged, but it must be done with the utmost care and must be kept secret. Otherwise, the risk would be that law enforcement agencies lose all credibility, particularly in a situation like Kosovo's where they are faced with the antagonism of two or more ethnic groups. Public concessions to a member of one group will result immediately in demands for similar concessions by the other. This occurred during my term as KFOR commander in the case of Milan Ivanovic, a prominent Serb leader, who was treated very leniently thanks to an unofficial deal after being charged with organizing violent protests against UNMIK police officers. When, soon after Daut Haradinaj was sentenced to a five-year prison term for various crimes, the Albanian community, led by Daut's brother Ramush, was outraged. Over the following months, disturbance grew and even political murders related to this affair were committed.

The third recommendation is to develop a strategy to guarantee continuity in law enforcement and security for the time after the withdrawal of the international peacekeeping mission. There must be competent local successor organizations, committed to the same standards in the fight against organized crime. In addition, the promise to hand over responsibility to local authorities must be linked to a credible engagement that the handover will be postponed until the local authorities have proven to be competent and trustworthy to carry out their duties. If there is a fixed date – as in the case of Kosovo, 2005 – local institutions have no incentive whatsoever to reform themselves. They will wait for the meddlesome internationals to leave and then carry on as before.

Reform processes are difficult and often painful, even for honest and well-intentioned persons. Unfortunately, not all members of the security apparatus in Kosovo can be described as honest and well-intentioned. Unless pressured to do so, they will not support the reform process but actively resist it. Personally, I have grave doubts about the ability of both the Kosovo Police Service (KPS) and, in particular, the Kosovo Protection Corps (KPC) to act as the successors to the international police presence and KFOR in maintaining public safety in Kosovo.

My fourth recommendation is to strengthen the cooperation between the police and the military. In this context, I would like to clarify my position on the question of police primacy. I believe that the preventive and reactive parts of the fight against organized crime are, indeed, the prerogatives of the police forces. However, in Kosovo and other post-conflict societies organized criminal activity clearly endangers the secure environment that the military is mandated to provide. In such circumstances, the military has an important role to play.

The military is well positioned to provide at least one of the critical tools in the fight against organized crime – intelligence. We have better technical capabilities than both local and international police forces. Through NATO, we also have intensive networks for information exchange with the military elements of other peace missions in the Balkan region. Finally, we often have excellent contacts to various national military sources in a number of Balkan countries through NATO's Partnership for Peace Program.

A second area for intensified cooperation is field support, for example in the area of technical equipment or in supporting the law enforcement agencies in large-scale operations against criminal networks and their leaders. As it has already been mentioned repeatedly, the main

characteristic of organized criminal activity in post-conflict societies is its close ties to business and politics. Most leading criminals are very powerful figures in their communities and are sometimes party leaders, generals, members of parliament or even ministers.

Taking action against a member of this group, therefore, often calls for a considerable show of force to stifle any attempts at resistance during the actual operation or outbreaks of public unrest later on. The means at the disposal of the police force are frequently insufficient for this type of operation. It should, therefore, utilize the military's superior assets to achieve the maximum effect with a minimum of disturbance.

This approach further sends a very clear message to the population that the international community will not tolerate organized crime and will take all necessary steps to defeat it, including the use of force.

Discussion

In the following discussion, the panel focused on: first, the effect of salaries of public officials on corruption; second, the problems of information sharing between the police and the military; third, the prospect of European integration as a lever to exert pressure on local political leaders, and finally, the need for a bottom-up, community-based approach in fighting organized crime.

Higher Salaries for Public Officials

There was general agreement that higher salaries for civil servants and law enforcement officers do not offer a simple solution to the problem of corruption. Some participants felt that salaries play only a minor role in guaranteeing the honesty and impartiality of public officials. Of much greater importance is a climate of professionalism and transparency within the public administration. In addition, civil servants must be provided with a clear legal framework on which to base their decisions, and given protection if they make decisions unpopular with powerful interest groups.

Given the financial constraints of post-conflict governments, doubts were also raised concerning the sustainability of higher salaries. Great care must be taken not to create entitlement programs for public officials that will then lead to greater dependency on financial support by the international community. However, on this issue other participants disagreed. Financial insecurity was bound to influence the behavior of civil servants. As one of the participants put it: "If his salary does not even pay his rent, any official will start looking for sources of additional income."

Information Sharing between the Police and the Military

The difficulties of sharing intelligence on organized crime activities gathered by the military with the law enforcement agencies was identified as a major problem by all participants. Workshop participants from the military described the deep, institutionalized distrust of all non-military actors prevalent within the military. This is particularly true with regard to local police forces, less so with regard to the international police presence. As the level of cooperation between local and international law enforcement agencies in the Balkans will increase in the future, some participants voiced concerns that the readiness of the military to share information with the law enforcement agencies may yet decrease. The only solution to this problem was seen in demonstrably increasing the professionalism and honesty of local police forces through capacity building measures.

The Prospect of European Integration

The discussion next turned to the question of how to ensure that politicians in the Balkans follow through with their commitments on rule of law programs and combating organized crime. Several participants pointed out that the region is different from other post-conflict settings in one crucial aspect. It is situated adjacent to and has close historical ties with a highly prosperous region – the European Union. The prospect of closer ties with the EU and, ultimately, full integration should therefore be used as a “carrot” to promote reform in the Balkans. All over the region, the local electorate is very much in favor of European integration. Any politician perceived as delaying or endangering the process through obstruction or incompetence will risk electoral defeat. The pressure to make tangible progress will increase as neighboring countries like Slovenia, Bulgaria, and Romania move towards integration. Several participants felt, however, that the Euro-

pean Union has not yet fully utilized this leverage on Balkan leaders to assure the full and speedy implementation of rule of law measures.

Community-Based Approaches to Combating Organized Crime

Finally, the need for more bottom-up, community-based programs to complement the existing predominantly top-down approach to combating organized crime was emphasized. The international community's experiences in other peacebuilding operations across the globe clearly show that success in conflict transformation can only be achieved by including as many actors as possible from all levels of society in the process.

Organized crime in the Balkans must be addressed in a similar way. A recent three-day forum organized by one of the participants for the Kosovo Police Service School (KPSS) was named as an example. A number of civil society actors were invited and asked to develop strategies to prevent and combat organized crime within their personal and professional communities. Strengthening the cooperation between various civil society groups was also a focus of the Workshop. One of its results was the demand to introduce a community policing strategy for Kosovo in order to create trust between the law enforcement agencies and the public and to establish a working partnership for public safety. This approach might ultimately help the police to gather better information on organized criminal activity from the local population.

Afghanistan – Drugs, Warlords, and Regionalism

Paula Walsh, Head of Afghan Section, Drug & International Crime Department, Foreign and Commonwealth Office

Life in Afghanistan is slowly returning to normal and there is progress towards reintegrating Afghanistan as a responsible member of the international community. Although elements of Al Qa'ida and the Taliban are still scattered throughout Afghanistan, they no longer control the life of the Afghan people. There is of course still much to do. Achieving stability, security, and prosperity in Afghanistan is essential to prevent terrorists from regaining a foothold. Establishing the rule of law and dealing with the issue of drugs production and trafficking is a priority in achieving this aim.

In the immense task of rebuilding Afghanistan, the United Kingdom took on lead nation status for counter narcotics activities, working closely with other lead nations and the United Nations Office on Drugs and Crime (UNODC). This means that the UK acts as coordinator for counter narcotics activity in Afghanistan and that it provides substantial support to help implement the Afghan National Drug Control Strategy. Tackling the production and trafficking of illicit narcotics in Afghanistan is an issue where the UK's domestic and foreign policy interests coincide: it is critical for the stability of Afghanistan and it affects Europe since 95 percent of Europe's heroin comes from Afghanistan.

I would like to provide an update on the situation in Afghanistan and on the challenges that lie ahead, focusing on two closely related problems: security and drugs. Despite the progress that has been made in stabilizing the country, the overall security situation remains fragile

as the deterioration over the past few months illustrates. The horrific murder of a UN employee in the Ghazni Province in November 2003 was a stark reminder of the danger posed by extremist groups to those working outside of Kabul. The Afghans and the international community are addressing security through Security Sector Reform and Disarmament and Demobilization. The extension of Provincial Reconstruction Teams (PRT) across the country is important and there is evidence that the security has improved in regions where they are active.

In Afghanistan, security and drugs are inextricably linked: war and lawlessness have pushed opium production up and this in turn has fueled the activities of warlords. Anecdotal evidence suggests that many warlords are linked directly or indirectly to drugs. Profit generated from drug production can also provide a funding base for terrorists, albeit in a less organized way. Terrorists, warlords, and drug traffickers all thrive on instability. Consequently, there is a common interest, particularly in the south of the country, not to see the rule of law or a central government extend its authority.

Opium production in Afghanistan has been a problem for a long time, which underlines the need for a sustainable approach. Although production declined in 2001 due to the Taliban prohibition, an increase in production has been the general trend. The Taliban cultivation ban in 2001 did not address the underlying causes of poppy cultivation and was enforced with a mix of threat and bribery. This is not something we want to encourage a responsible government to do. It also did not cover processing and trafficking, activities from which the Taliban profited. The outcome of the ban was to drive up the price of opium and consequently the proceeds that the Taliban received from their stockpiles.

