



# Counternetwork

Countering the Expansion of  
Transnational Criminal Networks

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*This work is dedicated to the memory of  
our friend and colleague*

*Angel Rabasa  
(1948-2016)*



## Preface

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The expansion of transnational criminal networks (TCNs) involved in the trafficking of drugs, arms, persons, and illicit goods is one of the most serious threats to U.S. security interests in the Western Hemisphere and a major challenge in other critical regions of the world. These networks have taken advantage of advances in communications and transportation to expand their global reach—and in some cases, have converged with terrorist groups and other illicit actors. Beyond the threat associated with trafficking itself, these transnational criminal alliances pose new security threats to the United States and its friends and allies. Increasingly, there is a convergence of criminal and terrorist groups that leverage the clandestine pipelines established by TCNs to move operatives and materials and expand their operations.

The activities of TCNs are also major drivers of the destabilization or criminalization of weak states where these networks operate. In the northern tier of Central American countries, and in parts of Mexico, West Africa, and the Sahel, criminal groups and gangs have established alternative power centers that have displaced or co-opted state institutions such as the police, the judiciary, and local governments.

This report analyzes two transnational criminal pipelines originating in South America: one from the Andean region through Central America and Mexico to the United States, and the other from South America across the Atlantic to West Africa and the Sahel, and then to Europe. The research is organized around four tasks:

1. Identify operational characteristics of TCNs and strategic alliances among criminal groups and other actors along the key nodes of clandestine smuggling routes.
2. Examine how transnational criminal networks threaten U.S. interests.
3. Describe and analyze U.S. government policies and programs to combat these networks.
4. Identify potential U.S. Army roles consistent with U.S. policy to combat TCNs.

The emphasis will be on recommendations for proactive, rather than reactive, approaches that will provide the U.S. Army with conceptual tools to improve U.S. and regional governments' ability to prevent or mitigate the effects of TCN activities. This report should be of interest to the U.S. Army and, more broadly, the Department of Defense, interagency task forces charged with counternarcotics or counterterrorism missions, other U.S. government agencies with national and international security responsibilities, academics and researchers in the field of nontraditional security threats, and international audiences.

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## Summary

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In July 2011, President Barack Obama promulgated the Strategy to Combat Transnational Organized Crime. In the letter presenting the strategy, President Obama stated that the expanding size, scope, and influence of transnational organized crime and its impact on U.S. and international security and governance represent one of the most significant challenges of the 21st century. The President noted that criminal networks were not only expanding their operations but also diversifying their activities, resulting in a convergence of transnational threats that has evolved to become more complex, volatile, and destabilizing.<sup>1</sup> These networks, Obama stated, also threaten U.S. interests by forging alliances with corrupt elements of national governments and using the power and influence of those governments to further their criminal activities.<sup>2</sup>

This report will show that transnational criminal networks (TCNs) are a critical destabilizing factor in the global security environment and an emerging threat to U.S. national interests. To effectively address these complex and adaptive threats, U.S. whole-of-government

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<sup>1</sup> Some authors argue that the issue of convergence is overblown and that when it does take place, it is due to short-term convenience rather than strategic partnerships. An Organisation for Economic Co-operation and Development publication discusses the debate in the literature concerning whether a significant degree of convergence is actually occurring. See Colin P. Clarke, “The Global Illicit Trade in Illegal Narcotics,” in David Luna, ed., *Illicit Trade: Converging Criminal Networks*, Paris: Organisation for Economic Co-operation and Development, OECD Reviews of Risk Management Policies, 2015.

<sup>2</sup> “Strategy to Combat Transnational Organized Crime: Letter from the President,” letter to National Security Council, Washington, D.C., July 19, 2011b.

as well as international comprehensive approaches will be required. This report will also argue that combating transnational criminal organizations is a legitimate and important role for the U.S. Army, one in which its current efforts could be significantly expanded.

The expansion of TCNs is a manifestation of what some authors label “deviant globalization.” This is that portion of the global economy that meets the demand for illegal goods and services in consumer countries by developing a supply chain from producer countries. These criminal organizations take root in supply areas and transportation nodes while usurping the host nations’ basic functioning capacities. Over time, the illicit economy grows and nonstate actors provide an increasing range of social goods and fill the security and political vacuum that emerges from the gradual erosion of state power, legitimacy, and capacity.

This leads to the emergence of security challenges that are some of the key themes of this study: the destabilization of states that are relevant to U.S. national security, the growth of areas outside of the control of central governments that become havens for criminal and terrorist groups, and the convergence of transnational organized crime and terrorism into more-dangerous hybrid threats.

The analysis focuses on two major illicit supply chains: from the Andean region of South America to the United States through Central America and Mexico, and from the Andean region to Europe through West Africa and the Sahel. The importance of Central America and Mexico to the United States derives from geographic proximity, deep social and cultural ties, and growing economic integration, particularly in labor markets. The effects of destabilization in the region, therefore, can quickly be transmitted to the United States—for instance, in shifts in migration trends. In West Africa, the transnational drug trade has had a profound impact, driving deep institutionalized corruption and effectively turning some countries into criminalized states. Profits from criminal activity have also empowered violent extremist groups, allowing them to operate on a higher, more lethal level.

In contrast with Central America and West Africa, where the relationship between criminal organizations and the state is largely characterized by state capture or co-option, and where the relationship among

criminal groups reflects a division of labor, the primary dynamic in Mexico between the drug cartels and the state, and among the cartels themselves, has been armed confrontation. Drug trafficking–induced violence in Mexico has reached a level that some might say amounts to a criminal insurgency (although the term is controversial). In Central America, with more money than they can spend, launder, or invest, TCNs now exercise unprecedented formal and informal power. The Northern Triangle of Central American countries—Guatemala, Honduras, and El Salvador—exhibit characteristics of failing states.

Disrupting transnational criminal networks requires identifying the critical nodes in the organizations and determining where counter-TCN operations can achieve the greatest effect. It is, therefore, important to understand the structure and operations of TCNs. These, however, are not well understood. Accordingly, we have developed a TCN business model. These criminal networks are much like legitimate organizations in that they are driven by market forces and aim to make profits. To do so, they might consolidate markets when possible, diversify, and safeguard their supply chains. They face one challenge that legitimate organizations do not face, which is that they are operating illegally. As a result, they do not have legal protections for such things as contracts, and they are at risk of being imprisoned or killed by police or military personnel in organized efforts to stop them.

TCNs mold their organizational structures in response to two related issues: supply chain links and transaction costs. The links are the connections between specific tasks. Networks can bridge those links on their own or by contracting out. Their choice will depend on the transaction cost. If it is cheaper to bridge the link on their own, they will keep that function internal to the organization. If not, they will use an external operator who might be part of their broader network or might be an independent operator dealing with several organizations. The organizational realities of TCNs also point to their vulnerabilities. First, they are most vulnerable at links in their supply chains. Second, raising transaction costs can cause them to adopt suboptimal organization schemes, putting the organization at risk.

The linkages among criminal, terrorist, and insurgent groups pose a critical aspect of the larger issue of countering international terrorism.

In numerous cases, terrorists or insurgent groups develop opportunistic alliances with criminal networks. This convergence may be facilitated by similar logistical and operational requirements, synergies produced by sharing a common infrastructure (e.g., runways, logistical corridors, safe havens, financial and money laundering networks, and a common interest in weakening or evading government action). Even where this convergence of terrorism or insurgency and crime has not occurred, there seems to be a feedback mechanism: In the areas where they establish a foothold, the activities of criminal groups displace state and government institutions, which are usually weak to begin with. This, in turn, creates greater social disorder that can be exploited by terrorists and insurgents.

## Conclusions and Recommendations

### For the U.S. Government and the U.S. Department of Defense

- **Challenge the conventional thinking.** To effectively address the emergent threat of hybrid illicit actors that combine aspects of criminal organizations, terrorist groups, and insurgencies, a reconsideration of the way in which we classify and address non-traditional security threats may be in order. Instead of defining these threats in traditional categories such as “terrorists,” “insurgents,” or “criminal organizations,” they could be defined as networks that pose crosscutting threats to U.S. security interests. This would make it possible to prioritize the level of threat that they pose and the tools and resources that should be deployed against them. This approach could enable us to break down some of the barriers among counterterrorism, conternarcotics, and counter-networks that currently impede more-effective U.S. action and thus make possible a more streamlined approach to nontraditional security threats.
- **Bring authorities and policy guidance in line with the strategy to combat transnational organized crime.** It takes time for authorities and laws to “play catch up” with emerging trends. Countering Transnational Organized Crime (CTOC) is a relatively new mission for the U.S. Department of Defense (DoD).

For instance, the term CTOC first appears in legislation in the National Defense Authorization Act (NDAA) for fiscal year (FY) 2015.<sup>3</sup> To facilitate the execution of the CTOC mission by the appropriate agencies, there is a need for Congress to amend the relevant parts of existing legislation to make it consistent with the FY 2015 NDAA. Some statutes are outdated as written; for instance, U.S. Code, Title 10, Section 124 addresses detection and monitoring of aerial and maritime transit of illegal drugs; the scope of the statute could be expanded by including the land as well as the air and maritime domains.<sup>4</sup> For the time being, the agencies engaged in CTOC can leverage each other's authorities and competencies to execute a whole-of-government approach to CTOC—the only approach that can realistically work in responding to the crosscutting challenges posed by networked threats.

