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Preventing Organized Crime

The Need for a Context Sensitive, UN System-Wide Approach

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Summary

Recent years have seen important developments regarding the UN Security Council and the UN Secretariat. The Security Council, which has increasingly recognized organized crime as a serious threat to international peace and security—especially in relation to terrorism—has begun using sanctions to deal with organized crime and trafficking in Mali and Libya. Further, serious and organized crime (SOC) police units have been established in several UN field operations, including in the Central African Republic, the Democratic Republic of the Congo, and Mali. However, there is still no UN-wide policy on organized crime, and the issue has been conspicuously absent from recent strategic documents such as the Action for Peacekeeping Declaration (A4P). This Policy Brief argues that there is need for a UN system-wide approach to peace operations for preventing and addressing organized crime, and its links to terrorism. To achieve this, UN member states and the UN Secretariat should seek to consolidate and broaden its nascent law enforcement capacity-building police approach into a context sensitive, system-wide approach. Six specific recommendations for the way forward are offered.¹

¹ This report is part of a project called UN Peace Operations Programme at NUPI, financed by the Norwegian Ministry of Foreign Affairs (Agreement No 16/0426).

Introduction

Several recent studies² and Security Council decisions indicate renewed attention to the issue of transnational organized crime in countries hosting peace operations. Scholars have made clear the importance of addressing criminal agendas in conflict and post-conflict politics, primarily as drivers of state fragility; and more and more voices are arguing that peace operations must play a role in dealing with organized crime.

Important developments regarding both the UN Security Council and the UN Secretariat have taken place. Recognizing organized crime as a serious threat to international peace and security—particularly in relation to terrorism—the Security Council has begun using sanctions to deal with organized crime and trafficking in Mali and Libya. And serious and organized crime (SOC) police units have been established in several UN field operations, including in the Central African Republic, the Democratic Republic of the Congo, and Mali.

However, there is still no UN-wide policy on the issue of organized crime. It

The 2000 UN Convention against Transnational Organized Crime defines organized crime as “a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one of more serious crimes or offenses established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.”

has been conspicuously absent from recent strategic documents such as the Action for Peacekeeping Declaration (A4P), and remains “frequently overlooked or underestimated in terms of its potential impact on (re)building a sustainable, effective and legitimate state.”³

The UN system and member states remain uncertain about how peace operations should approach this complex phenomenon that lacks a precise definition and is highly context-specific. In many cases, organized crime sustains armed groups which can be spoilers to a peace process; in other contexts the main risk may be the capture of the state or local elites; in yet other contexts, it may constitute more

generic crime, “oiling the wheels” of a non-functional state system.⁴

² See Marina Caparini, *UN Police and the Challenges of Organized Crime*, April 2019, Stockholm: SIPRI; Arthur Boutellis and Stephanie Tiélys, “Peace Operations and Organised Crime: Still Foggy?” in *United Nations Peace Operations in a Changing Global Order*, Cedric de Coning and Mateja Peter (eds.), Springer Nature, October 2018; Jaÿr van der lijn, *Multilateral Peace Operations and the Challenges of Organized Crime*, February 2018, Stockholm: SIPRI.

³ Caparini, *UN Police and the Challenges of Organized Crime*, p.1.

⁴ Camino Kavanagh, “State Capture and Organized Crime or Capture of Organized Crime by the State,” Background Paper, Inter-regional Dialogue on Organized Crime and State Capture, New York University, Center on International Cooperation, 1 Mar. 2011.

Indeed, organized crime is a challenge that extends far beyond the lifetime of a peace operation, and, given its transnational nature, also falls outside of the geographical scope of a peace operation. In this Policy Brief, however, we argue that failing to address the problem from the outset risks undermining stability in the short term and undermining governance and sustainable development in the medium term, if it succeeds in penetrating the very state institutions and communities the UN seeks to support.⁵ Thus, member states and the UN Secretariat should seek to consolidate and broaden the still-nascent law enforcement capacity-building police approach into a UN system-wide approach to peace operations aimed at preventing and addressing organized crime—and its links to terrorism.