The UNODC's figures show a current increase in cultivation of eight percent, which is unwelcome but not unexpected given the experience of counter narcotics policies in other countries such as Thailand and Pakistan. Farming of opium accounts for 25 percent of last year's GDP. This figure rises to 50 percent if trafficking is included. We need to raise the perception of risk involved in cultivating and trafficking opium and to provide farmers with alternatives. It is also important to remember that 90 percent of the population is not involved in opium production or activity and opium poppy cultivation covers only one percent of the total arable land in Afghanistan. We should also acknowledge that we bear a responsibility to reduce the demand for drugs in our own countries.

In May of this year, the Afghan government, with the UK's and UNODC's assistance, adopted a National Drug Control Strategy. Its aim is the total elimination of poppy production in ten years, which is an extremely challenging goal when held in comparison with the more stable countries of Thailand and Pakistan, which started from a much lower production base. A comprehensive approach is needed to attain this goal including law enforcement, alternative livelihoods approach, institution building, demand reduction, and public awareness.

The UK is committed to supporting the Afghan Government on this issue. We have committed £70m. over three years and have an enhanced counter-narcotics team in Kabul. Our Department for International Development (DfID) has also committed £20m. over three years for livelihoods, from a £170m. three year development program. There are no overnight solutions and no single project to address the variety of factors that influence farmers to grow poppy. We need a range of interventions and drug issues must be mainstreamed into all programs as it is a cross-cutting issue. It requires a multidimensional approach and strong cooperation between the lead nations.

We also need to develop Afghan capacity. Experience shows that mentoring as well as training and equipment is required. Furthermore, there must be close cooperation with the police and judicial sectors. Specific projects that the UK has been involved in include providing counter narcotics training, mentoring and equipment for the counter narcotics police, and supporting an Afghan interdiction force. Mobile police teams are being specifically trained for anti-smuggling tasks. We have been involved in pilot and catalytic alternative livelihoods projects as well and contribute to national programs in poppy growing districts. Institution building is also exceptionally important since local capacity in this area is low. One of our projects is involved in building up capacity of the Counter Narcotics Directorate, the Afghan policy and coordinating body on drugs. Public awareness and demand reduction is also important. Educational activities have been run in conjunction with various programs using leaflets, posters, and the BBC.

To conclude, I would like to stress one final central issue: the challenge is not so much the availability of funding but the capacity on-the-ground. For the transformation of Afghanistan, there is a need for an active involvement from international partners rather than the provision of funds alone.

Vikram Parekh, Senior Analyst, International Crisis Group (ICG)

What we have been seeing in Afghanistan over the past two years is the transformation of warlords into entrepreneurs who exploit the absence of the rule of law. Paradoxically, these entrepreneurs are also responsible for providing “law enforcement” in the areas where they live.

Structures Underpinning Warlordism

The formal DDR (Demobilization, Disarmament and Reintegration) program, a fund managed by the United Nations Development Program (UNDP) and known as the “Afghanistan New Beginnings Program” (ANBP) characterizes the militia structures as pyramids of power with warlords (such as *Abdul Rashid Dostum* or *Gul Agha Sherzai*) at the top of each pyramid and then descending through successive command layers to the foot soldiers. However, it is better to look at these structures as sets of interlocking pyramids.

Militia commanders rarely live in bilateral but rather in multilateral relationships. These multiple relationships provide local commanders with autonomy and bargaining power. Their linkages to other pyramids transform what might otherwise be a vertical command and control structure into a set of lateral relationships. Individual commanders often operate outside the formal command structure of the Ministry of Defence, aligning themselves with warlords who are best able to maintain them financially. These alignments do not necessarily fall along factional or ethnic lines.

Within these fairly simple and flexible structures, all commanders are mutually dependent upon one another. At the top, there is someone like *Ismail Khan*, who has given himself the title of *amir* (literally meaning prince). Below that top tier are *commandants* and, in turn,

perhaps the most critical element of the entire structure: the *sargroups*. The *sargroups*, or team leaders, typically head between ten and twenty foot soldiers.

These militia structures are not constantly at the disposal of the warlords. Indeed, there are normally very few people present at military bases and most are not even getting paid on a regular basis. To a certain extent, demobilization has already occurred for most militia members in the wake of the Taliban's collapse. What exist are virtual armies and virtual militias that can be mobilized very rapidly due to the networks that link *sargroups* to commanders. Each *sargroup* commander has a number of men in their village who they can muster or at least connections to families that can be counted on to provide men. The ability to quickly mobilize forces has been enhanced by the use of modern communication equipment. In hindsight, the US led coalition forces made a mistake in freely providing satellite phones to militia commanders.

These militia structures, which are much smaller than generally assumed, allow the warlords involvement in a broad range of economic activities including: narcotics, timber smuggling, and amassing private property.

Attempts to Dismantle Structures

Perhaps the best example of an attempt to dismantle these militia structures is the aforementioned formal DDR program, the ANBP. Nevertheless, there are two critical flaws that must be rectified before the program can have a degree of utility. First, there is a heavy Ministry of Defence footprint on the DDR process. This has not only contributed to repeated delays in the implementation of the process, but also raised concerns of impartiality as the Ministry is dominated by commanders belonging to one faction, the *Shura-yi Nazar*.

Consequently, one faction has formal responsibility to decide which groups should be disarmed in particular districts and provinces.

The second challenge concerns the absence of a credible verification mechanism. The defect lies in the presumption that the individuals who should be included in the process, particularly the low and mid-level commanders, can be identified with a weak verification mechanism and disengaged from their command structure with a limited range of economic activities. There is a lack of sufficient data mapping out these militia structures and identifying the individuals who exercise authority within them. A thorough and reliable analysis of these structures is an essential and critical component for any effective disarmament program.

I would like to end by drawing several lessons from an approach that has had a positive impact: the rapid dismantling of the militia forces in Gardez through the deployment of the national army. The strength of this activity lay in the utilization of a neutral force which was backed by an international force. Throughout this process, there were very clear objectives about which targets should be removed. This has laid the ground conditions for credible security sector reforms to begin in the surrounding province.

Peter Zumhof, Head of Police Project Office, Kabul

The reorganization of the security sector in Afghanistan is divided into five sections. Each section is covered by the so-called lead nation: the *UK* has taken on counter narcotics efforts; the *US* – Afghan National Army reform; *Italy* – legal sector reform; *Japan* – Disarmament, Demobilization, and Reintegration (DDR); and *Germany* – the police reform. Within this mission, we do not have executive power for our 15 police officers working in the Kabul office; our role is solely advisory, all decision-making powers lie with the Afghans.

The work of the project office is focused on four key areas: training, equipment, coordination, and cooperation. The training of the police force program aims at a target group of 50,000 police officers in the field and 12,000 border police. One of the challenges is that 80 percent of the population remain illiterate; the police force, taken from the population, is no different. Concerning the provision of equipment, we are rebuilding the police academy and police stations in Kabul, and are now extending our efforts to Kunduz and Herat. In addition to coordinating all the international measures and contributions for police, we further cooperate closely with the UK and UN's effort in combating the production and trafficking of illicit narcotics and as a result have set up a counter narcotics department.

Often the key actors of organized crime are high ranking military and police officers. Their power is based on weapons, money, and very effective criminal networks. All our measures are focused on strengthening the power of the central government while at the same time minimizing the power of these warlords and the local commanders.

Although it is paramount to train police officers, prosecutors, and judges in conflict areas, it is crucial in the fight against organized crime to improve our measures for identifying the key players. If the international community is to break the power of the warlords then it must develop approaches that enable it to confiscate their weapons and money. A task easily said but difficult to do.

Bernard Frahi, Chief, Partnership in Development Branch, Division for Operations, United Nations Office on Drugs and Crime (UNODC)

I will begin my presentation by providing a comprehensive overview of the production, location, price, and importance of opium production in Afghanistan. Then I will address the problem of trafficking and possible counter measures.

Cultivation and Production of Opium

During the 1990s, the production of opium fluctuated between 2,000 and 3,000 metric tons per year with a peak of 4,600 metric tons in 1999. During the Taliban regime in 2001, there was a dramatic decrease to 190 metric tons due to their ban on production. Nevertheless, since then parts of the population have tried to renew the cultivation of opium. Production has risen to 3,600 tons this year. Although the joint efforts of the United Nations Office on Drugs and Crime (UNODC) and the UK in cooperation with other countries has produced a decrease of production in the South (Hilmand Province – 49 percent and Kandahar Province – 23 percent), this decrease has been counter-balanced by a dramatic increase in the North (Badakshan Province) of 55 percent.

There are approximately 80,000 hectares on which opium is cultivated; to provide a comparison: 2.3 million hectares are being used for wheat. Opium cultivation areas are located particularly in the South (Hilmand Province), in the East (Nangarhar Province), and in the North (Badakshan Province). While in 2000, the 82,000 cultivated hectares were being limited to the South and West, cultivation has spread throughout most provinces today.