- **Improve interagency coordination.** A major structural obstacle to waging an effective counternetwork campaign is the lack of unified effort and command. Unlike in the counterterrorism area, where extensive interagency coordinating mechanisms were created after the terrorist attacks of September 11, 2001, a mechanism for addressing the threat of TCNs is only now in the process of being developed. The 9/11 attacks generated a sense of urgency and incentives to coordinate efforts against the threat of international terrorism, but no similar consensus has developed on the importance of countering TCNs. The agencies with the most-relevant capabilities for attacking illicit networks have other missions and are reluctant to focus their resources on taking down these networks.

One way of making the CTOC structure work might be for the White House to give the National Security Council responsi-

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<sup>3</sup> Public Law 113-291, Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015, Section 1012, Extension and Modification of Authority of Department of Defense to Provide Support for Counterdrug Activities of Other Governmental Agencies, December 19, 2014.

<sup>4</sup> U.S. Code, Title 10, Armed Forces, Subtitle A, General Military Law, Part I, Organization and General Military Powers, Chapter 3, General Powers and Functions, Section 124, Detection and Monitoring of Aerial and Maritime Transit of Illegal Drugs.

bility for coordinating the activities of the departments and agencies involved in the campaign against TCNs. Alternatively, an arrangement could be set up similar to that of the Treasury-led Committee on Foreign Investment in the United States (an inter-agency committee authorized to review transactions that could result in a U.S. business being controlled by a foreign person or entity), with a Cabinet department taking the lead. Caution should be taken to foster unity of command and effort and to avoid creating an additional stovepipe.

- **Define DoD roles in CTOC.** The Office of the Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats is in the process of updating DoD's Counternarcotics and Global Threats Strategy. The new strategy could have an impact on energizing efforts within DoD to counter TCNs if accompanied by adequate allocations of resources.
- **Support counter-transnational network strategies and programs with adequate dedicated budgetary allocations.** The FY 2015 NDAA widened counternarcotics enforcement support to include countering transnational criminal organizations, but no additional funds were appropriated for this mission.<sup>5</sup> In a period of sequestration and budgetary austerity, it may be difficult to secure a level of funding adequate to the task of seriously degrading TCNs. As discussed, adequately resourcing the CTOC mission will require redefining national security priorities.
- **Develop joint doctrine for CTOC.** The existing guidance for joint task force commanders and staffs is a 2011 U.S. Joint Forces Command publication,<sup>6</sup> but there is no approved joint doctrine for CTOC or counternetworking more broadly defined. Given the rising profile of CTOC as a U.S. government and military priority, this guidance should be updated and supplemented with a doctrinal document.

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<sup>5</sup> Public Law 113–291, 2014.

<sup>6</sup> U.S. Joint Forces Command, *Commander's Handbook for Attack the Network*, Suffolk, Va.: Joint Warfighting Center Joint Doctrine Support Division, May 20, 2011.

- **Address deep corruption and criminalized states.** Criminalized states are hubs of transnational criminal activity. Deep, multilayered corruption vitiates efforts by the United States to engage partner nations constructively in efforts against TCNs, strengthen governance in weak states, and promote regional stability. The United States has tried to work around the problem of corruption in a partner country's security agencies by working with vetted units within larger organizations. However, there are severe limitations to what can be achieved by working with these units, even if they could be kept corruption-free, if they operate in an environment of deeply entrenched corruption.

The experience of some countries formerly considered criminalized states, such as Equatorial Guinea, is that the removal of leadership compromised in criminal activity can have a salutary effect. This suggests that in countries where drug trafficking-related corruption is endemic, the most promising avenue to reduce corruption to a level that might permit the United States to work with these countries' governments and militaries may be to sanction and isolate the high-level political and military elites involved in drug trafficking and target them with law enforcement tools. At a minimum, the United States should exercise caution to ensure that any political or military engagement with these countries does not help legitimize deeply corrupt regimes or prolong their grasp on power.

### **For the U.S. Army**

There is a great deal that the Army is doing already in the domains of engagement with partner militaries, and support for counterterrorism and counternarcotics that contribute indirectly to the CTOC mission. Army personnel currently:

- coordinate and employ DoD support to domestic and foreign law enforcement agencies
- analyze transnational threats
- conduct unmanned aircraft system (UAS) reconnaissance

- provide mobility support to law enforcement agencies and partner nation military forces
- build partner nation capacity and conduct other related security cooperation activities (counterdrug training, military intelligence training, participation in multinational exercises)
- conduct intelligence preparation of the operating environment, including collaborative threat assessments, geospatial intelligence support, modified threat vulnerability assessments, and threat link analysis products
- conduct security force assistance operations to build border control and border security and intelligence capabilities of selected partner nation army units.

Beyond these activities, the Army has competencies and capabilities that can advance the U.S. government's CTOC objectives without significantly drawing resources from its core missions. CTOC-specific activities would constitute a valuable expansion of the Army's current efforts to build partner capacity, perform network analysis, and support detection and monitoring, as well as provide training opportunities for Army personnel. Should it choose to do so, the Army could:<sup>7</sup>

- **Help develop interagency and multinational strategies to more effectively counter TCNs and assist with planning to implement those strategies.** The Army Vision states that one of the unique roles of the Army is its ability to integrate operations: "Army commanders and staffs expertly synchronize all instruments of national power to affect and sustain strategic outcomes."<sup>8</sup>
- **Consider increasing the efforts of senior Army leaders to encourage a greater number of units to take advantage of training opportunities with joint interagency task forces engaged in CTOC missions.**

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<sup>7</sup> Some of these initiatives may require combatant command direction and/or congressional authorization or appropriation, in which case the Army should support such changes.

<sup>8</sup> U.S. Army, *Army Vision: Strategic Advantage in a Complex World*, Washington, D.C., undated, p. 3.

- **Facilitate the use of Regionally Aligned Forces in CTOC or CTOC-related missions.** Regionally Aligned Force units can rotate in and out of a country and conduct training for partner nation militaries. These are typically reservists from the Army National Guard but sometimes include U.S. Army Reserve personnel placed on active duty. Pay and most allowances are funded by a Guard account, but Army Service Component Commands (ASCCs) typically fund the travel, lodging, and subsistence costs. These costs can be substantial and could be reduced if Regionally Aligned Force soldiers were mobilized under Section 12304b.
- **Consider developing an Army Doctrinal Reference Publication for CTOC.** As discussed, there is no approved joint doctrine on CTOC or even on countering networks more broadly. The Army could make a significant contribution by taking the lead in developing CTOC doctrine.
- **Add CTOC to the Chief of Staff Army Strategic Studies Group research agenda, make it a priority for solution development by the Asymmetric Warfare Group, and add it to the U.S. Army War College's Key Strategic Issues List.**
- **Advocate CTOC activities conducted by the ASCCs to be expanded from counterdrug operations to the full range of CTOC activities that address critical threats to U.S. national security.**
- **Increase support to network analysis efforts within each of the ASCCs.**
- **Increase signals intelligence and cyber support to each of the ASCCs.**
- **Assist partner countries with intelligence collection and coordination.** The Army could help by advocating foreign military sales of UASs to partner militaries for CTOC purposes, including the training of partner military units to use them. The Army could also help partner countries establish the capability to develop integrated intelligence assessments to support CTOC operations.
- **Increase support to ASCCs to improve rapid mobility of partner country militaries.** The Army can help to remedy mobility deficiencies on the part of partner country militaries by providing

engineering support and assisting in developing rotary-wing capabilities and training personnel, as has been done in Colombia.

- **Provide an unclassified version of Blue Force Tracker to partner militaries, as appropriate.** The Blue Force Tracker, a GPS-enabled system that provides military commanders with location information about friendly and hostile forces, would significantly improve situational awareness in countries where the system is deployed.
- **Work with partner nations and militaries to help them strengthen border control.** By assisting with border control, the Army can help impede the activities of not only TCNs, but also terrorist, insurgent, and other violent illicit actors. The Army has valuable experience in supporting partner nation task forces entrusted with a border control mission. This experience can be exported to other countries and regions.
- **Partner with gendarmerie organizations.** Many countries in Latin America and Africa have gendarmerie-type organizations that combine police functions with paramilitary capabilities and are able to engage in high-end conflict with insurgent forces, terrorists, or heavily armed criminal groups. Since gendarmeries are generally under a nation's ministry of defense, legislative and policy constraints on U.S. military support for police forces do not apply. This makes gendarmeries a suitable partner for the U.S. Army in hybrid conflict environments.