Due to the context-specific nature of organized crime, and the limited presence of any given peace operation, the main role for actors such as the UN and its member states should be threefold: to strengthen the national rule of law system to deal with organized crime; to encourage a multidisciplinary approach to dealing with organized crime; and to facilitate and help pave the way for domestic public debate on related issues—including corruption, inclusive development, and the rule of law, where civil society, the media, and research can be active participants as well as constructive critics of the government.⁶

⁵ Arthur Boutellis and Stephanie Tiélès, “Peace Operations and Organised Crime: Still Foggy?” in *United Nations Peace Operations in a Changing Global Order*, Cedric de Coning and Mateja Peter (eds.), Springer Nature, October 2018.

⁶ F. Strazzari, 2015. ‘Organized Crime’, in *United Nations Peace Operations, Aligning Principles and Practice*, Mateja Peter (ed.), NUPI Report 2. Oslo: NUPI.

Increased recognition

The year 2010 marked a turning point in international recognition of the issue of organized crime in contexts where peace operations are deployed. The Security Council noted the “serious threats” posed by drug trafficking and transnational organized crime and the financing of terrorism to “the security of countries on its agenda,” and invited the Secretary-General “to consider these threats as a factor in conflict prevention strategies, conflict analysis, integrated missions’ assessment and planning and to consider including in his reports, as appropriate, analysis on the role played by these threats in situations on its agenda.”⁷

This was the basis for the establishment, one year later, of an internal UN System Task Force on Transnational Organized Crime and Drug Trafficking, co-led by the UN Office on Drugs and Crime (UNODC) and the UN’s Department of Political Affairs (DPA) to develop an effective and comprehensive approach to the challenge of transnational organized crime and drug trafficking. However, no UN-wide policy guidance on the issue has ever been produced.⁸

The Council has also itself been hesitant to give specific mandates in relation to organized crime. Three-quarters of current UN peace operations are operating in environments considered significantly affected by organized crime—ranging from small political missions in Afghanistan, Colombia, Guinea Bissau, Libya, and Somalia, to large multidimensional peacekeeping operations in the Central African Republic (CAR), the Democratic Republic of Congo (DRC), and Mali—less than half have explicit mandates related to organized crime. Even those that do are still not well-prepared to face this threat in terms of policy, doctrine, strategic/ operational guidance, and capacities.⁹

This hesitation on the part of both the Council and the UN Secretariat may be due to diverging member-state views (some wary of encroachment on sovereignty), notably when it comes to actively combating organized crime.¹⁰

⁷ UN 2010. Statement by the President of the Security Council. S/PRST/2010/4. New York: United Nations.

⁸ In 2013 the Secretary-General’s Policy Committee requested the Task Force (in Decision 2013/3) to “produce a guidance note on how to include issues related to drug trafficking and organized crime in conflict analysis and integrated assessment processes” but such guidance was apparently never produced.

⁹ Walter Kemp, Mark Shaw, and Arthur Boutellis. 2013. *The Elephant in the Room: How Can Peace Operations Deal with Organized Crime?* New York: International Peace Institute.

¹⁰ van der lijn (2018), p 9.

However, there is also genuine uncertainty as to how peace operations should approach this very complex and context-specific issue.

Organized crime and peace operations mandates

The lack of clear mandates has restricted the ability of UN operations to focus and devote resources to analyzing and starting to address organized crime beyond limited capacity-building efforts, and in turn to report back to the Council on progress made. That said, the lack of specific reference to organized crime in mandates did not stop some missions from being proactive on the issue, including in Kosovo (UNMIK) and Timor-Leste (UNTAET)—albeit under unique “executive” mandates—or Haiti (MINUSTAH) during anti-gang operations.¹¹ Conversely, despite having a specific crime-fighting mandate, the mission in Guinea Bissau (UNIOGBIS) has had little success in implementing it, due in part to the lack of political will from successive host governments. With Kosovo, other reported reasons for the lack of success of international assistance to combating organized crime include the weakness of the link between prosecutors and the police, problematic coordination between relevant ministries, difficulties in getting reliable data from border and custom controls, ineffective witness protection, and counter-productive initiatives by international actors.¹²