Opium prices in Afghanistan have also fluctuated depending on supply and demand. Before the Taliban prohibition, the poppy price was \$100

per kilo. It rose to \$675 per kilo during the ban on production. Since the international intervention, the price per kilo has fallen and now stabilized at approximately \$300 per kilo. One hectare of poppies thus provides an annual income of about \$15,000. Between 1994 and 2001, the annual farm gate value of poppy production was around \$100m. Due to the increase in price, the farm gate values over the last two years have been estimated to have climbed to \$1.2bn. in 2002 and \$1.0bn. in 2003. Farmer's income from opium in 2003 per person is about \$594 compared to a \$184 GDP per capita in 2002.

Opium Trafficking and Related Problems

The Afghan opium production of 3,600 metric tons represents about seventy-seven percent of the world opium production (4,700 metric tons). The main markets are the neighboring countries (Iran, Pakistan, and Central Asia), Europe and the CIS countries (Commonwealth of Independent States), South Asia and finally Africa and the Middle East. There are exit channels through all borders: eastward, the raw opium, morphine or heroine move primarily through Pakistan and in particular Peshawar due to its proximity to Nangarhar Province. In the South, the direct route is through Quetta and then by sea through Karachi as well as by road through Iran. Westward, the main channel is via the Iranian border and northward through the CIS countries, especially Tajikistan.

Regarding the more remote international markets, like Europe, the main drug trafficking route is through Iran, Turkey, and then the Balkan countries to Western Europe. A further key route lies along a northern line of transport through the CIS countries, Russia and then to the Scandinavian countries.

Strategies and Approaches

To combat the production and trafficking of illicit narcotics, the Afghan government has developed various strategies and approaches:

- Counter Narcotics Directorate (CND),
- working groups on counter narcotics convened by the CND,
- national drug control strategy (adopted May 18, 2003),
- national drug law (adopted October 20, 2003),
- Master Plan for justice reform.

In turn the UNODC program has adopted a multi-faceted approach:

- demand reduction, alternative livelihoods,
- juvenile justice system reform,
- penitentiary system reform,
- criminal law and justice capacity building,
- law enforcement.

Both programs are faced with a multitude of problems, such as:

- lack of government capacity, expertise, resources,
- alleged involvement of local officials and commanders in drug trade,
- security situation,
- concentration of activities in Kabul,
- slow pace of reconstruction,
- need for increased donor support.

Obviously, we have a long way to go in order to be effective in combating drug trafficking and organized crime in Afghanistan.

Discussion

In this discussion, the panel concentrated on three issues: first, the emerging drug economy in Afghanistan; second, the need to strengthen the central government in Kabul; and finally, on how to improve coordination between the lead nations.

The Opium Economy

There is little doubt that the mutually reinforcing phenomena of warlordism and large-scale opium production in Afghanistan constitute the most serious threat to the future stability of the country and thus its political and economic development. Nevertheless, some participants voiced concerns whether a strategy as presented by the speakers of the panel would be effective against the drug economy.

Approaches, such as those put forward by the panelists, which are based on a combination of eradication, compensation, crop substitution programs, and interdiction by law enforcement agencies, have been tried in several Latin American countries against coca production. The results are at best mixed. Counter narcotics programs, although designed as a mix of both repressive and supportive measures, in practice tend to concentrate purely on eradication. Aerial spraying of drug crops is technically simple and comparatively cheap. It also seems to offer a quick-fix solution that is popular with many governments. *De facto*, however, this approach is socially unbalanced and possibly even counterproductive. It targets the least culpable links in the drug chain, the peasants, who are often forced to grow opium poppy for powerful landowners. Attacking primarily the peasants risks further setting them against the central government and the international presence while driving them into the arms

of local warlords. Many participants also questioned the economic rationale behind crop substitution programs. Given that small farmers are in principle rational actors and that opium poppy is perfectly adapted to the harsh climate and poor soil of Afghanistan, these discussants felt that crop substitution programs were bound to fail.

Other participants remained convinced that repressive measures had a central role to play in the fight against drug-related organized crime in Afghanistan. In their view, small farmers are not so much profit maximizers as risk minimizers, and opium poppy eradication provides the necessary incentive to induce them to grow different crops. They agreed, however, that eradication could only be effective in combination with crop substitution and compensation schemes, as well as interdiction activities. The participants admitted that full financial compensation was impossible and that providing Afghan farmers with suitable substitutes for opium poppy remained a challenge. The only solution was seen to lie in the long-term, sustainable economic development of the whole of Afghanistan, with particular emphasis on remote rural areas.

Additionally, measures concerning the shipment routes were described as well as the increasing interdiction activities by the newly trained Afghan law enforcement agencies aimed at drug laboratories. This approach has the advantage of directly targeting the “main enemy”, the warlord structures financed with drug money, rather than the rural peasant population. However, its success remains also to be seen.

Strengthening Kabul

All participants agreed that strengthening the central government in Kabul is an urgent precondition for improving the fight against drug-related crime in Afghanistan. At the moment, the situation can be described as a vicious circle: drug production and trafficking stabi-

lizes the power of local warlords and blocks the access of the central government to provincial tax and tariff revenues. Inevitably, fewer funds are available for fighting organized crime and for improving the situation of the peasants. Widespread insecurity and poverty amongst the peasants, in turn, strengthen the warlords.

Lead Nation Cooperation

Strengthening the central government, therefore, remains an important step. In order to achieve this goal, the cooperation between the five lead nations must be improved significantly. For instance, poorly timed drug eradication measures by one lead nation could upset local disarmament programs implemented by another. The five lead nations have started to hold regular, twice-monthly coordination meetings together with representatives of the relevant Afghan ministries to overcome this problem. As a result, cooperation has improved markedly.

Finally, the supply-and-demand mechanism directly connecting drug producing and drug consuming societies was discussed as a key issue for successfully combating organized crime. Reducing the demand and thus the price for narcotics within developed countries would be a decisive step towards solving the problem in Afghanistan. Unfortunately, developing countries and not least those that are directly involved in Afghanistan on behalf of the international community seem as incapable as the Afghans to solve their side of the drug problem.

West Africa – Fighting the Fatal Mix of Warlords, War Crimes, Militias, and Regional Organized Crime Networks

David Crane, The Prosecutor, United Nations Special Court for Sierra Leone

There is a decisive similarity in the motives of the Sierra Leone combatants and those from other crisis regions: power, greed, and control. The conflict in this country was based on the fatal mix of warlords and terrorists moving in and taking over initially the eastern diamond fields and then eventually all of Sierra Leone. This was to secure the blood diamonds, to use them as a commodity to launder their funds and to utilize the profits for the purchase of weapons.

How does one restore order in a country that has been brutalized by this criminal element? A major challenge is to address the catalysts for conflict which are corruption, impunity, a lack of respect for state institutions, and a lack of respect for the rule of law.

The international community employs various approaches and instruments in support of the peace process in Sierra Leone. In order to restore some semblance of order and to move towards a just and sustainable peace, the following processes, mechanisms, and institutions need to work together in synergy:

- creating a *war crimes tribunal*: this is crucial in order to create accountability for impunity and to phase down corruption,
- establishing a *Truth and Reconciliation Commission*: we have shown in the past 18 months that it is possible to have such a commission alongside a war crimes tribunal,

- *restoring the judiciary*: remains an important component as the functioning legal system was largely destroyed in Sierra Leone and still does not exist outside of Freetown,
- providing education for the armed forces: programs in this area are being conducted by the UK and aim to *teach the armed forces the concept of civilian control* of the military,
- establishing *professional police training*: this is a precondition for transforming the police service into a force for positive change,
- operating of *UNAMSIL*: this was the largest peacekeeping force ever deployed in Africa comprising 17,500 peacekeepers last year, which has now been reduced to 14,500,
- forming an *anti-corruption commission*: this commission forms an important part of the country's strategy to fight widespread corruption practices.

I would like to conclude my presentation on a note of caution. Despite the endeavors outlined above, vast problems remain within the region. West Africa continues to be a breeding ground for the fatal mix of warlords, war crimes, militias, and organized crime networks. The region is dancing with the devil due to the absence of the rule of law and the presence of corrupt institutions which are led by those who rule with impunity.

**General Cheick Oumar Diarra, Deputy Executive Secretary,
Economic Community of West African States (ECOWAS)**

Out of the 16 West African sub-region states, ECOWAS is comprised of 15 member states (Mauritania withdrew in 2001). The aim of the community is to facilitate an integration process for the sub-region which will eventually lead to building an economic union. While significant progress has been made towards this goal since ECOWAS' establishment in 1975, achieving and securing peace, security, and stability in the region has become a major challenge.

West Africa has experienced several ethnic-religious conflicts: two in Liberia, Sierra Leone, Guinea Bissau, and Côte d'Ivoire, as well as to a lesser extent in Mali, Senegal, and Nigeria. Organized crime constitutes a major concern on the way to peace and security. It is a phenomenon which affects all countries, whether they are relatively stable, experience crisis or are emerging from crisis.