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## Abbreviations

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|            |                                                                                  |
|------------|----------------------------------------------------------------------------------|
| AFRICOM    | U.S. Africa Command                                                              |
| AQIM       | al-Qaeda in the Islamic Maghreb                                                  |
| ARENA      | Alianza Republicana Nacionalista                                                 |
| ARNORTH    | U.S. Army North                                                                  |
| ARSOUTH    | U.S. Army South                                                                  |
| ASCC       | Army Service Component Command                                                   |
| AUC        | United Self Defense Forces of Colombia                                           |
| BACRIM     | criminal bands (Colombia)                                                        |
| BLO        | Beltrán Leyva Organization (Mexico)                                              |
| CCMD       | combatant command                                                                |
| CJNG       | Jalisco New Generation Cartel (Mexico)                                           |
| CTOC       | Countering Transnational Organized Crime                                         |
| DASD/CN&GT | Deputy Assistant Secretary of Defense for<br>Counternarcotics and Global Threats |
| DEA        | Drug Enforcement Agency                                                          |
| DoD        | U.S. Department of Defense                                                       |
| DTO        | drug trafficking organization                                                    |
| ECCAS      | Economic Community of Central African States                                     |
| ECOWAS     | Economic Community of West African States                                        |
| ELN        | National Liberation Army (Colombia)                                              |
| ETA        | Basque Country and Freedom (Spain)                                               |
| FARC       | Revolutionary Armed Forces of Colombia                                           |

|          |                                                            |
|----------|------------------------------------------------------------|
| FBI      | Federal Bureau of Investigation                            |
| FLS      | Fulton Locos Salvatruchos (El Salvador)                    |
| FMLN     | Farabundo Martí National Liberation Front (El Salvador)    |
| FUSINA   | Fuerza Nacional de Seguridad Interinstitucional (Honduras) |
| FY       | fiscal year                                                |
| IATF     | interagency task force                                     |
| Interpol | International Criminal Police Organization                 |
| JIATFS   | Joint Interagency Task Force South                         |
| JTF      | Joint Task Force                                           |
| JTF-N    | Joint Task Force North                                     |
| kg       | kilograms                                                  |
| LEA      | law enforcement agency                                     |
| MJTF     | Multinational Joint Task Force                             |
| MS-13    | Mara Salvatrucha-13                                        |
| MT       | metric tons                                                |
| NDAA     | National Defense Authorization Act                         |
| NLS      | Normandie Locos Salvatruchos (El Salvador)                 |
| NORTHCOM | U.S. Northern Command                                      |
| OSD      | Office of the Secretary of Defense                         |
| RAF      | Regionally Aligned Force                                   |
| SOUTHCOM | U.S. Southern Command                                      |
| TCN      | transnational criminal network                             |
| UAS      | unmanned aircraft system                                   |
| UNODC    | United Nations Office on Drugs and Crime                   |
| USAID    | U.S. Agency for International Development                  |
| VEO      | violent extremist organization                             |
| WOLA     | Washington Office on Latin America                         |

## Introduction

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In July 2011, President Barack Obama promulgated the Strategy to Combat Transnational Organized Crime. In the letter presenting the strategy, President Obama stated that the expanding size, scope, and influence of transnational organized crime and its impact on U.S. and international security and governance represent one of the most significant challenges of the 21st century. The President noted that criminal networks are not only expanding their operations, they are also diversifying their activities, resulting in a convergence of transnational threats that have evolved to become more complex, volatile, and destabilizing.<sup>1</sup> These networks also threaten U.S. interests by forging alliances with corrupt elements of national governments and using the power and influence of those governments to further their criminal activities.<sup>2</sup>

During remarks before the Atlantic Council in May 2014, General Martin Dempsey, then Chairman of the Joint Chiefs of Staff, presented an overview of his “2-2-2-1” strategic concept—a mnemonic he used to outline the strategic threats to the United States. In sum:

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<sup>1</sup> Some authors argue that the issue of convergence is overblown and that when it does take place, it is due to short-term convenience rather than strategic partnerships. An Organisation for Economic Co-operation and Development publication discusses the debate in the literature concerning whether a significant degree of convergence is actually occurring. See Colin P. Clarke, “The Global Illicit Trade in Illegal Narcotics,” in David Luna, ed., *Illicit Trade: Converging Criminal Networks*, Paris: Organisation for Economic Co-operation and Development, OECD Reviews of Risk Management Policies, 2015.

<sup>2</sup> White House, “Strategy to Combat Transnational Organized Crime: Letter from the President,” letter to National Security Council, Washington, D.C., July 19, 2011b.

- two heavyweights: Russia and China
- two middleweights: Iran and North Korea
- two networks: al-Qaeda and transnational organized crime in the Western Hemisphere
- one domain: Cyber

Even before the current concerns about Syrian refugees emerged, General Dempsey stated that the transnational organized criminal network that runs north and south in our hemisphere “doesn’t get as much prominence as I believe it deserves.” Expanding upon this assertion, he further said:

We tend to think of that as a drug trafficking network, but it’s equally capable and often found to be trafficking illegal immigrants [and] arms, laundering money. It’s extraordinarily capable. It’s extraordinarily wealthy. And it can move anything. It’ll go to the highest bidder. And so that network deserves more attention, not just because of the effect it has on the social fabric of our country but because of . . . the effect it could have—and is having, in my view—on the security of this nation.<sup>3</sup>

The same view was expressed by former Supreme Allied Commander Europe and U.S. Southern Command (SOUTHCOM) commander Admiral James G. Stavridis. According to Admiral Stavridis, transnational organized crime networks are a large part of the hybrid threat that forms the nexus of illicit drug trafficking—including routes, profits, and corruptive influences—and terrorism. They have demonstrated an ability to adapt, diversify, and converge. They have achieved a degree of globalized outreach and collaboration via

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<sup>3</sup> Martin Dempsey, “Transcript: Gen. Martin Dempsey at Disrupting Defense,” Atlantic Council, May 14, 2014. See, also, Celina B. Realuyo, *The Future Evolution of Transnational Criminal Organizations and the Threat to U.S. National Security*, Washington, D.C.: National Defense University, William J. Perry Center for Hemispheric Defense Studies, Perry Center Occasional Paper, June 2015. Although it would be more precise to use “smuggling” to refer to the illegal crossing of borders with contraband and “trafficking” for the broader process of moving illegal goods, the literature on transnational organized crime often uses these terms synonymously.

networks, as well as horizontal diversification. These criminal networks have three principal enablers: first, the huge profits realized by transnational criminal operations; second, their ability to recruit talent and reorganize along lines historically limited to corporations and militaries; and third, their ability to operate in milieus normally considered the preserve of the state.<sup>4</sup>

This report will show that transnational criminal networks (TCNs) are a critical destabilizing factor in the global security environment and one of the emerging threats to stability and to U.S. national interests. To effectively address these complex and adaptive threats, U.S. whole-of-government, as well as international comprehensive approaches, will be required. This report will also argue that combating transnational criminal organizations is a legitimate and important role for the U.S. Army, one in which its present efforts could be expanded.

Our analysis focuses on two major illicit supply chains: from the Andean region of South America to the United States through Central America and Mexico, and from the Andean region to Europe through West Africa and the Sahel. The case studies were selected based upon our assessment of the relevance to trafficking into the United States, the importance of the Countering Transnational Organized Crime (CTOC) mission to the various combatant commands (CCMDs) indicated by its mention in their annual posture statements, ensuring a sufficient range to illustrate the nature and threat of TCNs, and the availability of joint interagency task force and Army Service Component Command (ASCC) personnel for interview by RAND analysts.

Central America and Mexico are important to the United States in terms of proximity, deep social and cultural ties, and growing economic integration. The effects of destabilization in the region, therefore, can be transmitted to the United States quickly, for instance, in shifts in migration trends. In contrast with Central America and West Africa—where the relationship between criminal organizations and the

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<sup>4</sup> Admiral James G. Stavridis, U.S. Navy, “Foreword,” in Michael Miklaucic and Jacqueline Brewer, eds., *Convergence: Illicit Networks and National Security in the Age of Globalization*, Washington, D.C.: Center for Complex Operations, Institute for National Strategic Studies, National Defense University, 2013.

state is largely characterized by state capture or co-option, and where the relationship among criminal groups reflects a division of labor—in Mexico, the primary dynamic between the drug cartels and the state, and among the cartels themselves, has been armed confrontation. Drug trafficking–induced violence in Mexico has reached a level that some might say amounts to a criminal insurgency (although the term is controversial). In Central America, TCNs have more money than they can spend, launder, or invest, and now exercise unprecedented formal and informal power. Guatemala, Honduras, and El Salvador exhibit characteristics of failing states.

In West Africa, the transnational drug trade has had a profound impact, driving deep institutionalized corruption and effectively turning some countries into criminalized states. Profits from criminal activity have also empowered violent extremist groups, allowing them to operate on a higher, more lethal level. According to the U.S. Africa Command (AFRICOM) posture statement, the top priorities are countering violent extremism and enhancing stability in East, North, and West.<sup>5</sup> The activities of TCNs in Africa directly threaten these priorities.

## **Counternarcotics and Countering Transnational Organized Crime**

CTOC is a relatively new mission for the U.S. Department of Defense (DoD). For instance, the term CTOC first appears in legislation in the National Defense Authorization Act (NDAA) for fiscal year (FY) 2015.<sup>6</sup> It differs from the traditional military counternarcotics mission in that the latter centers on the interdiction of illegal narcotics flows to

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<sup>5</sup> General David Rodriguez, “United States Africa Command 2015 Posture Statement,” statement before the U.S. Senate Armed Services Committee, Washington, D.C., March 26, 2015.

<sup>6</sup> Public Law 113-291, Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015, Section 1012, Extension and Modification of Authority of Department of Defense to Provide Support for Counterdrug Activities of Other Governmental Agencies, December 19, 2014.

the United States or elsewhere, while CTOC aims at disrupting and dismantling the networks responsible for criminal activity. In other words, counternarcotics is countering the activity; CTOC is neutralizing the organization. Accordingly, we present a new way to conceptualize this mission as a means of helping the U.S. government, DoD, the military commands, and the U.S. Army devise ways to implement it.