According to a 2016 study that examined ten peace operations and stability operations since the mid-1990s, it took on average almost five years before a mission was authorized and allocated means for dealing with “criminalized power structures.”¹³ This was the case for the UN peace operation in Mali (MINUSMA), where the Council had foreseen “serious threats posed by transnational organized crime in the Sahel region, and its increasing links, in some cases, with terrorism” already in 2013,¹⁴ but had waited until 2018 to request MINUSMA “to enhance its awareness of the financial sources of conflicts in Mali, including trafficking in persons, arms, drugs and natural resources, and the smuggling of migrants, and of its implication on the regional security environment, in order to contribute to the definition of integrated and effective strategies in support of long-term peace and stability

¹¹ Kemp, Shaw and Boutellis, *The Elephant in the Room; How Can Peace Operations Deal with Organized Crime?*

¹² Francesco Strazzari and Fabrizio Cotichia. 2012. “High stakes, low strategies: the European Union and the fight against transnational organized crime in state-building missions,” *Interdisciplinary Political Studies*, vol. 2, no. 1, pp. 8–22.

¹³ Michael Dziedzic, “Introduction,” *Criminalized Power Structures: The Overlooked Enemies of Peace*, Michael Dziedzic (ed.), (Lanham, MD: Rowman & Littlefield, 2016), pp. 10–11.

¹⁴ Resolution 2100 (2013).

in Mali and the region.”¹⁵ Although still a relatively unambitious mandate as to organized crime, it has the merit of bringing the issue to the strategic level.

The situation is similar for the UN peace operation in the Democratic Republic of the Congo (MONUSCO), where the UN’s role is limited to “collecting and analyzing information on the criminal networks which support the armed groups.”¹⁶ The mandate of the UN operation in the Central African Republic (MINUSCA) is probably one of the most extensive in addressing organized crime, However, it is restricted to the illicit exploitation and trafficking of natural resources, “to continue to support the CAR Authorities to develop and finalize a nationally owned strategy to tackle the illicit exploitation and trafficking networks of natural resources which continue to fund and supply armed groups in the CAR taking into account, where appropriate, the reports of the Panel of Experts.”¹⁷

¹⁵ Resolution 2423 (2018) operational paragraph 31.

¹⁶ Resolution 2293 (2016).

¹⁷ Resolution 2387 (2017), para. 43 (f).

New use of sanctions and panel of experts

Rather than mandating peace operations directly, the Council has tended to delegate dealing with organized crime to little-resourced but regionally-focused panel of experts mandated to monitor a sanctions regime. However, it is indeed positive that the Security Council has begun to use sanctions to deal with organized crime and trafficking in places where peace operations are deployed on the ground, notably Libya and Mali.

In December 2018, the Security Council listed the first three individuals identified under the newly established Mali sanctions regime pursuant to Resolution 2374 (2017), two of them explicitly because of alleged implication in drug, oil and human trafficking. Further listings were issued in July 2019.¹⁸ The reports of UN experts also clearly state that organized crime has been a driver of insecurity that threatens implementation of the Malian peace agreement and undermines the work of the UN mission.¹⁹

Similarly, in Libya, the Security Council placed individuals on a sanctions list for human trafficking for the first time in June 2018²⁰—although the Libya UN sanction regime had existed since 2011—at a time the involvement of Libyan militias in criminal activities was increasingly denounced.²¹

¹⁸ <https://www.un.org/press/en/2018/sc13638.doc.htm> & <https://www.un.org/press/en/2019/sc13878.doc.htm>

¹⁹ <https://undocs.org/S/2018/581>

²⁰ https://www.swp-berlin.org/fileadmin/contents/products/comments/2018C38_vrr.pdf

²¹ <http://www.smallarmssurvey.org/fileadmin/docs/T-Briefing-Papers/SAS-SANA-BP-Tripoli-armed-groups.pdf>

UN police de facto lead

In the midst of this absence of UN-wide policy and lack of specific mandates and strategic guidance from the Council for peace operations on organized crime, the UN Police Division of the then Department of Peacekeeping Operation (now Department of Peace Operations—DPO), has taken the lead in promoting a law enforcement capacity-building approach compatible with a peacekeeping doctrine that emphasizes the consent of the host country. Since 2012, the UNDP together with the DPO (then DPKO) work together in Global Focal Point on Police, Justice and Corrections (GFP).²² Other key partners are the UN High Commissioner for Refugees, the UNODC, the UN Office of the High Commissioner for Human Rights, and the UN Women. The chief aim is better delivery as “one UN” in the field, avoiding a “silo mentality” and duplication. For thematic areas such as organized crime, the GFP is intended to promote a more holistic approach. In Mali for instance, GFP partners have jointly implemented the operationalization of a national specialized unit on terrorism and organized crime, the appointment of prosecutors and investigative judges, the nomination of special investigation officers, as well as specialized training in these areas.