The West African Community has consequently developed several strategies to address organized crime, transborder crime, and non-state armed conflict. The main instruments are the:

- Convention of Mutual Assistance in Criminal Matters,
- Convention on Extradition,
- Protocol on the Fight against Trafficking in Persons,
- Protocol on the Fight against Drugs,
- Protocol on the Fight against Money Laundering and the Establishment of the Intergovernmental Group against Money Laundering,
- Protocol on the Establishment of Criminal Intelligence and Investigation Bureau,
- Declaration/Moratorium of Import, Export and Manufacture of Small Arms,

- Protocol on Conflict Prevention, Conflict Management, Peace-keeping and Security.

The situation in West Africa is characterized in particular by a large number of armed groups with political origins which can easily transform into criminal groups. They usually have an eclectic composition and include citizens from various member states. Members of these groups are generally very young and from poor social conditions. Several of these groups are located on the border between Guinea, Liberia, Sierra Leone, and Côte d'Ivoire. The porosity of the border, the weakness of national security forces and the almost unrestricted availability of small arms make it very easy for them to carry out their operations. In addition, they often have the support of another country serving as a base. Looting, violence, and terror are the *modus operandi* of these organized criminals. They lack a well organized structure which makes them very difficult to combat and control.

The sub-region has developed several strategies to deal with these types of organizations. The main strategies are organized in three pillars:

- *Pillar 1: The political approach* aims to restore dialogue between the belligerents. During any crisis, priority is given to dialogue and bringing the parties together. We also express our position concerning a given principle such as the zero tolerance of anti-constitutional change of power. During the Accra peace talks, this principle resulted in the provision within the agreement, that no member of the rebel movement could occupy a high position in the transitional government.
- *Pillar 2: The legal approach* aims to enforce the law as well as to enhance capacities for deploying a strong security force as is in the comprehensive conclusion of a peace agreement. Again, the

application of these principles can be illustrated in the *Accra Peace Agreement* where we deployed a vanguard force and simultaneously requested a robust peacekeeping force from the UN. The cooperation with international institutions such as war crimes tribunals was also agreed.

- *Pillar 3: The development approach* aims to support the political and legal approach and works towards preventing the resumption of hostilities by emphasizing peacebuilding, capacity building, reconstruction, and bringing on board development partners.

Several negative lessons can be learned from the way the conflicts in Liberia and in Sierra Leone were handled in the past between 1989 and 1997. The warlords turned into “political” leaders, “democratically” elected in elections, which the international community judged as free and fair.

In Liberia, Charles Taylor was elected in 1997 and the warring factions were transformed into the “national army.” The process resulted in a failed state: there were no functioning public services, no democracy, and no development. The knock-on effect was the resumption of hostilities, the return of the “political parties” to the bush and a general destabilization of the neighboring countries.

It can be argued that Sierra Leone faced even greater challenges during the *Lomé Agreement* with the Revolutionary United Front (RUF) taking advantage of their stronger position to cleverly specify amnesty arrangements in the peace agreement. Their demand resulted in the price of peace being amnesty. The process was interrupted by the arrogance of Foday Sankoh, the leader of RUF, and his arrest by peacekeepers. The arrest, however, prepared the ground for a continuation of the peace process in Sierra Leone.

My final point will be to emphasize the need for conflict prevention in the face of conflicts of an ever growing complexity, which are often very resistant to peacekeeping and peacebuilding efforts and to durable solutions. ECOWAS has, therefore, made conflict prevention a priority on its agenda. The two main instruments which I would like to briefly highlight are the *Protocol for Democracy and Good Governance* and the *Protocol for Conflict Prevention*. These two protocols address all the issues relating to the root causes of conflict. They deal with questions relating to the nature of states and standards that should be addressed in the constitutions such as separation of power, independence of parliament, right of association, the role of women and youth, the role of the army in a democratic society, the fight against proliferation of small arms, and the reduction of poverty.

Souren Seraydarian, Deputy Special Representative of the Secretary-General, United Nations Mission in Liberia (UNMIL)

The forgotten roots of the problem in Liberia lie in economic decline, social tensions between native and American Liberians, as well as in ethnic conflict and tribalism. The combined effect of these issues have lead to a total destabilization of the country and form the fertile ground in which organized crime and criminal activities flourish: illicit drugs trade, the trafficking in human beings (mainly women and children), small arms, illicit extraction and exportation of diamonds, iron ore, timber, rubber, and gold.

At present, organized crime in Liberia is characterized by a process of transition in terms of main actors. The rebel movements such as the Liberians United for Reconciliation and Democracy (LURD), the Movement for Democracy in Liberia (MODEL), and even the pro-Taylor Government of Liberia movement (GOL), are disintegrating and transforming into organized gangs. These groups become involved in all types of trafficking including weapons, drugs and natural resources as well as in looting, forced labor, and rape. The society as a whole has become criminalized; violence and crime have become legitimized.

International Linkage – Transnational Criminal Networks

Organized crime gangs operate from the Balkans in connection with the trafficking and transportation of weapons. For instance, on the 4th October, a charter plane from a former Soviet Republic, carrying Serbian weapons, landed first in Lagos then in Kinshasa then in Monrovia. It was found to contain 22 tones of AK47s – measured by weight, not even by pieces. The load was confiscated by the ECOWAS Monitoring Force in Liberia (ECOMIL) that was controlling the airport. In addition, commodities such as oil and petrol are exported and re-exported from Nigeria at a very low price. They pass through Liberia

even though they are not used by the country. As a result of these practices, formal trade channels have almost completely disappeared.

Furthermore, the introduction of the US dollar as an accepted official currency has helped money laundering throughout West Africa. Money transferred to Liberia from all over the region is being exchanged into US dollars and then channeled back through the banking system. Of course, this phenomenon has a regional dimension and regional cooperation among police forces is required particularly with Sierra Leone and Côte d'Ivoire, which have to bear many of the problems that originate in Liberia.

Finally, there are transnational criminal networks of Liberian businessmen and stakeholders in Brazil, Mexico, and South-East Asia. Hashish is being shipped from Pakistan to Liberia and further on to Rotterdam.

Recommendations and Policy Considerations

I would like to outline some of our current considerations and recommend areas for exploration.

- There is a need to explore *a fast-track rule of law mechanism*: we can combat organized crime using the existing mechanisms such as judiciary and the police. However, to build them up is a long-term process, which cannot improve the immediate situation. *Transitional short-term international legislation* should, therefore, be put into effect.
- Both *national reconciliation as well as prosecution of individuals must remain of equal importance* in all transitional justice mechanisms: if necessary, the justice system must be supplemented with mechanisms such as truth and reconciliation commissions. At present, there is not sufficient international willingness to finance special courts, particularly after the establishment of the

ICC. Therefore, national reconciliation mechanisms need to be given priority.

- *Credible machinery for enforcing the law instills confidence into people* who have lost faith in the peace processes: until these mechanisms have demonstrated that past injustices will be addressed and that it is safe for people to return to their homes, society at large will continue to resort to violence and illegal activities.
- *Improving monitoring of the sanctions imposed by the Security Council on Liberia* is an additional measure that can assist the fight against the international dimension of organized crime: once UNMIL has been fully deployed, it will have various monitoring capabilities concerning shipments of arms, sea ports and overland border crossings, diamonds and in the collection of information on diamond mining and timber extraction. Monitoring will also be conducted at airports concerning travel bans imposed on the main players in organized crime.
- *Generic frameworks and approaches must be locally contextualized:* the Security Council has taken a new approach in establishing the Mission in Liberia, which has integrated the rule of law, police, judiciary, corrections, civil administration, and human rights within one single pillar. Nevertheless, *local actors must be involved from the very beginning*, including local justice officials and experts from government, civil society, and the private sector.

I would like to end by pointing out some necessary compromises which the Secretary-General raised in a Security Council meeting on the United Nations` role in justice and the rule of law in September this year: We may need to accept something less than a full or perfect justice or to devise intermediate solutions such as truth and reconciliation commissions. We may need to put off the date when the

guilty are brought to trial in the interests of national reconciliation. We may need to accept a short-term risk to peace in the hope that in the long-term peace will be more securely guaranteed. The balance between crime, punishment, the timing of it, and national reconciliation remains the keystone of all endeavors in rebuilding peace.

Keith Biddle, former Inspector-General of Police, Freetown

As a preface to my presentation, I would like to emphasize my amazement at the similarities between the countries that are being explored in this Workshop. Most of the issues relevant to the situation in Bosnia-Herzegovina, Kosovo, and Afghanistan are also relevant for Sierra Leone.

As in all of these countries, the problems of Sierra Leone have deep historical roots; some would say, Sierra Leone's troubles started after independence from Great Britain in 1961. In my opinion, however, the crucial event was the discovery of alluvial diamond deposits in the 1930s. Neither the British colonial administration nor any subsequent government ever managed to fully control the mining activities in the east of the country.

There is no doubt, if one is to believe the version of events described by Graham Greene in his novel *The Heart of the Matter*, that the colonial police and administrators were involved in corrupt practices with regard to diamond mining and export before World War II and until independence. This legacy has been continued by various groups and individuals until today. In some cases, the prime motive is personal enrichment; in others, it is political power. Sooner or later the two will become linked.