Success in counternarcotics has been traditionally measured by the amount of illicit drugs interdicted. For instance, the mission of the interagency goal for the Joint Interagency Task Force South (JIATFS), based in Key West, Florida, is air and maritime interdiction of illegal drugs moving to the United States. JIATFS detects, monitors, and hands off suspected drug shipments moving through the “Transit Zone” to law enforcement authorities for seizure.<sup>7</sup> The goal given to the JIATFS is to reduce the amount of illegal drugs by 40 percent. The idea is that a 40-percent reduction would break the drug trafficking networks’ business model: Prices would go up, quality would come down, and that would lead to a reduction in consumption.

There are several problems with this approach: One is that there is no good denominator. The baseline is established by the Consolidated Counterdrug Database, which is based on the intelligence available to the United States. It represents all that is known to the U.S. government about illegal drug flows to the United States. What is not known is the amount of illegal drugs that is *not* captured by the database. Moreover, even if the drug flow reduction goal were met, the drug trafficking infrastructure would still be in place. As one interviewee told us, “If we take out 40 percent of the drugs, but the people are still there, what have we accomplished?”<sup>8</sup> TCNs have access to large amounts of resources, people as qualified as in any large multinational corporation to run the business, access to high technology, good intelligence and counterintelligence, and political influence at all levels in countries along the smuggling routes. Although the TCN business model is not well understood, it can be assumed that these criminal

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<sup>7</sup> The U.S. government defines the *Transit Zone* to include the Caribbean Sea, the Gulf of Mexico, and the eastern Pacific Ocean.

<sup>8</sup> RAND discussion with U.S. officials involved in counterdrug operations.

organizations have built expected losses due to interdiction into their cost calculations.

Countering TCNs requires identifying the critical nodes in the criminal organizations and determining where counter-TCN operations can achieve the greatest effect. Of course, effectively countering transnational criminal networks presents its own set of challenges. For one thing, there is a great deal of inertia and resistance to change in any large bureaucracy.<sup>9</sup> Success in some agencies is measured by the amount of illegal drugs seized; there is no incentive for going after networks. Some agencies are reluctant to share information and are sensitive about perceived encroachment by other agencies into their turf. There is broad agreement on the part of our U.S. government interviewees on the need to improve interagency coordination. The need for agencies to leverage each other's competencies to address the crosscutting challenges posed by TCNs is discussed in the recommendations in Chapter Nine.

A relevant question is whether there are adequate authorities for DoD agencies to carry out the CTOC mission. The FY 2015 NDAA provides the authorities for DoD support for law enforcement agencies to counter transnational organized crime.<sup>10</sup> However, Congress did not provide funding for the CTOC activities authorized in the legislation. Accordingly, the Under Secretary of Defense for Policy has placed a policy restriction requiring approval from the Office of the Secretary of Defense (OSD) before any counternarcotics funds can be used for CTOC purposes. From the OSD perspective, the authorities for the CTOC mission are adequate; from the perspective of CCMDs and

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<sup>9</sup> The classic work on this topic is Donald P. Warwick, *A Theory of Public Bureaucracy: Politics, Personality, and Organization in the State Department*, Cambridge: Harvard University Press, 1975.

<sup>10</sup> Public Law 113-291, 2014. Section 1012(a) modifies Section 1004(a) of the NDAA for 1991. Transnational Organized Crime is defined in Section 1012(j) as

self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary, or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption or violence or through a transnational organization structure and the exploitation of transnational commerce or communications mechanisms.

joint task forces with responsibility for implementing the policy, the requirement for prior OSD authorization for the expenditure of counternarcotics funds for CTOC could be a problem in situations that call for a rapid response. In the view of one CCMD's legal staff, this problem could become more critical as the U.S. military gets deeper into the CTOC mission.

There are other gaps in authorities. For instance, U.S. Code, Title 10, Section 124 has not been amended to include the CTOC language in the FY 2015 NDAA.<sup>11</sup> Other authorities are linked to the counternarcotics mission and are written in such a restricted way that they are seldom utilized.<sup>12</sup> On the policy side, as of October 2015, the Secretary of Defense's implementing instructions had not yet been amended to incorporate the new CTOC language in the FY 2015 NDAA.<sup>13</sup>

Many of our U.S. government interviewees, however, say they believe that the main problem is not lack of authorities, but lack of funding and resources and the relatively low priority that CCMDs have placed on CTOC—a nontraditional military mission that requires a whole-of-government approach. This is beginning to change, however. Two years ago, U.S. Northern Command (NORTHCOM) recognized the need to fight transnational organized crime from a networks approach.<sup>14</sup> In his posture statement to the Senate Armed Services Committee in March 2015, the SOUTHCOM commander, General John F. Kelly, noted, “there is growing recognition that the magnitude, scope, and complexity of this threat demand an integrated

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<sup>11</sup> U.S. Code, Title 10, Armed Forces, Subtitle A, General Military Law, Part I, Organization and General Military Powers, Chapter 3, General Powers and Functions, Section 124, Detection and Monitoring of Aerial and Maritime Transit of Illegal Drugs; Public Law 113-291, 2014.

<sup>12</sup> Public Law 113-291, 2014. For instance, Section 1022 (Use of Funds for Unified Counter-Drug and Counter-Terrorism) requires congressional notification by an Assistant Secretary-level Defense official.

<sup>13</sup> These assessments are based on RAND discussions with CCMD staffs in 2015.

<sup>14</sup> RAND discussion with NORTHCOM staff, Peterson Air Force Base, Colorado Springs, October 2015.

counternetwork approach.”<sup>15</sup> The Office of the Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats (DASD/CN&GT), the office with lead responsibilities in these areas, is rewriting the Counternarcotics and Global Threats Strategy (last issued in 2011) to include CTOC, trafficking, and other illicit activities.<sup>16</sup>

## Destabilizing Effects of Transnational Criminal Networks

The expansion of TCNs is a manifestation of what some authors label “deviant globalization.” This is an economic phenomenon that cannot be detached or separated from the broader process of globalization.<sup>17</sup> It is that portion of the global economy that meets the demand for illegal goods and services in consumer countries by developing a supply chain from producer countries. These criminal organizations take root in supply areas and transportation nodes while usurping the host nations’ basic functioning capacity. Over time, the illicit economy grows and nonstate actors provide an increasing range of social goods and fill the security and political vacuum that emerges from the gradual erosion of state power, legitimacy, and capacity.<sup>18</sup>

This leads to the emergence of security challenges that are some of the key themes of this report: the destabilization of states relevant to U.S. national security, the growth of areas outside of the control of central governments that become havens for criminal and terrorist groups,

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<sup>15</sup> SOUTHCOM, “Posture Statement of General John F. Kelly, United States Marine Corps, Commander, United States Southern Command, Before the 114th Congress, Senate Armed Services Committee,” March 12, 2015.

<sup>16</sup> RAND discussion with DASD/CN&GT.

<sup>17</sup> Michael Miklaucic and Jacqueline Brewer, “Introduction,” and Nils Gilman, Jesse Goldhammer, and Steven Weber, “Deviant Globalization,” in Michael Miklaucic and Jacqueline Brewer, eds., *Convergence: Illicit Networks and National Security in the Age of Globalization*, Washington, D.C.: National Defense University, Center for Complex Operations, April 2013, pp. xiv–xv, 3–14.

<sup>18</sup> For a discussion of TCNs and the provision of social goods, see John P. Sullivan, “Criminal Insurgency: Narcocultura, Social Banditry, and Information Operations,” *Small Wars Journal*, December 3, 2012.

and the convergence of transnational organized crime and terrorism into more-dangerous hybrid threats.

As already noted, the importance of Mexico and Central America to the United States derives from geographic proximity, social and cultural ties, and growing economic integration—particularly in labor markets.<sup>19</sup> According to the Pew Research Center in 2011, some 33.5 million people in the United States traced their origin to Mexico and 5.3 million to Central America.<sup>20</sup> In 2014, Mexico was the United States' third-largest trade partner, with more than \$530 billion in two-way trade, and the second-largest market for U.S. goods and services (after Canada).<sup>21</sup> A study by a Harvard University researcher argues that a significant proportion of Mexican migration to the United States, particularly from border towns, is in direct response to drug-related violence and organized crime activities.<sup>22</sup>

The activities of Mexican criminal organizations have major adverse effects on U.S. national security. A report by the California Attorney General states,

the relatively new alliances between transnational criminal organizations and California prison and street gangs give transnational criminal organizations both greater organizational stability and access to more territory. New forms of digital communications technology, such as smartphones, the Internet, and social media, have made it easier for criminal networks to coordinate their activities without detection and even to track their targets. Moreover, the process of globalization has outpaced the growth

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<sup>19</sup> In seven U.S. states, Mexican immigrants represent between 25 percent and 35 percent of the labor force; in another five states, they account for between 15 and 25 percent; and in six more they make up between 10 and 15 percent. (Alejandro Álvarez Bejar, "Mexicans in the United States Labour Market," FOCALPoint, May 2011)

<sup>20</sup> Mark Hugo Lopez, Ana Gonzalez-Barrera, and Danielle Cuddington, *Diverse Origins: The Nation's 14 Largest Hispanic-Origin Groups*, Pew Research Center, June 19, 2013.

<sup>21</sup> M. Angeles Villarreal, *U.S.-Mexico Economic Relations: Trends, Issues, and Implications*, Washington, D.C.: Congressional Research Service, RL32934, April 20, 2015.