As noted in the UN Police policy document of February 2014, “addressing organized crime...is an important entry point for engaging with national authorities to take action.” Suggested activities include to “support the planning and implementation of host State and regional operational and analytical capacity-building activities” in partnership with UNODC, the United Nations Development Program (UNDP), INTERPOL and other relevant actors, as well as “anti-corruption initiatives; assessments and engagement with the public [...] and [to] strengthen the capacity of the criminal justice system.”²³

The Security Council endorsed this approach in November 2014 when “highlighting the important role that United Nations Police Components can play in building the capacity of host-State policing and other law enforcement institutions, as mandated, to address organized crime, particularly through support in the areas of border, immigration and maritime security and crime prevention, response and investigation.” Further, it encouraged information sharing across the UN system “within existing mandates and resources, when considering means to address, in a comprehensive and integrated manner,

²² Paige Arthur, Christian Ahlund, Maaiken de Lange and Kari M. Osland, 2018. *Review of the Global Focal Point for Police, Justice and Security 2018*. New York: CIC, New York University.

²³ <https://police.un.org/en/policy-united-nations-police-peacekeeping-operations-and-special-political-missions-2014>

transnational organized crime, terrorism and violent extremism which can be conducive to terrorism.”²⁴

A key milestone came in 2015, with the establishment of the five-member Serious and Organized Crime (SOC) Team within the Police Division of the Department of Peacekeeping Operations, to support police components in field missions with strategic advice and expertise.²⁵ While some peace operations have established their own dedicated SOC units—as in the CAR, the DRC, and Mali—all peace operations are in theory involved through a network of SOC Focal Points in missions, with monthly video teleconferences and information sharing. The focus remains on capacity-building, but the UN Police has at times provided operational support—including in criminal intelligence and forensic analysis—notably in Mali.

²⁴ Security Council Resolution 2185 (2014).

²⁵ See <https://police.un.org/en/serious-and-organized-crime>

Recurring challenges

Besides the lack of strategic guidance, peace operations face many risks and inherent limitations in dealing with organized crime. Organized crime often has local, national and transnational dimensions, it may assume different shapes and forms from one place to another, and adapt to changing realities. Domestically, criminals are often not seen as such by their communities. For years, the way Nigerien leaders have managed illicit commerce in the north through tacit understandings with those involved, has been an important means of strengthening weak economies, incorporating ex-rebels in government and limiting trafficking-related bloodshed.²⁶ This serves as an example of the importance of understanding the local conflict dynamics and the political economy.

Further, in many post-conflict countries, the police are not paid, and must rely on corrupt practices and criminal activities in order to ensure salaries. As such, the police are both part of the problem and the solution. UN peace operations are deployed within the geographical boundaries of a country (with the notable exception of regional offices),²⁷ with one-year long mandate (renewed annually), and for a finite period of time. As regards combatting organized crime, these circumstances limit their ability to adapt and adopt effective longer-term strategies—which in many cases would require the transformation of embedded economic and power structures.

The complex nature of organized crime, coupled with its context specificity, makes it hard to deal with by means of law and order alone – a multidisciplinary, context sensitive approach is needed. Analytical capacities have been greatly enhanced by the creation of the SOC units within some UN missions, but these remain narrowly focused on police work; and the resources and expertise available to peacekeepers in terms of criminal intelligence and political economy analysis remain few. Also, although capacity-building for host-state police services has been a good entry point, what is still “missing from the mandates is support to address organized crime through the entire chain of justice—most critically, the prosecution of individuals accused of

²⁶ International Crisis Group (ICG), 2020. *Managing Trafficking in Northern Niger*. Africa Report No 285, See <https://www.crisisgroup.org/africa/sahel/niger/285-managing-trafficking-northern-niger>

²⁷ The West Africa Coastal Initiative (WACI) has to date been the only UN attempt at a regional approach which combines a political element—encouraging political will to deal with the issue among regional heads of state—and an operational element, consisting of building units to combat transnational organized crime in Sierra Leone, Liberia, Côte d’Ivoire, Guinea-Bissau and Guinea.

involvement in organized crime in independent and impartial courts of law.”²⁸

A related issue in terms of impact is that peace operations have not been mandated to “address the nexus between organized crime and national political or power dynamics, which increasingly constitute the driving force behind instability in various regions.”²⁹ In many cases, the host government may not consent to a more intrusive UN mandate, which could lead to uncovering embarrassing links—support, penetration, or co-optation—to armed groups as well as the government itself. Corruption and the lack of political will at the highest levels of the state to deal with organized crime is often the biggest challenge.