The second watershed event on Sierra Leone's road to state collapse was the army coup in 1968. From that point on, the rule of law began to fail in Sierra Leone as people lost confidence in the state institutions. Under Siaka Stevens' regime during the 1970s, corruption became systematic. This "pay yourself" mentality – cynically sanctioned by Siaka Stevens – has been a major factor in pegging the salary levels of civil servants, police officers, and military personnel at extremely low real terms levels. This fueled the culture of public

service corruption and became a major causation factor for future coups and the widespread conflict of the nineties.

A further unfortunate development of those years was the politicization of the armed forces and the police as well as their increasing antagonism. In order to serve as their personal power bases, consecutive regimes, upon reaching power, have strengthened one at the expense of the other. As a result, all professional standards and the idea of a public service were lost.

Currently, there are a range of ever increasing concerns especially with the rise in cigarette smuggling into Sierra Leone and trafficking of human beings, mostly to Europe. A parallel issue relates to the large Lebanese community in Sierra Leone being employed by Afghans, Pakistanis, and Palestinian citizens in obtaining false passports with the connivance of corrupt public officials. There is also some drug trafficking, namely of cannabis, which is being shipped to Europe.

When the international community, in particular Great Britain, became engaged in Sierra Leone in the late 1990s, the focus was originally on the reform of the armed forces. However, President Kabbah requested assistance to fund a program for police reform from the international community. The position of inspector-general was assumed by an international, myself, due to the lack of suitable Sierra Leonean candidates. Most of the nominees for the position were either discredited because of allegations of corruption, considered politically unreliable *or* insufficiently developed in a professional sense. President Kabbah's continued personal support of the reform agenda has been crucial.

My broad mandate was to turn the police force into an agency committed to public service and upholding the rule of law. There were several central tasks. The first activity was to *rebuild the police infrastructure*. At that point in time, the police in Freetown had ten functioning vehicles. Most buildings were unusable and there was hardly

any communications equipment. Success in this field is largely a question of money. In consequence of financial assistance from the international community, the Sierra Leone Police Force now has more than 300 vehicles and an efficient nationwide system of radio communication.

The second task was to *organize a training scheme for police officers*. Many officers had not received any formal training; the training given to others had simply not enabled them to perform at the professional standards required for a modern police force.

A third task was to *identify and train the future leaders* of the Sierra Leone police force. Most of the honest and professional officers held junior positions. Fortunately, it was possible to have these officers promoted and further their professional development through exposure to operational experience and overseas professional education. Parallel to this, there was a filtering and removal of various less satisfactory senior officials who, until then, fell under the protection of powerful interest groups. This delicate process took several years, but is now largely completed.

My explicit role did not focus on the combat of organized crime. I saw my mandate in terms of laying the groundwork for bringing the Sierra Leone police to the point from where a successful effort against organized crime could be undertaken. For example, I established an intelligence section to collect information on organized criminal activities. As all speakers have already pointed out, in this struggle intelligence is the key to success.

The final challenge that I would like to raise concerns information management, information exchange, and information technology in the every-day running of a police force. Although we have access to technological facilities, computer-based data files are of little utility when the computers only function for three hours a day due to power

failures. This is further stifled as the technological knowledge required for using the machines remains among a small group of experts and, as yet, has not percolated through to the force at large. Nevertheless, as technical and personal capabilities increase, I am sure that the Sierra Leone police will be more successful in combating organized crime within the country, and also in cooperating with other regional and international law enforcement agencies.

Like all of my colleagues, I see international cooperation as critically important. Most organized criminal activity in Sierra Leone is cross-border in nature. Given the history of the conflict, it is no surprise that large amounts of arms are smuggled out of the country, which contributes towards destabilizing the neighboring states.

Discussion

The discussion focused on the conflict between accountability and reconciliation in post-conflict societies, the particular problems posed by social fragmentation processes, the role of international business in sustaining conflict in the region, and finally, the need for a regional approach to West African conflicts.

Peace Settlements and Impunity – a Difficult Balance

All participants agreed that striking the right balance between the imperative to include the leaders of all warring factions in the peace settlement and to end the climate of impunity is one of the central challenges facing international peacebuilding. Ideally, one would wish to prosecute at least those responsible for the most serious war crimes and crimes against humanity. In reality, however, this would mean that several of the leaders of parties to the conflict would have to be prosecuted, although their cooperation is vital for ending violence. It is, therefore, unavoidable to accommodate them in the peace process at least to a certain degree. Otherwise, there will be no peace to keep.

This pragmatism, however, should not go so far as to offer an amnesty to the worst offenders. Holding the most notorious warlords accountable for their crimes will send a strong message to the local population. Such a signal is vital for creating confidence in the peace process and the re-establishment of the rule of law. As one participant put it “civil society is weak because people are not convinced that the ‘bad guys’ will not be coming back next month, and if they do, everybody knows who will be targeted first – those who stood up against them, those who became engaged.”

The solution to this dilemma is largely a question of timing and is dependent on a subtle, skillful management by the peace mission's leadership. Moving too early and without international backing could endanger the peace process, while waiting too long could serve to entrench war criminals in positions of power and alienate large sections of the population.

The Lost Generation

The situation in West Africa is distinguished from either the Balkans or Afghanistan by the level of *social disintegration* found in the African region. Particularly in Sierra Leone and Liberia, societies have been shattered; cultural and spiritual ties between groups and individuals have been broken. Traditional elders and parents have lost control over a large part of the younger generation that has grown up during the years of brutal conflict and only knows the rule of the gun. These teenagers and young adults have no value system to guide them, neither a modern Western nor a traditional African one. They have no perspective for the future, youth unemployment in the region is astronomical; the education system has totally collapsed. One participant quoted a recent study showing Liberia to be the only country in the world where the literacy rate among the younger generation is actually lower than among their parents.

All participants were at a loss to offer suggestions on how to deal with this "lost generation", which provides a perfect recruitment pool for warlords and organized criminal gangs.

Organized Crime and International Corporations

The next focus of the discussion was the *role of international corporations* in the region, particularly those engaged in the exploitation of natural resources such as timber, rubber, and diamonds. As is widely

known, many of them supported the war efforts of various armed factions through “taxes” or protection money paid to these factions. In many cases, this is done under the threat of force, in others there is a more willing cooperation or even active participation in criminal activities such as sanction-busting.

In the case of international corporations, however, sustaining warlords and organized crime indirectly through legitimate business activities is more difficult to deal with and poses a dilemma. On the one hand, all legal economic activities in this desperately poor area are worth promoting. Indeed, attracting more international investment is a high priority. On the other hand, warlords and organized criminal groups must be cut off from all possible sources of income. Unfortunately, both options are difficult to reconcile in practice. Some participants felt that voluntary codes-of-conduct are a way out, similar to the Kimberly process adopted by the diamond industry. Others were suspicious of mechanisms that allowed “the fox to guard the hen house”, as one discussant put it. They called for a robust international oversight mechanism with clear rules of enforcement and high fines for offenders.

The Need for Sub-Regional Strategies

Then the discussion turned to specific issues of West Africa. Several participants called on the international community to adopt a *sub-regional strategy* for West Africa, rather than the current piecemeal approach to individual countries. It was pointed out that the conflicts in the region not only share many structural similarities, but are in fact often caused and perpetuated by the same criminal networks and armed gangs moving freely across the porous borders. Conflict in West Africa is a regional syndrome, not just a national one. Contributing factors are the artificial nature of the colonial boundaries that often divide ethnic groups and a complete lack of effective control of the

borders by either national authorities or international peacekeeping forces.

Cooperation between the three existing UN missions in Sierra Leone, Liberia, and Côte d'Ivoire must be strengthened, in particular with regard to border management. If necessary, the missions' mandates should be amended to focus more precisely on this crucial border issue. Some discussants went so far as to suggest that the most effective way to deal with cross-border organized crime in the region would be to combine the three West African missions into one. Others advanced the idea of a comprehensive framework to tackle West Africa's numerous security, political, social, and economic problems, similar to the Stability Pact for South Eastern Europe. This mechanism should target not only the above-mentioned countries but also other potential flashpoints such as Guinea Bissau and Burkina Faso and should include international, regional, and sub-regional organizations such as the UN, AU, and ECOWAS.

Final Panel

Hans-Joachim Daerr, *Director-General for Global Issues, the United Nations, Human Rights and Humanitarian Aid, Federal Foreign Office*

It is difficult to summarize the rich and comprehensive discussions of the last two days in a few concluding remarks. I would like to focus on common features that emerged across the regions and cases we discussed. My comments fall into three groups: *needs for analysis and assessment, lessons learned, and dilemmas.*

Needs for Analysis and Assessment

Any approach aimed at combating organized crime and re-establishing the rule of law must begin with a thorough stock-taking of capabilities, structures, and instruments remaining in the given area of conflict. At the same time, it is crucial to be aware of the gap between one's own and local concepts of rule of law in order to avoid the application of inadequate approaches and blunt instruments.