<sup>22</sup> Viridiana Rios Contreras, "The Role of Drug-Related Violence and Extortion in Promoting Mexican Migration: Unexpected Consequences of a Drug War," Research Reports and Notes, *Latin American Research Review*, Vol. 49, No. 3, 2014.

of global governance, creating massive opportunities for criminal organizations to grow their business.<sup>23</sup>

The Texas Department of Public Safety considers Mexican drug cartels among the most significant threats facing Texas:

Seven of the eight major Mexican cartels operate throughout Texas, and they have enlisted transnational and statewide gangs to support their drug and human smuggling and trafficking operations on both sides of the border. These gangs are responsible for a disproportionate amount of crime, and they threaten the safety and security of communities across the state.<sup>24</sup>

The Northern Triangle of Central American countries—Guatemala, Honduras, and El Salvador—exhibit characteristics of failing states.<sup>25</sup> As noted by the Congressional Research Service in 2013,

the security situation in Central America has deteriorated in recent years as gangs, drug traffickers, and other criminal groups have expanded their activities in the region, contributing to escalating levels of crime and violence that have alarmed citizens and threaten to overwhelm governments.<sup>26</sup>

The 2015 National Security Strategy singled out Guatemala, Honduras, and El Salvador as countries where “government institutions are threatened by criminal syndicates. Migration surges involving unaccompanied children across our southern border is one major consequence of weak institutions and violence.”<sup>27</sup>

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<sup>23</sup> Kamala Harris, California Attorney General, *Gangs Beyond Borders*, Sacramento, Calif.: California Department of Justice, March 2014, Chapter Four.

<sup>24</sup> Texas Department of Public Safety, “Border Surge Report,” *Houston Chronicle* (reprint), February 24, 2015.

<sup>25</sup> RAND discussion with General Barry McCaffrey, U.S. Army (ret.), August 21, 2015.

<sup>26</sup> Peter J. Meyer and Claire Ribando Seelke, *Central America Regional Security Initiative: Background and Policy Issues for Congress*, Washington, D.C.: Congressional Research Service, May 7, 2013, p. 1.

<sup>27</sup> White House, *National Security Strategy*, Washington, D.C., February 2015, p. 28.

Many of the same conditions apply to West Africa and the Sahel, although there are significant differences from Central America and Mexico, including proximity and the density of economic and social ties to the United States, the types of threats emanating from each of these regions, differing levels of state capacity, and the characteristics of the regional criminal organizations. For purposes of this study, the main countries of concern are those bordering on the Atlantic littoral and the Gulf of Guinea, from Senegal to Nigeria and Equatorial Guinea, and the countries in the Sahel along the transit routes for illegal commodities moving to Europe. The main U.S. security policy priorities are to degrade the violent extremist organizations (VEOs) that operate in the region and to contribute to general stability in East and West Africa.<sup>28</sup> These priorities are not inconsistent with the goal of combating TCNs. Associates of terrorist groups work together with drug trafficking and other criminal organizations, and the activities of all of these groups have a direct impact on stability.

Many West African governments do not have effective control of their hinterlands—in some cases, the government's writ extends only to the capital city, and sometimes not even there. Criminal groups leverage ungoverned spaces in countries where they operate. They take advantage of the absence of an effective government presence to pursue illegal activities without hindrance. Combating terrorism (unless the terrorists pose a direct threat to them) or TCNs may not be among the highest priorities of the governments in partner countries, who often exhibit little interest in exercising governance in remote districts. The challenge is typically some combination of a lack of capacity *plus* a lack of will. In fact, criminal activity may be regarded by the political elites as a potential source of income. A significant challenge for U.S. policy, therefore, is to generate political will to combat VEOs and TCNs, as well as to help partner nations develop the requisite capacity and institutions.<sup>29</sup>

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<sup>28</sup> Rodriguez, 2015.

<sup>29</sup> RAND discussions with AFRICOM staff, Kelley Barracks, Stuttgart, Germany, September 2015.

## Criminalized States and Criminal Insurgencies

The activities of criminal networks contribute to the emergence of criminalized states—states where the senior leadership is aware of transnational criminal enterprises and involved in them, either actively or through passive acquiescence; where these organizations are used as an instrument of statecraft; and where levers of state power are incorporated into the operational structure of one or more criminal organizations.

Few states are wholly criminalized; rather, state criminalization operates along a continuum.<sup>30</sup> At one end are states with the leadership acting as a TCN partner or as a component of a TCN. On the other end are weak states, where certain nodes of governmental authority, whether local or central, have been seized by criminal organizations, but the state, as an entity, is not part of the enterprise.<sup>31</sup> This report will discuss the extent to which states in Central and South America and West Africa, or sectors of these states, have been captured or co-opted by criminal organizations.

In contrast to Central America and West Africa, the primary dynamic in Mexico has been armed confrontation. Two Mexican cartels, the Sinaloa and Gulf cartels, were said in 2009 to be capable of fielding some 100,000 foot soldiers, nearly matching Mexico's 130,000 armed forces.<sup>32</sup> Some scholars have noted that the Mexican drug cartels have adopted strategies and tactics that correspond very closely to those employed by armed insurgent groups.<sup>33</sup> The debate in scholarly and policy circles is whether the drug trafficking–driven

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<sup>30</sup> See Tamara Makarenko, "The Crime-Terror Continuum: Tracing the Interplay between Transnational Organized Crime and Terrorism," *Global Crime*, Vol. 6, No. 1, 2004.

<sup>31</sup> For a discussion of the concept and definition of "criminalized states" in Latin America, see Douglas Farah, *Transnational Organized Crime, Terrorism and Criminalized States: An Emerging Tier-One Security Priority*, Carlisle, Pa.: U.S. Army War College, Strategic Studies Institute, August 2012.

<sup>32</sup> Jeremy Roebuck, "Drug Cartels 100,000 Strong, Senator Says," *The Monitor*, March 6, 2009.

<sup>33</sup> Brandon Clark, "Mexico's Narco-Trafficking War: Insights from Counterinsurgency Theory," paper presented in PUPB Modern Counterinsurgency: Theory and Practice, George Mason University School of Policy, Government, and International Affairs, Arlington, Va., July 2009.

violence in Mexico amounts to what could be called a “criminal” or “narco” insurgency. If *insurgency* is defined as the organized use of subversion and violence by a group or movement that seeks to overthrow or force change of a governing authority,<sup>34</sup> then the violence of Mexican criminal organizations does not meet the definition, given that these groups do not pursue political aims, nor do they aim to replace the state with an alternative type of governance. Nevertheless, the strategies and tactics employed by the drug trafficking organizations (DTOs) and their paramilitary wings largely correspond to those employed by insurgents and their effects—the capture and control of relevant aspects of the public domain—sometimes result in de facto governance.<sup>35</sup>

Whether this means that a counterinsurgency approach is appropriate to the situation in Mexico is open to question. A former Joint Staff Deputy Director for Special Operations (J-37), Major General Michael Nagata, warns that we cannot simply assume that all we need to do is to transplant how we fight terrorist or insurgent networks into how we fight transnational criminal organizations. He adds that

while there are certainly some aspects of what we have learned about fighting networks that is transferable from the counterterrorism or counterinsurgency realms, it is equally certain that a great deal is not.<sup>36</sup>

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<sup>34</sup> Joint Chiefs of Staff, *Dictionary of Military and Associated Terms*, Washington, D.C.: U.S. Department of Defense, Joint Publication 1-02, updated January 31, 2011, p. 178.

<sup>35</sup> Clark, 2009. Critics of the criminal insurgency concept argue that the cartels engage in de facto governance not for the sake of governing, but to gain support and protect their interests.

<sup>36</sup> Gary Ackerman, David Blair, Lauren Burns, et al., *The ‘New’ Face of Transnational Crime Organizations (TCOs): A Geopolitical Perspective and Implications for U.S. National Security*, Washington, D.C.: U.S. Department of Defense, March 2013, p. 5.

## The U.S. Army's Role in Combating Transnational Criminal Networks

According to the U.S. Army Operating Concept, transnational criminal organizations are one of the harbingers of future conflict:

Transnational criminal organizations. Recent waves of migration from Central America to the U.S.—largely due to criminal violence—highlight second and third order threats to U.S. interests caused by transnational organized crime and weak governance. Ineffective governance provides an inviting environment for criminal organizations. Murders, kidnappings, and maimings in Central America equal or exceed violence associated with many political insurgencies in the Middle East and elsewhere. The region's militaries are engaged in support of law enforcement activities due to the severity of the problem and the inability of sometimes-corrupt police forces to cope with the problem. Criminal violence erodes state institutions and undermines governance. The threat from transnational organized crime highlights the need for Army special operations and regionally aligned forces to understand complex environments, operate with multiple partners, and conduct security force assistance.<sup>37</sup>

Similarly, the U.S. Army Vision states:

Over the next 10 years, it is likely the United States will face an unstable, unpredictable, increasingly complex global security environment that will be shaped by several key emergent trends: the rise of non-state actors; an increase in “hybrid threats;” state challenges to the international order; and expanding urbanization . . . Due in part to the breakdown in traditional state authority, hybrid threats—state or non-state actors that employ dynamic combinations of conventional, irregular, terrorist, and *criminal* capabilities—will proliferate, elevating the importance of the human dimension of warfare. State actors will increasingly utilize proxy forces, *criminal organizations*, orchestrated civil unrest

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<sup>37</sup> U.S. Department of the Army, *The U.S. Army Operating Concept: Win in a Complex World*, TRADOC Pamphlet 525-3-1, October 31, 2014, p. 14.

and non-governmental networks of computer hackers in concert with their traditional war fighting capabilities to create instability, while complicating an opponent's development and application of effective countermeasures. (emphases added)<sup>38</sup>

The Army Vision also states that one of the unique roles of the U.S. Army is its ability to integrate operations. Accordingly, "Army commanders and staffs expertly synchronize all instruments of national power to affect and sustain strategic outcomes."<sup>39</sup> Combating transnational criminal organizations is an endeavor in which the Army could help develop interagency and multinational strategies to more effectively counter these organizations and then assist with planning to implement those strategies. Such initiatives would constitute a valuable expansion from the Army's current efforts to build partner capacity, perform network analysis, and support detection and monitoring.