Another challenge for troop- and police-contributing countries (TCCs/PCCs) is the safety and security of the personnel in UN peace operations. This has featured prominently in recent UN policy debates, including the 2017 Cruz Report³⁰ and the 2018 Action for Peacekeeping (A4P).³¹ In most cases, organized crime and trafficking do not represent direct threats to peacekeepers, until peacekeepers get involved,³² or attempt to expose, contain, or disrupt such illegal activities—even if in support of the host state.

A final important challenge is the lack of resources and inadequate operational model to enable the police to deal with these issues. The steady increase in tasks to be performed by the police has not been accompanied by a change in the UNPOL operating model—resulting in a sizeable expectation/implementation gap. This led the 2016 External Police Division Review to call for a paradigm shift in UNPOL’s operating model, to improve the possibilities of achieving results.³³

²⁸ Caparini, *UN Police and the Challenges of Organized Crime*, p. 17.

²⁹ https://cic.nyu.edu/sites/default/files/political_missions_2011_thematic_kavanagh_cockayne.pdf

³⁰ https://peacekeeping.un.org/sites/default/files/improving_security_of_united_nations_peacekeepers_report.pdf

³¹ <https://peacekeeping.un.org/sites/default/files/a4p-declaration-en.pdf>

³² https://www.transparency.org/news/feature/un_peacekeeping_missions_must_tackle_corruption

³³ United Nations. 2016. *External Review of the Functions, Structure and Capacity of the UN Police Division*, May 31. New York: United Nations. See also Kari M. Osland, 2019: “UN Policing – the Security-Trust Challenge,” in *United Nations Peace Operations in a Changing Global Order*, in Cedric de Coning and Mateja Peter (eds). London: Palgrave.

Conclusions and policy recommendations

Looking ahead, the challenge will be for the UN to work on consolidating and broadening its nascent law enforcement capacity-building police approach into a context sensitive, UN system-wide approach to peace operations preventing and addressing organized crime—and its links to terrorism. The authors of this Policy Brief hold that, in the future, UN peace operations should be both more ambitious and more realistic about their approach to organized crime guided by the following six recommendations:

1. Achieve greater coherence between sanctions and peace operations

While the use of sanctions by the Security Council in attempting to deal with organized crime and trafficking is a positive step, such sanctions could be better tailored to address crime–politics connections and cross-border issues, also through greater coherence with the mandates and political strategies of peace operations on the ground. Renewed cooperation between peace operations on the ground and Panel of Experts monitoring sanctions regimes on issues of organized crime and trafficking is positive and should be further encouraged.

2. Reinforce and broaden UN police efforts and synergies

That UN peace operations have managed to maintain some focus on organized crime despite the many challenges highlighted above is in large part thanks to the UN Police. The work of the UN Police Serious and Organized Crime (SOC) Team and of SOC units in peace operations should be reinforced and broadened by recruiting specialized teams of law-enforcement practitioners covering a wide range of police techniques against illegal activities. In addition to partnerships with UNODC and INTERPOL, and through the GFP, the UN police should aim for greater synergies with other partners with related capacities on the ground, notably the European Union and its Common Security and Defense Policy (CSDP) missions.

3. Strengthen multidimensional mission analysis and understanding

UN peace operations as a whole need to develop a better multidisciplinary understanding of the issue of organized crime and its various impacts – political, security, economic, social –based on better information collection and analysis capacities³⁴ on organized crime,³⁵ and factor it in their work (whether political, mediation, human rights, justice, DDR, etc.). The Joint Mission Analysis Center (JMAC), which combines civilian, police and military personnel, seems well placed to centralize such information, link up with regional UN offices, UNODC, INTERPOL and panel of experts—including on cross-border issues, notably small arms and human trafficking—as well as non-governmental actors.³⁶ Missions should produce forward-looking analysis on preventing or countering organized crime through strategic as well as operational responses, depending on the threat posed to mandate implementation and careful consideration of opportunities and risks.