In analyzing framework conditions for fighting organized crime, particular focus needs to be cast on how much these conditions are influenced by ideology, religion, or anti-foreign sentiments. It is, furthermore, paramount to get a clear picture of the relationship between organized crime and the administration of a country: are they completely separate, is organized crime tolerated by the administration, is there even a cooperative relationship or, and this is the worst case scenario, are key criminals and major players in government and administration identical?

Assessments should also address the motivations and purposes that constitute the driving force behind criminal activities. Organized crime may be part of a struggle for survival, such as poppy farming in Afghanistan, it might be used to support other illegal activities, to increase or maintain political power or for sheer profiteering and enrichment purposes.

Finally, analysis needs to identify whether organized crime is an internal, homegrown phenomenon, with the conflict only acting as a fertilizer, or whether external criminal actors take advantage of the crisis situation to actively install their networks and activities in a country.

Lessons Learned

One of the very clear lessons is the need for a *better synchronization* of the various elements that are necessary to establish the rule of law. An approach, for example, which focuses on policing while ignoring major deficiencies in the administration of justice, is not likely to be successful. Policing efforts also need to be closely linked to the military in order to ensure coverage by armed forces in cases where military strength is indispensable.

The even larger challenge, however, is posed by what I would call the *outer framework conditions*. These can be shaped by factors such as economic development. If a country does not show any sign of positive economic development, efforts to combat organized crime are doomed to failure. Creating conducive conditions for combating organized crime also includes the overall development of basic administrative capabilities which in many instances, such as in Afghanistan, have been completely destroyed and therefore have to be rebuilt from scratch.

Another lesson is that *local ownership of peacebuilding* processes needs to be reinforced. If the population of a country does not at least to some degree support the internationally facilitated peacebuilding efforts, chances for success are fairly slim. Consequently, with regard to combating organized crime, there is a real need to raise awareness and to invest in education about the problems and risks that organized crime creates for the future of a country and its people.

In this context, I would also like to address the issue of *decentralization*. Approaches should be decentralized in principle but only as far as possible. There are obvious advantages of decentralization: the development of capabilities, responsibilities, and procedures remain close to the actual problem. Nevertheless, in some situations, a more centralized approach might be the only feasible solution and careful decisions have to be made about this.

It is, furthermore, necessary to isolate countries from external criminal influence. Only by cutting off links to external criminal actors and by putting a halt to outside interference will criminal activities in a certain area become manageable.

My final point may well be the most important one: a very effective way of combating organized crime is to deny organized criminals the benefits of crime. Of course, this approach has limitations. Nevertheless, if a situation could be achieved where the desired economic profits can be spoiled, organized crime would lose quite a bit of its attraction.

Dilemmas

The first dilemma is the question of *where to start, what to do first and how to set priorities*. On the one hand, a multifaceted approach towards rule of law is needed. On the other hand, resources and

available means are always limited. In addition, there is the danger of overloading the peace process by being too ambitious on the rule of law side. Ever increasing tasks and challenges can lead to an unmanageable mission creep. Therefore, priorities must be set carefully, that means without spoiling the need for a multifaceted approach.

Another dilemma emerges regarding *concepts and standards applied in rule of law work*. While internationally accepted standards should obviously be the guiding notion, the attempt to apply concepts reflecting “the way things are done at home” is inappropriate and can even be damaging. I will illustrate this with an example from fighting illicit narcotics in Pakistan. There was at some point a considerable success in seizing large quantities of drugs. Naturally, one would then want the official legal procedures to follow. However, in some countries, including my own, the legal procedures may take months and years to achieve any result. You can imagine the implications, if several hundred kilograms of drugs are stored in a police station or in the cellar of a court building in some remote town in Baluchistan for months and years until the legal procedure has come to a conclusion.

Three more dilemmas have been discussed in depth during the conference and I will only briefly mention them. The first one is the yet unresolved problem of *turning intelligence into evidence* suitable for use in a court procedure. The second relates to the question of how far to *cooperate with the “bad guys”* and where to set the limits. Finally, there is the dilemma of *peace versus justice*. Measures and decisions conducive to achieving the former might require concessions in enhancing the latter.

I would like to close with a recommendation for future action. The compilation of a *lessons learned handbook* focusing on organized crime would be an extremely valuable tool not only for the personnel working in the field but also for mission planning processes. Such a

handbook should also include recommendations and ideas on awareness raising and education since this is an area that has not yet been sufficiently addressed.

**Espen Barth Eide, Director, Department of International Politics,
Norwegian Institute of International Affairs (NUPI)**

It is striking that across the three theatres which we have been discussing in this conference, although each case is unique, there are a lot of similarities. One of them is, of course, that organized crime crosses borders and that organized crime, while being a global phenomenon, is particularly dominant in places where there are no, or weak, state structures. Consequently, much of what we are studying here is, in fact, human behavior in non-state or weak-state situations.

Economic versus Political Agendas

One of the reasons why the international community frequently fails in its efforts to assist in peace processes is that it overlooks that the genuine agendas of many *conflict entrepreneurs* are economic rather than political. Representatives of the international community are often misled by local actors with great mastery in the art of double communication. Many of these actors have experienced life during autocratic rule. In such societies, a frequent survival strategy is to always *say* something different from what you *actually think* in order to pursue a personal agenda through influencing those in power. The parties to many contemporary conflicts around the world are therefore often much better at fooling the donors, than the donors are at detecting it.

The successful – but false – presentation of certain conflicts in the Balkans as primordial or “age-old, simmering ethnic conflicts”, for example, served as a cover for the many rational and cynical actors who wanted to exploit chaos in order to gain and maintain economic power. The international community at large came to understand these dynamics only years after the wars were over. This was, however, too late. In post-conflict climates, international efforts tend to focus

on the inter-ethnic relationships. Nevertheless, in Bosnia Herzegovina, for instance, the old warlords have long established themselves in the gray and black sectors of the economic sphere instead of fighting the war. Kosovo provides yet another example. Focusing on the relations between the Kosovar Albanian majority and the Serb minority, the international community overlooked that there were deep divisions within the different camps. Different groups wanted different outcomes for the new Kosovo and the international community actually ended up empowering some of the wrong people during and immediately after the war. As we have heard, there are numerous other cases in which, for example, the international community has been presented with an “Alice in Wonderland” fairytale where NGOs and civil society institutions seemingly flourish. The truth though is that almost anybody can set up an NGO and obtain funding from a Western government or international organization as long as the project proposals contain the right key words in more or less the right order. This is more of a market adaptation than an indicator for a strong and vibrant civil society.

Deciding Who to Work With

My second point refers to the question of whom we should talk to and work with. We have discussed whether there are both “good warlords” and “bad warlords” out there. A helpful way of thinking about these questions is, in my opinion, Steven Stedman’s approach to *spoilers*. In any peace process, you will find spoilers; however, spoilers come in different forms. Some are “absolute spoilers” who definitely do not want peace at all because they have a vested interest in a state of continued chaos. Others are “relative spoilers”, who generally want to contribute to peace but not the kind of peace that is being offered to them. The former should be isolated, the latter should be engaged, influenced, and empowered to support the peacebuilding process.

While this is an extremely difficult differentiation to make in practice, this categorization can help in thinking about whom to work with.

Culture of Crime Versus Culture of Law

The issue of a “culture of criminality” or “culture of corruption” was raised on several occasions during the Workshop. We must recognize that the local concept of what is legal might differ from ours, particularly when we come from more or less functional societies where the state-society relationship is organized in a more structured way.

Kosovo, once more, provides an illustration: for centuries, organizing oneself outside of the (externally-imposed) law was seen as an honorable activity, and actually for very understandable historical reasons. It was honorable during the Ottoman Empire, in the Yugoslavia of the 20th century, and for many it still remains a socially accepted activity during the reign of UNMIK, due to the Kosovar Albanian tradition of an alternative economic and political system. While we should not be lax on extra-legal activities, these differences in perception need to be taken into consideration. In Kosovo and elsewhere international efforts should aim not only to establish institutions of law and order but also to convert a culture of crime into a culture of law. This implies addressing the very nature of the state-society relationship. Effective *rule of law* strongly concerns the way citizens relate to the state and, correspondingly, the way the state relates to the citizen. The aim must be to create a situation where the citizens perceive that the home-grown state, the international administration, or whoever is in power generally work for their best interest. This requires again that the state sees the citizens as partners, not as adversaries. Achieving such a cultural shift is much more difficult than deploying policemen and judges.

Capacities and Division of Labor

It has become very clear in the discussions over the past days that ideally whole “armies” of well-trained and well-equipped policemen should be available for quick deployment to international trouble spots, since contemporary peace operations encompass more police work than traditional war fighting. However, such surplus capacity infrequently exists within national police services. In contrast, such capacity often exists within the military. Troop contributing countries should realize that it is increasingly unlikely that their soldiers will fight traditional wars against a similar enemy on a “level playing field” again. It is much more likely that their armed services will be called upon to perform tasks more reminiscent of “policing”. We therefore need to retrain and refocus our military capacity so that the military can perform these tasks when they are deployed at the outset of a peacekeeping mission.