## Road Map to the Report

Chapter Two of the report presents a model of the TCN value chain, as well as the transaction costs and economics of the organization, and identifies the strengths and vulnerabilities of this model. Chapter Three describes the structure of production of cocaine in Colombia, the role of Venezuela as a key transshipment platform (and criminalized state) and of the supply chains that move the product through Central America and Mexico to the United States and through West Africa to Europe. The contemporary drug trafficking landscape in Mexico and the impact of the activities of the Mexican drug cartels on national stability are discussed in Chapter Four. Chapter Five discusses Central America as a center of convergence of criminal non-state actors that threatens to overwhelm the small states in the region. Chapter Six analyzes the Trans-Atlantic Route, from South America

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<sup>38</sup> U.S. Army, *Army Vision: Strategic Advantage in a Complex World*, Washington, D.C., undated, p. 3.

<sup>39</sup> U.S. Army, undated, p. 3.

to West Africa and then to Europe, and the impact of the activities of criminal networks on the stability of the countries in West Africa and the Sahel, including the criminalization of state actors. Chapter Seven describes the convergence of criminal networks with terrorist organizations such as Lebanese Hezbollah, al-Qaeda in the Islamic Maghreb (AQIM), and other violent extremist groups. Chapter Eight provides an overview of the CTOC activities of three geographic CCMDs, two Joint Task Forces (JTFs), and one ASCC. The study concludes with a chapter on the U.S. government strategy to combat transnational organized crime, the U.S. Army role in support of this strategy, and recommendations on ways in which implementation of this policy could be rendered more effective and how U.S. Army resources and capabilities could be more effectively employed to support this mission. An appendix to this report provides a discussion of policies for countering transnational organized crime.

## A Model of the Transnational Criminal Network Value Chain

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TCNs seek to maximize wealth through illicit activities carried out by actors with diverse capabilities and interests. Like multinational corporations or syndicates of firms working together to bring goods and services to targeted markets, TCNs attempt to consolidate markets for profitable products, diversify across products and services to hedge against downside risk in a single industry, and safeguard supply chains of products going to market. Unlike their licit analogs, TCNs must do so covertly to avoid interference from rival TCNs and from governments fighting illicit activity, or they must locate activities in or across regions where governments are unwilling or unable to intercede.

In this chapter, we first discuss the various TCN activities and their drivers and then introduce the concept of organizational structure and vertical integration. We then describe two related approaches to organizational structure: the value chain approach and the transaction cost approach.

### Transnational Criminal Network Activities and Their Drivers

At their core, TCNs are driven by market forces and opportunity.<sup>1</sup> Using evidence of a recent contraction in the U.S. cocaine market as

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<sup>1</sup> Duncan Deville, "The Illicit Supply Chain," in Michael Miklaucic and Jacqueline Brewer, eds., *Convergence: Illicit Networks and National Security in the Age of Globalization*, Washington, D.C.: National Defense University, Center for Complex Operations, April 2013.

a hypothetical baseline, a profit-maximizing TCN is likely to reduce supply by utilizing the lowest cost and most reliable coca producers and refiners. With less production, it may also employ fewer traffickers and enforcers. If sourcing coca from multiple regions, it may cease sourcing coca from its most expensive farming operations.

Among products, this report focuses on cocaine; among processes, money laundering and exertion of social influence as they relate to the cocaine trade. However, a TCN operates in multiple domains, focusing activities and resources dynamically across many markets depending on internal and external factors:

- Smuggling and trafficking
  - Drugs
    - Cocaine
    - Heroin
    - Marijuana
    - Methamphetamine
    - Pharmaceuticals (especially opioids & amphetamines)
    - Synthetics
  - Arms
  - Humans
  - Other goods
- Exerting political/social influence
  - Bribery
  - Violence
  - Kidnapping
- Money laundering
- Other criminal activities
  - Extortion
  - Kidnapping (purely for monetary gain)
- Protection/taxation/racketeering
  - Counterfeiting
  - Fraud

Although many analysts understand the core activity of the TCNs operating out of northern South America to be cocaine trafficking, an

ancillary set of illicit activities includes weapons trading for defense of other trafficking operations, bribery, violence and kidnapping to exert influence on rivals or local governments, and money laundering required to return cash from street and wholesale transactions to TCN operators upstream.

Beyond the cocaine trade, a TCN also may move into other markets where demand is sufficient to produce an acceptable rate of return, especially if there is opportunity to utilize components of existing supply chains. These commonly include heroin, marijuana, methamphetamine, and substitutes for prescription and pharmaceutical drugs of abuse in target markets. It may focus more heavily on heroin or methamphetamine if the organization can access the expertise and precursor materials required for production. Diversifying TCNs may increase their focus on heroin to meet increasing need possibly driven by supply disruptions elsewhere in the world and increasing demand from escalated dependent prescription opioid use. Or they may move into an area like methamphetamine manufacturing, where a policy change in the United States led to a drop in domestic production. If a TCN lacks access to expertise or supply, it could utilize enforcers and existing covert supply routes to engage in human trafficking. If supply routes are no longer viable, it could employ enforcers for extortion.

In some instances, supply relationships or infrastructure built for drug trafficking may serve a second purpose. For example, drug mules may form the foundation for human trafficking and prostitution rings. Alternatively, a TCN may serve as an intermediary between arms dealers and other criminal enterprises, including insurgent groups in South America, the Middle East, Africa, or Central, South, Southeast, or Western Asia. Finally, TCN actors may generate revenue in communities where there is no direct tie to trafficking activities (e.g., extortion and kidnapping).

## **Organizational Form: Integration Across Tasks**

Complete vertical integration—an arrangement of all activities required for production, distribution, sale, and oversight within a single

organization—is difficult and rare in TCNs. Although there are transaction costs to using people and organizations outside the primary network, as explained later, it may not be possible to bring outsiders in. The best talent might not be willing to join the organization, or there might not be enough work to integrate someone full time.

The internal and external factors that cause the TCN to focus activities and resources dynamically across many markets can be characterized in terms of the *transaction costs* of each activity in a TCN value chain. These transaction costs, in turn, can help explain a TCN's market entrance and exit decisions, and in diffuse networks may also highlight vulnerabilities among the many links between actors in TCN production processes.<sup>2</sup>

In the following sections, we expand on the structure of organizations in terms of two approaches: value chains and transaction costs. We apply Coase's Theory of the Firm and later work by Williamson on the transaction cost approach as a means to explain the operating structure of TCNs.<sup>3</sup>

## The Value Chain Approach to Transnational Criminal Network Structures

There can be no set formula to accurately describe the structures of all TCNs, but a description of the value chains for their products and services is useful for understanding why TCNs may choose to vertically integrate systems with direct oversight and a well-defined hierarchy or to rely on distributed network of affiliates. The ability to understand an organization's structure may then lead to areas of vulnerability and possible intervention.

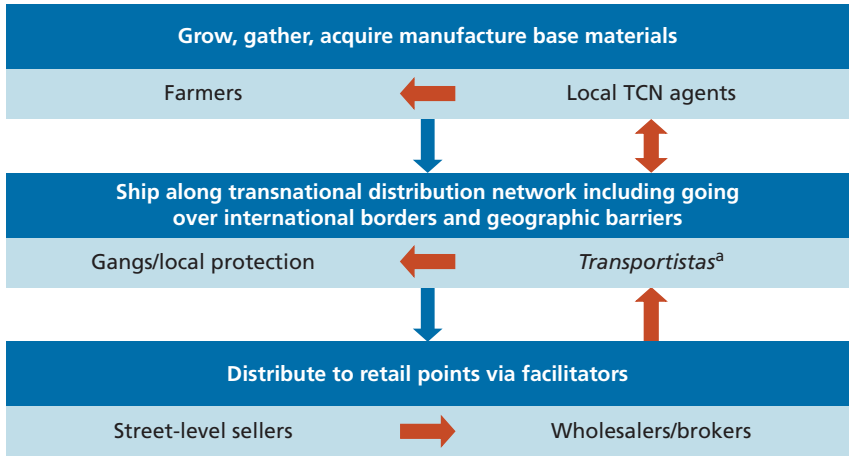
The value chain for goods and services produced by TCNs follows a basic formula (see Figure 2.1). For nearly all activities, a TCN

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<sup>2</sup> Certain markets also have barriers to entry, further raising costs.

<sup>3</sup> R. H. Coase, "The Nature of the Firm," *Economica*, New Series, Vol. 4, No. 16, November 1937; Oliver E. Williamson, "The Economics of Organization: The Transaction Cost Approach," *American Journal of Sociology*, Vol. 87, November 1981.

**Figure 2.1**  
**Visualization of a Transnational Criminal Network Value Chain for Cocaine**



NOTE: Blue arrows symbolize flow of goods; red arrows symbolize flow of payments.  
<sup>a</sup> This is the Spanish term for “carriers.” It is used colloquially to mean the transportation link in the drug trafficking chain.