4. Do more at the local level, with women and youth

Beyond state-centric capacity-building approaches, the UN also needs to do more at the local level to mitigate the factors that serve to promote organized crime and trafficking, and to build resistance among local communities, particularly when the state is absent. This requires a better understanding of local political economies, in order to identify the “causal vulnerabilities” that generate influence for organized crime.³⁷ It also requires people-centered strategies to strengthen local actors—including alternative livelihoods for unemployed youth, strategic communications to disrupt and degrade criminal legitimacy, and gender-smart approaches, which can also in some cases help in undermining criminal practices.³⁸

³⁴ In April 2017, the DPKO issued a Peacekeeping Intelligence Policy aimed at addressing some of these systemic challenges. It is currently envisaging creating Criminal Intelligence Unit (CIU) composed of specialized intelligence police officers within missions.

³⁵ Assessment tools already exist, including the *UNODC SOCTA Handbook*. http://www.unodc.org/res/cld/bibliography/guidance-on-the-preparation-and-use-of-serious-and-organized-crime-threat-assessments_html/SOCTA_Handbook.pdf and the IPI *Spotting the Spoilers: A Guide to Analyzing Organized Crime in Fragile States* <https://www.ipinst.org/2012/03/spotting-the-spoilers-a-guide-to-analyzing-organized-crime>

³⁶ UN operations, during the relatively short time they are deployed, could benefit from closer collaboration with NGOs and networks of experts such as the *Global Initiative Against Transnational Organized Crime*.

³⁷ Eric Scheye, *Organised Crime in Stabilisation Contexts*, UK Stabilisation Unit, London, 2015, pp. 3-7.

³⁸ Louise Bosetti, James Cockayne, and John de Boer. 2016. *Crime-Proofing Conflict Prevention, Management, and Peacebuilding: A Review of Emerging Good Practice*. Occasional Paper 6, United Nations University Centre for Policy Research, Tokyo.

5. Adapt traditional Peace Operations tools

Given how organized crime affects stability in the short term and the prospects of durable peace in the medium term, the UN will need to adopt crime-sensitive approaches and adapt some of its “traditional” tools to better factor in these dimensions in conflict resolution and peacebuilding. For instance, mediation might deal better with criminal agendas and armed groups involved in illicit activities, with the possibility of negotiated exits from criminal activities for certain powerful leaders, but also local mediation initiatives aimed at reducing crime-related violence.³⁹ It is increasingly realized that sequenced transitional strategies whereby organized crime groups are gradually inserted into the legitimate system are often the best solution.⁴⁰ DDR and Community Violence Reduction (CVR) programs could also be innovatively used to provide short-term alternatives to illicit economies.

6. Manage risks—do not become part of the problem

And finally, peace operations need to step up their risk management by making dedicated mission risk-management units standard⁴¹ and with due-diligence mechanisms. Otherwise, there is the risk that, when deployed in environments significantly affected by organized crime, they themselves may contribute to bolstering the criminal economy (as through construction and logistics contracts and subcontracts)—in addition to criminal groups often benefiting from the minimum stability that peace operations may bring. Similarly, capacity-building approaches should be accompanied by in-depth risk analysis to ensure that mission efforts are not in vain—or even unwittingly contribute to strengthening corrupt and/or abusive state institutions—always bearing in mind that peace operations are themselves not immune to corruption.

³⁹ See <https://cpr.unu.edu/going-straight-criminal-spoilers-gang-truces-and-negotiated-transitions-to-lawful-order.html>

⁴⁰ Cockayne and Lupel, ‘Introduction: Rethinking the relationship between peace operation and organized crime’ (Boutellis and Tiélès, *Peace Operations and Organized Crime: Still Foggy?*); and Cockayne and Lupel, ‘Conclusion: From iron fist to invisible hand—peace operations, organized crime and intelligent international law enforcement’ (ibid), pp. 155–60.

⁴¹ See <https://www.ipinst.org/wp-content/uploads/2019/07/1907-Inside-the-Engine-Room.pdf>



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