Even if this was achieved, we will need a follow-up plan, a phased approach based on the idea that long-term assistance should not be focused on the military but on supplying police, judiciaries, and prison services. In the long-term perspective, local ownership, local police culture, and local legal culture need to be part of this phased approach. In order to facilitate and sustain such an approach, a mental change is needed on our side. The traditional notion that the policeman or the judge maintains order domestically, while the diplomat or the soldier caters for international order, is outdated. We simply have to accept that those rather nice, clear distinctions are no longer applicable in our globalized and increasingly post-Westphalian world. We have to go beyond them towards a vision of an integrated system in a globalized age.

The Need for a Regional Approach

Regional approaches, rather than purely one-country plans, are also urgently required since conflicts are rarely confined to one country. Either conflicts begin in one country and spill over to destabilize the region, or they start as a regional issue which in turn manifests itself independently in single countries.

While regional approaches are crucial, the importance of borders should not be underestimated. The trend in contemporary thinking is to reduce the emphasis on borders, particularly with the EU's experience to get rid of them rather than raise them. All that is very well. It is often forgotten, however, that strong and effective states are the ones that most easily reduce the emphasis of borders.

State Building: What Type of State?

One of the most fundamental, philosophical questions that should be addressed when it comes to the question of externally encouraged "state building", is whether the so-called international community actually wants to pursue a "universalist" or a "pluralist" vision of world order. Do we envision a world where "Western" systems are the standard, and where democracy, rule of law, and market economy are seen as the only viable option and all other systems are ruled out? Or are we looking at a pluralist system where anything goes as long as minimal standards are met? This is a difficult issue, of course, and it is not obvious which solution will emerge in the end. Currently, what we are de facto doing in post-conflict countries is to build a Western state on top of something else: a failed state, an Eastern European Communist state, some kind of unsuccessful African state, to name just a few examples. So far, this has been implied rather than explicitly stated. I believe that problem will have to be addressed more

unambiguously in the future, because it says something about the *direction* of change that is sought.

The international system has the individual states as its building blocks. We need a state to connect the individual citizens to the international system but also to perform certain functions based on rules that have been collectively developed. The failing of more and more states is not only a problem for the people living in them and their neighbors, but also, in the long run, a threat to the system itself. So far, the international community has only attempted full-scale state building in relatively small places, such as East Timor and Kosovo. These operations have demanded many resources. A “light footprint” model is currently being tested in Afghanistan. That model would not be easily conducted in a scenario where a really large state collapsed. Therefore, a grain of realism and modesty on behalf of the international community seems warranted before we end up designing grand solutions which suppose that we can deploy one million troops to the middle of Africa overnight.

**Eric Chevallier, former Special Adviser to the Head of Mission,
United Nations Interim Administration Mission in Kosovo (UNMIK)**

I believe that the political process of an international intervention is often confronted by choices that lie between bad options and worse options. This is particularly true at the early stages of an intervention. One of the main lessons that I learned in Kosovo was that pragmatic choices need to be made, even if their implication is the fulfillment of short-term objectives at the expense of long-term processes – or vice versa. I would like to offer a few examples to underline these two points.

In the initial phase of UNMIK, the World Health Organization (WHO) assisted the mission in designing a public health plan for Kosovo. The WHO team created an excellent plan which took into consideration citizens' needs in each area of Kosovo and allocated resources in a way that equal services could be provided to all. Within this plan, the hospital in Pristina was designated to serve the population in the city and its immediate surroundings. However, patients from the Serb enclave Gračanica, located four kilometers out of Pristina, rarely left the Pristina hospital alive. The only solution was to set up a hospital outside of Pristina for the Serb population of Gračanica, even though this was completely contradictory to any health plan logic and to efficient resource allocation.

My second example is related to the introduction of license plates in Kosovo by UNMIK, where again, we were faced with a bad option and a worse option. The bad option was to give license plates to everybody bringing their car to the police station for registration even though we knew that most of them were stolen. The worse option was to not have a process of licensing cars at all. We decided for the former, since the identification of cars was crucial for both security issues and progress with investigation processes. Although this action did help

investigations in the long-term perspective, it conflicted with immediate legal issues because we were in fact legalizing illegal activities.

A similar dilemma can be seen in the establishment of the Kosovo Protection Corps (KPC). The first option would have been to enter into a tough conflict with the Kosovo Liberation Army (KLA/UCK) in mid-1999. None of the nations contributing to the Kosovo Force (KFOR) would have consented to this due to the high risk involved. The second option would have been to simply disarm and demobilize the combatants and to let them go, with all the risks attached. However, we found a passage between this Scylla and Charybdis, which was to set up a structure through which these people could be kept under control – the creation of the KPC. Although this was far from ideal, it was the best available alternative at the time.

My last example concerns law and order. The case that I am referring to became known as the “Zeqiri case.” Three Serbs, including a four year old boy, were killed in a multiethnic village in Kosovo. The responsible person was publicly known, arrested by KFOR and the case was handed over to the local prosecutor. Although doing his job well, the prosecutor could not come back with anything apart from a simple statement: there are several testimonies providing an alibi for the person, including some old ladies stating they had tea with him at the time of the crime. The case was passed on to an international prosecutor who, after a few weeks, came back with the same result: the same testimonies explaining that the person was somewhere else at the time when the crime was committed. Consequently, the only recommendation the international prosecutor could make was to release the suspect from custody.

It was clear that if the Kosovo Albanian suspect would be released due to a lack of evidence, this would have a disastrous effect on the Serb

community in Kosovo. It would cause the remaining Serbs to depart. Therefore, Bernard Kouchner, Special Representative of the Secretary-General and Head of UNMIK, decided to keep this person in custody. This decision was made against the recommendations of both co-ministers for justice and the two prosecutors and against the opposition of almost all the lawyers working in the mission as well as legal organizations worldwide. This illustrates that the establishment of law can conflict with the stabilization of the region and the peace processes. I remain unconvinced that peace processes and justice easily fit hand-in-glove.

For the remaining part of my contribution, I would like to focus on five proposals:

- the creation of an emergency legal kit,
- the early deployment of police and specialized police teams,
- the early deployment of international judges,
- the sharing of information and intelligence, and
- the normalization of the post-conflict environment.

The Kosovo experience underlines the need for *an emergency legal kit* that can be employed at short notice. At the beginning of the mission, Kouchner established as the applicable law the previous version of the local law, cleaned of inappropriate provisions. Nevertheless, for many people this harked back to the Milosevic era and was therefore unacceptable.

The aim of creating an emergency legal kit would not be to surpass the local laws. The emergency kit would rather be applied when local laws do not provide an adequate solution. Within this emergency legal kit, various special executive powers should be granted to the international executives in order to overrule inappropriate justice processes. Although this remains extremely controversial, it is paramount as the Zeqiri case illustrates: the main obstacle to justice did not lie

with the prosecutors but with a society who was not ready to support proper rule of law.

The purpose of the *early deployment of police and specialized police teams* is to confront the establishment of organized criminal networks in the early phase. It took 18 months to build up an Organized Crime Bureau within UNMIK, therefore, criminal networks had ample time to become operational and to consolidate.

Early deployment of international judges can ensure that support is offered to local judges from the very beginning and that, where necessary and appropriate, specific cases can be taken over by international judges. In our experience, it was impossible to expect local judges just after the end of a conflict to remain impartial in all cases and to be immune from being affected by the events that had taken place. Once we had begun to deploy international judges in Kosovo, we received negative official feedback but positive comments from several local judges who expressed relief for this international back-stop, especially in cases where pressure had been exerted from the communities.

My next recommendation concerns the *sharing of information and intelligence*. All those who work in peacekeeping know that although information must be shared, it rarely is. We will not move forward simply by restating this truism; it is a matter of trust between countries and trust between organizations which must be promoted vigorously.

The final issue is the *normalization of the post-conflict environment*. In most situations, the population wants to get back to a normal life and this is an incredible opportunity for peacebuilding. However, many people do not manage to disconnect from past oppressive structures by themselves. Therefore, it is paramount to invest much of the international community's effort in assisting individuals as well as civil society at large to extricate themselves from the clan structures and

to help them to break the rule-of-silence, which is often the rule-of-fear.

Given this last recommendation, stronger focus should be cast on two areas in future. The first area is the *proper allocation of resources*. A good economist will stipulate that priority must be placed on the development of a sustainable market economy. However, it takes at least one generation to establish a sustainable market economy. The question is, therefore, how resources can be invested into immediate and short-term labor intensive activities. When we argued, that capital was needed to pay local people for cleaning up Kosovo's towns this was not well received by economic experts. They were right; it was not very productive for the long-term economic perspective. However, in the short term, this cleaning project gave people something to do; it brought back some dignity; it helped them with additional resources and it might have stopped some from joining other activities. Investing resources into these labor intensive activities, therefore, remains an urgent requirement.

The second area concerns the *support of civil society*. For example, when the local employee in charge of the cadastral agency in Kosovo was killed, we felt that it could be useful to help civil society to react. We assisted people in demonstrating in the streets of Pristina and it was the first time where at least there was a movement from the civil society to oppose organized criminal activities. It was not enough of course but I think that activities of this type should receive as much support as possible.