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works in business areas that rely on an international network of actors overseen by a central node for each specific operation (e.g., cocaine trafficking). Here, a node in a supply chain is a location or entity with a specific duty and a set of one or more relationships with other entities along the supply chain. The relationships between these nodes are commonly referred to as *links* in supply chain literature. The links may be physical trade routes between coca growers, refiners, wholesalers, street-level sellers, and money-laundering operations. A link also might mean a line of communication or a unidirectional oversight role. Central nodes perform leadership tasks, thus, they necessarily have links—of various types—to many nodes. For example, operations for Colombian cocaine smuggling into the United States were centralized in Colombia until the mid-1990s, then passed on to several Mexican cartels.

Deville notes that Latin American TCN operations mimic commercial supply chains in a few key ways. Indeed, several characteristics are common across multinational corporations and the criminal orga-

nizations discussed in the following chapters.<sup>4</sup> Networks are secure, typically with significant defense capabilities and covert communications systems. In legal markets, these structures are to preserve trade secrets and intellectual property, while TCNs also defend against disruptions from state actors and rival networks.

TCNs are also redundant wherever feasible and resilient to disruption. Multiple suppliers and trafficking routes and methods are sought out, and transactions are made based on a calculus of trading off the potential payoff per shipment against the risk of a shipment being seized or destroyed. That is to say, where market-based insurance instruments exist to protect the value of shipments for legal firms, TCNs diversify risk by breaking up high-risk shipments over time and across multiple routes. Transactions occurring in criminalized states where the TCN faces little risk of disruption will be of much larger value and quantity than those where opposition exists.

## Transaction Costs and the Economics of Organization

Transaction cost economics as a field of study seeks to explain how production is organized, from seed to sale, to provide goods and services based on the notion that each action along the supply chain has associated transaction costs. In this framework, the network of actors that make up a TCN supply chain can be viewed as structures that define the set of responsibilities of actors in the system to maximize profit and minimize conflict.<sup>5</sup> Central to this pursuit, a version of the Coase Theorem can help explain the degree of integration of these systems in a TCN's value chain:

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<sup>4</sup> Deville, 2013, pp. 63–74.

<sup>5</sup> See Phil Williams, "Transnational Criminal Networks," in John Arquilla and David Ronfeldt, eds., *Networks and Netwars: The Future of Terror, Crime, and Militancy*, Santa Monica, Calif.: RAND Corporation, MR-1382-OSD, 2001. See also Phil Williams, "Drug Trafficking, Violence, and the State in Mexico," Strategic Studies Institute, Carlisle, Pa.: U.S. Army War College, April 2009. Williams refers to a firm (considered here as the licit analog to a TCN) as the structure that imposes governance, which is the means by which to infuse order, thereby to mitigate conflict and realize mutual gain.

*Actors arrange as a firm when the transaction costs of coordinating production, trafficking, and sales are cheaper than doing so through market exchange.<sup>6</sup>*

Along each step of the process for a given good or service, a TCN may choose among a continuum of arrangements ranging from internalizing every step within a vertically integrated single firm to performing every step as a sequence of separate arm's length transactions. Neither extreme on the continuum is likely to occur for international illicit activities, but the 1980s Colombian cocaine smuggling regime leaned more toward the former, and the current diffuse network of collaborators from Colombia, the Northern Triangle of Central American states (Guatemala, Honduras and El Salvador), Mexico, and others leans more toward the latter. Transaction cost economics may offer a way to understand why this shift occurred, as well as a lens through which to predict and intercede in future movements.

Transaction costs dictate when tasks are performed within a firm, and when they are performed through market exchange. Along the chain, numerous factors in transaction costs drive the specific development of TCNs. Williamson found that it is possible to infer a system's arrangement, meaning whether a transaction is internalized or completed through market exchange, by considering the transaction along three dimensions: (1) asset specificity; (2) uncertainty; and (3) frequency.<sup>7</sup>

*Specificity* refers to the degree of need for specialized resources and covers the gamut of assets, including physical, human, site, dedicated, and temporal specificity assets. Highly specific assets require either internalization or strong incentives for external actors to remain aligned with the TCN. *Uncertainty* can be thought of as the need for and effectiveness of governance structures, where higher certainty requires less governance to ensure a task is performed. Finally, firms or TCNs are likely more willing to invest in specialized production tech-

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<sup>6</sup> Coase, 1937.

<sup>7</sup> Oliver E. Williamson, *The Economic Institutions of Capitalism: Firms, Markets, Relational Contracting*, New York: The Free Press, 1985.

niques when the production supports high-frequency transactions than when the transactions are rare.<sup>8</sup>

Generally speaking, an organization should try to integrate a transaction when the expected payoff (gain in expected value) from increased *certainty* exceeds the cost of building capacity to carry out the transaction in-house. The economics literature uses the general term “effective governance structures” to incorporate both integration of a transaction into a firm and imposition of a contract. In licit markets, legally binding contracts are an option in lieu of internalization. In illicit markets, there is rarely (if ever) an external and impartial governing body to enforce such a contract. One way that TCNs have tried to overcome the certainty problem and the lack of recourse to courts is through a popular method stemming from the premodern era: marriage alliances. As we will describe, several TCNs have used marriages to bond disparate groups into more-trusted allies.

*Frequency* refers to an organization’s ability to quickly recoup investments in the infrastructure, labor, and other necessities to integrate a transaction.<sup>9</sup> Holding the value per transaction constant (as well as the degree of asset specificity), a TCN should choose to take on larger investments to perform a transaction in-house when the transaction will occur often.

The three criteria—specificity, uncertainty, and frequency—will vary widely depending on the transaction being considered. Other things being equal, an organization will tend to integrate steps along the value chain when:

1. Costs of organizing activities within a single firm are low (e.g., labor, raw material, or other production inputs are abundant, the costs of attaining necessary expertise or technology are small, required facilities are cheap).
2. The firm has in-house expertise in a system or activity.

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<sup>8</sup> Williamson, 1985.

<sup>9</sup> This definition of *frequency* is different than the game-theoretic definition, which is sometimes used concurrently in the literature, where an increased transaction frequency between specific partners may create an incentive to develop a good reputation with that repeated partner—which, in turn, may decrease the need for hierarchical structures.

3. The firm has exclusive access to a key asset.
4. Economies of scale can be exploited: After building or attaining infrastructure, the cost of performing an activity decreases as the activity frequency increases.

Transactions that shape TCNs are numerous. Consider, for example, a single Colombian coca farmer who intends to sell cocaine in the United States. Growing the plants is the first transaction, and turning leaves into cocaine is the second. The grower may learn to refine coca to cocaine or may instead sell harvested leaves to a refiner if he expects that the costs of learning and conducting the refining exceed his potential profits. Product must then be transported across several national borders, through difficult terrain, and potentially confront violent rival or state forces. The transporter faces death, injury, or imprisonment.

In practice, a cartel may outsource shipments of cocaine from Colombia through the Northern Triangle into Mexico to local traffickers. Cartels are more likely to internalize those steps if the threat of diversion to another cartel, border seizures, price hikes, and other causes is sufficiently high. They are less likely to internalize if they lack knowledge of local geographies, or necessary political connections. A TCN may then engage *transportistas* and local gangs to traffic cocaine through the Northern Triangle if the TCN itself does not have sufficient capabilities on one or both sides of the border and the cost of resources required to establish the capabilities exceeds the cost of hiring local actors. Again, the potential costs may lead the actor to forgo higher potential profit by outsourcing that transaction. To mitigate this risk, a *transportista* may develop defense capabilities within the current organization or pay for protection from local gangs or complicity from local officials.

Once a product arrives at its destination market, it can either be sold or distributed among wholesalers with existing local connections. Distributors may then also make street-level sales and confront local gangs that control existing “turf,” or instead employ those local gangs. Once product is sold, cash is collected and laundered through seemingly legal businesses. The clean cash must then make its way back up the chain.

Each aforementioned step is a transaction, and the description is far from exhaustive. Further facilitators and fixers exist to connect actors with complementary capabilities.

Competition adds another dimension. Although not a transaction cost itself, it can lead to transaction costs. Specifically, a TCN will want to gain intelligence on its rivals, as well as develop means of out-competing them. A task absent competition may have no transaction cost, but conducting the same task in the face of competition could result in transaction costs. Therefore, understanding competition can also shed light on the way TCNs structure themselves.

## Bridging Theory and Practice

TCNs are much like legitimate organizations in that they are driven by market forces and aim to make profits. To do so, they might consolidate markets when possible, diversify, and safeguard their supply chains. They face one challenge that legitimate organizations do not face, however, which is that they are operating illegally and conducting illegal activities. As a result, they do not have legal protections for such things as contracts, for example, and they are at risk of being imprisoned or killed by police or military personnel in organized efforts to stop them.<sup>10</sup>

They mold their organizational forms in response to two related issues—supply chain links and transaction costs. The links are the connections between specific tasks. They can bridge those links on their own or by contracting out. Their choice will depend on the transaction cost. If it is cheaper to bridge the link on their own, they will keep that function internal to the organization. If not, they will use an external operator, who might be part of their broader network or might be an independent operator dealing with several organizations.

The organizational realities of TCNs also point to their vulnerabilities. First, they are most vulnerable at links in their supply chains. Second, raising transaction costs can cause them to adopt suboptimal organization schemes, putting the organization at risk. In the next chapters, we describe TCNs in different cases, bringing in the notions of links and transaction costs where applicable.