I would like to end on a note of caution: organized crime, smuggling, corruption, and other activities are not only conducted by people living in post-conflict societies. We all know that there are organized crime activities in my country as well as in others. The most important corruption case in Kosovo was actually undertaken by an

international. Consequently, we must think about the manner in which we look, talk, and think about people. By this, I do not mean that we should soften our approach but rather we should be cautious about our perception.

Discussion

The final round of discussion was dedicated to collecting ideas for a catalogue of recommendations as well as dilemmas concerning the fight against organized crime in international peace operations.

Follow the Money

The ultimate driving force behind all organized criminal activity is financial gain. This gain can be realized in a variety of ways: exploitation of national resources, trafficking in arms, narcotics, cigarettes, or human beings, prostitution, gambling, extortion, and serial theft. Whatever the source may be, the international community must make a concerted effort to deny organized criminals the fruits of their illegal activities. Efficient mechanisms need to be developed to discover and seize their assets, whether at home or abroad. Targeting international money laundering networks is still totally insufficient. Most important, certain notorious financial “safe havens” must be convinced to stop hiding behind national banking secrecy laws.

Emergency Legal Kit

A ready-made, robust rule of law concept specifically formulated for the start-up phase of an international peace operation would be a valuable tool to avoid losing time during the crucial first weeks and months. It should contain elements of a civil and criminal code, civil and criminal procedure rules, as well as provisions for witness protection programs and covert investigations. International legal experts should prepare a generic emergency package based on past experience. The fine-tuning necessary to adapt such a legal kit to the

specific local requirements and legal tradition of the mission area could then take place during the mission planning phase.

Training and Recruitment of Mission Personnel

In addition to creating the appropriate legal tools, the international community must pay attention to identifying, training, and recruiting the personnel who can apply them effectively. National governments and international organizations must improve their mechanisms for selecting and deploying qualified personnel. The practice of “parachuting” highly competent and motivated experts into mission areas without any preparation whatsoever and for short time periods is also problematic. Most practitioners at the Workshop agreed that it takes up to six months for international legal experts to adapt to their new environment. To avoid the constant wasteful loss of expertise and institutional memory, ideally two to three year rotations should become the norm. Finally, the centralized recruitment processes operated by several international organizations have proven to be extremely time-consuming, often leaving positions vacant for months. Whenever possible, individual peace operations should be enabled to recruit their personnel directly.

Mission Start-Up

In most peace missions, military components are the first to be deployed to the mission area. To facilitate a timely start of rule of law activities, a small group of legal experts, civil administration specialists, and law enforcement personnel should be included in this first deployment. One of the group’s tasks would be to support and advise the military component in its law enforcement functions. Once international civilian and police personnel have taken over rule of law functions, it can assist to guarantee a good working relationship with the military.

Division of Labor and Cooperation

Based on General Mini's earlier statement, that the military should be involved in combating organized crime in a leading role, the general division of labor between the police and the military was discussed. While the police is better trained and better equipped to do law enforcement work in peace operations, the military should function as a backup, particularly in the security vacuum at the outset of an operation. The military's comparative advantage lies in its command and control system as well as its strict procedures, which can provide a model for coordination. Sharing intelligence between the military and the international police remains a major challenge in combating organized crime. In Kosovo, it took 18 months to set up an Organized Crime Unit where countries with intelligence capabilities would accept, at least in principle, to share intelligence. Sharing information with the national police is an even more complicated issue.

Local Ownership

While all participants agreed that the active involvement of local stakeholders is vital to ensure the sustained success of a peace-building operation, many felt that the concept of "local ownership" is sometimes poorly defined. The central question "What is it we want them to take ownership of?" remains unanswered. Concerns were also raised about the fact that in some cases a rapid transfer of ownership into local hands may lead to delays or even reversals within the implementation of rule of law programs. Local structures willing and able to continue these programs are a precondition to local ownership. On the other hand, insufficient use of local legal expertise was named as a particular problem in past rule of law programs. Often, programs are also poorly adapted to local legal traditions or the on-the-ground political reality. It must be kept in mind, however, that local experts

need to be carefully screened to assure that only highly regarded professionals with no connection to past abuses are included.

Reconciliation versus Impunity

Ideally, those guilty of war crimes and crimes against humanity during a conflict should be brought to justice afterwards. In reality, however, many of the worst offenders manage to transform themselves from warlords to political and business leaders, often with continued involvement in organized crime. Apart from their role in crime, warlords often serve as pillars of social and economic networks under dire conditions. They, therefore, play an important role, for example, in efforts to regenerate some basic economic activity. In many instances, an economy run by warlords and crooks is all that is left. International peace operations are, therefore, often faced with a choice between bad options and even worse options. On the one hand, not holding ex-combatants accountable for their war crimes may diminish confidence in the peace process and the re-establishment of the rule of law and entrench a culture of impunity. On the other hand, criminal prosecution of influential power-brokers will often prove impossible without endangering the peace process. In these situations, the core question is “what is the price of peace compared to the price of justice?”

There was general agreement that in practice no peace operation can operate without engaging at least some of the “bad guys”. Some participants felt the best approach was to distinguish between “relative” and “absolute spoilers.” The former would include the majority of rank-and-file ex-combatants who later turn to organized crime mainly for want of an alternative livelihood but are not fundamentally opposed to the peace process. Given the right incentives, these “foot soldiers” can be disconnected from core organized criminal activities and re-integrated into society, and every effort should be made to do

so. This is far from easy, however, given the typically desperate economic situation of post-conflict societies.

“Absolute spoilers,” on the other hand, include war-time leaders who actively seek to prolong conflict and instability because they have turned it into a profitable business model. This small but particularly dangerous hard core of organized criminals must be identified and brought to justice. It is up to the political leadership of the international peace operation to determine the best strategy for a successful prosecution. Good timing and support by the international community are crucial in this respect.

Acronyms

AA	German Foreign Office (<i>Auswärtiges Amt</i>)
ANBP	Afghan New Beginnings Program
AU	African Union
BKA	German Federal Criminal Police Agency (<i>Bundeskriminalamt</i>)
CBSS	Council of Baltic Sea States
CCIU	Central Criminal Investigation Unit (<i>Kosovo</i>)
CID	Criminal Investigation Department
CIS	Commonwealth of Independent States
CND	Counter Narcotics Unit (<i>Afghanistan</i>)
CTTF	Counter Terrorism Task Force (<i>Kosovo</i>)
DDR	Demobilization, Disarmament & Reintegration
DfID	Department for International Development (<i>UK</i>)
ECOMIL	ECOWAS Monitoring Force in Liberia
ECOWAS	Economic Community of West African States
EU	European Union
EUPM	European Union Police Mission
FARK	Forcave Armatosure ë Republikes ë Kosoves (<i>Armed Forces of the Republic of Kosovo</i>)
FCO	Foreign and Commonwealth Office
FYROM	Former Yugoslav Republic of Macedonia
GoL	Government of Liberia
HDZ	Croatian Democratic Union
HQ	Headquarter
ICC	International Criminal Court

KCB	Kosovo Consolidated Budget
KFOR	Kosovo Force
KLA	Kosovo Liberation Army
KOCB	Kosovo Organized Crime Bureau
KPC	Kosovo Protection Corps
KPS	Kosovo Police Service
KPSS	Kosovo Police Service School
KTA	Kosovo Trust Agency
LURD	Liberians United for Reconciliation & Democracy
MODEL	Movement for Democracy in Liberia
NAC	North Atlantic Council
NUPI	Norsk Utenrikspolitisk Institut (<i>Norwegian Institute of International Affairs</i>)
OHR	Office of the High Representative
OPG	Operational Planning Group
OSCE	Organization for Security and Cooperation in Europe
PISG	Provisional Institutions of Self Government
POE	Publicly Owned Enterprise
PRT	Provincial Reconstruction Teams
RUF	Revolutionary United Front
SBS	State Border Service
SDA	Party of Democratic Action
SDP	Social Democratic Party of Bosnia and Herzegovina
SDS	Serbian Democratic Party
SECI	South-East European Cooperative Initiative
SFOR	Stabilisation Force (<i>Bosnia and Herzegovina</i>)
SGDN	Secrétariat Général de la Défense Nationale
SIPRI	Stockholm International Peace Research Institute

SOE	Socially Owned Enterprise
SRSB	Special Representative of the Secretary-General (<i>UN</i>)
TCG	Tasking & Coordinating Group
TMK	Trupat e Mbrojtjes se Kosovës (<i>Kosovo Protection Corps, KPC</i>)
TPIU	Trafficking and Prostitution Investigation Unit (<i>UNMIK</i>)
UCK	Ushtria Clirimtare e Kosovës (<i>Kosovo Liberation Army, KLA</i>)
UNDP	United Nations Development Program
UNMIK	United Nations Interim Administration Mission in Kosovo
UNMIL	United Nations Mission in Liberia
UNODC	United Nations Office on Drugs and Crime
UNSC	United Nations Security Council
WHO	World Health Organization
ZIF	Center for International Peace Operations (<i>Zentrum für Internationale Friedenseinsätze</i>)

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