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<sup>10</sup> See H. Richard Friman, “Drug Markets and the Selective Use of Violence,” *Crime, Law, and Social Change*, Vol. 52, No. 3, September 2009.

## Source Countries and Supply Chains

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### Illegal Drug Infrastructure in Source Countries

Colombia accounts for the bulk of refined cocaine manufactured in South America and remains the principal supplier for both the United States and worldwide markets (90 and 80 percent, respectively).<sup>1</sup> The latest (July 2015) Colombia Coca Survey, produced jointly by the United Nations Office on Drugs and Crime (UNODC) and the Colombian government, showed that Colombia's coca production and cultivation area increased substantially in 2014, compared with previous years. In 2014, an estimated 442 metric tons (MT) of cocaine were produced in Colombia, up from an estimated 290 MT in 2013. The area under coca cultivation increased from 48,000 hectares in 2013 to 69,000 hectares in 2014.<sup>2</sup>

The area under cultivation in Peru, the second largest producer of coca leaf, has held steady over the last few years. In 2014, an estimated 46,500 hectares were grown, most of which was concentrated in Alto Huallaga, Apurímac-Ene, and La Convención districts. Bolivia is the third principal source of coca leaf in South America, generating around 35,000 hectares of the crop in 2014, up from 25,000 hectares in 2012.<sup>3</sup>

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<sup>1</sup> Peter Chalk, *The Latin American Drug Trade: Scope, Dimensions, Impact and Response*, Santa Monica, Calif.: RAND Corporation, MG-1076-AF, 2011, p. 3.

<sup>2</sup> UNODC, "Colombia Survey 2014: UNODC Study Shows Significant Increase in Coca Leaf Production in High Density Areas," July 2, 2015.

<sup>3</sup> White House Office of National Drug Control Policy, "Coca in the Andes," Washington, D.C., undated.

The policies of the Evo Morales government and its unwillingness to cooperate with the Drug Enforcement Agency (DEA) almost certainly will ensure that the country will continue to act as an important anchor in the regional cocaine trade.<sup>4</sup>

Various nonstate actors are active in the production and trafficking of South American cocaine. In Colombia, the chief entity is the Fuerzas Armadas Revolucionarias de Colombia/Revolutionary Armed Forces of Colombia (FARC), which is estimated to earn anywhere between \$200 million and \$300 million a year from the trade. Historically, most of this money was used to underwrite the organization's insurgency. In recent years, however, it appears that FARC elements have increasingly turned to narcotics trafficking as an economic endeavor in its own right—arguably reflecting a process of criminalization that has been engendered by the organization's degraded fighting capabilities over the past six years.<sup>5</sup>

The FARC's future involvement in the Latin American cocaine business is likely to depend on the outcome of peace talks being held with the government of Juan Manuel Santos. The negotiations process has come close to breaking down at several points—notably in April 2015 when a FARC unit killed 11 Colombian soldiers, resulting in an escalation of the conflict. (Opinion polls show declining support for the peace negotiations.)<sup>6</sup> Cuban-brokered negotiations resulted in preliminary agreement on several of the main points between the two sides, but the sensitive issue of transitional justice for human rights violators remained unresolved until an agreement was announced in Havana in September 2015 by President Santos and the head of the FARC Secretariat Timoleón Jiménez (“Timochenko”). The key aspect of the agreement is the creation of a judicial body called the Special

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<sup>4</sup> President Morales, formerly head of the Bolivian coca growers union, has sanctioned the licit production of 40,000 hectares to meet indigenous demand but has yet to articulate a comprehensive strategy to ensure that none of this yield will be redirected to the criminal market. His government also suspended all cooperation with the DEA in 2008.

<sup>5</sup> Chalk, 2011.

<sup>6</sup> Virginia M. Bouvier, “Colombia’s Peace Talks Win Reprieve as FARC Declares Cease-fire,” Washington, D.C., U.S. Institute of Peace, July 10, 2015.

Peace Jurisdiction, which will make decisions on cases related to the Colombian armed conflict and has the capacity to work with individuals who acknowledge their responsibility for human rights violations by imposing alternative sanctions that differ from those of ordinary criminal trials. The tribunal will have jurisdiction over FARC members and other actors in the armed conflict, including members of the armed forces. While many Colombian and international actors have supported the agreement, others—such as former President Alvaro Uribe—have rejected it on the grounds that it fosters impunity and places FARC members and armed forces personnel on the same level.<sup>7</sup>

Once a final agreement is reached, the FARC is committed to withdrawing from the drug trade. Whether those FARC elements most deeply involved in the drug trade will actually comply with a decision to this effect remains to be seen. The level of control that the FARC Secretariat actually exercises over the widely dispersed fronts is a matter of debate. Moreover, if the FARC were to distance itself from the drug trade, that could open the field to other competing narcosyndicates, repeating a fragmentation that followed the collapse of the Cali and Medellín cartels in the 1990s.<sup>8</sup>

The chief beneficiary of any FARC withdrawal from the cocaine trade would be the groups referred to as *bandas criminales* (criminal bands), or BACRIM.<sup>9</sup> The BACRIM are Colombia's third-generation DTOs and are markedly different from their predecessors, the Medellín and Cali cartels, and the second-generation DTOs, the “baby cartels” that tended to specialize in certain links in the drug trafficking chain. The BACRIM deliver cocaine destined for U.S. markets to the Mexican syndicates, usually in Central America. They have diversified

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<sup>7</sup> Nicolás Carrillo-Santarelli, “An Assessment of the Colombian-FARC ‘Peace Jurisdiction’ Agreement,” EJIL: Talk! Blog of the European Journal of International Law, September 29, 2015.

<sup>8</sup> “Colombia and FARC Rebels Agree on Drug Plan,” BBC News, May 16, 2014. For more on the peace talks and some of the main obstacles that lie in the way of a final settlement, see Adam Isacson, *Ending 50 Years of Conflict: The Challenges Ahead and the U.S. Role in Colombia*, Washington, D.C.: Washington Office on Latin America, April 2014.

<sup>9</sup> Interview with senior analyst, Washington Office on Latin America (WOLA), November 3, 2014.

their criminal portfolio to include a range of criminal activities other than drug trafficking, such as extortion, illegal gold mining, gambling, contraband smuggling, and human trafficking—so that their structure and capabilities are different from those of their predecessors.<sup>10</sup>

The BACRIM trace their origins to former paramilitaries that reneged on a disarmament, demobilization, and reintegration deal that was concluded with the former paramilitary umbrella organization, the Autodefensas Unidas de Colombia/United Self Defense Forces of Colombia (AUC) in 2006. However, unlike the AUC, the BACRIM do not control territory or have a political project, and they lack the capability or motivation to take on the leftist guerrillas. These reconfigured gangs have since emerged as major players in Colombia's criminal scene. According to the Institute of Studies for Development and Peace, BACRIM were detected in 626 of Colombia's 948 municipalities in 2013—and, according to government sources, had a collective membership of some 3,550.<sup>11</sup> Major BACRIM are listed in Table 3.1.

BACRIM frequently work in coordination with other criminal groupings in Colombia, including *pandillas* (street gangs) and more-sophisticated groups euphemistically called *oficinas de cobro* (collection agencies). The latter entities have a dedicated money-laundering capability and engage in a variety of supplemental services and activities that range from muggings, micro-extortion, and local drug dealing to contract killings and money laundering.<sup>12</sup> Unlike the AUC, whose leaders were commonly integrated into the business and social elites of many regions, the BACRIM do not have analogous social ties to the communities where they operate. They appear to operate in some cases as a political force by targeting trade unionists, land restitution activists, and social movements that threaten business interests, but they do so as guns for hire, not in pursuit of a political agenda.<sup>13</sup> In this, the

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<sup>10</sup> Jeremy McDermott, "The BACRIM and Their Position in Colombia's Underworld," *InSight Crime*, May 2, 2014.

<sup>11</sup> Instituto de Estudios para el Desarrollo y la Paz (INDEPAZ), "IX Informe Sobre Grupos Narcoparamilitares," Bogotá, Colombia, 2014.

<sup>12</sup> McDermott, 2014.

<sup>13</sup> McDermott, 2014.

**Table 3.1**  
**Main Criminal Bands in Colombia**

| Group                                     | Size    | Operational Locations                                    | Former/Current Leader(s)                                                                                                           |
|-------------------------------------------|---------|----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Los Urabeños                              | 2,300   | Antioquía, Chocó, Bolívar, Magdalena, Norte de Santander | Daniel Rendón Herrera ("Don Mario"), captured in 2009; current leader Dario Antonio Usuga ("Otoniel")                              |
| El Bloque Meta <sup>a</sup>               | 250–300 | Meta, Vichada, Guainía, Casanare                         | "El Flaco Freddy," arrested in 2012; current leader, "Jhonatan"                                                                    |
| Los Libertadores del Vichada <sup>a</sup> | 200     | Meta, Vichada, Guainía, Casanare                         | Martin Farfan ("Pijarbey") killed in police operation in 2015; current leader unknown                                              |
| Los Rastrojos                             | 1,600   | Nariño, Cauca, Putumayo                                  | "El Doctor" and Diego Rastrojo, arrested in 2012; "Comba," surrendered to DEA in 2012; current leader unknown                      |
| Los Paisas                                | 172     | Antioquía, La Guajira, Córdoba, Bolívar, Sucre, Cesar    | Cesar Augusto Torres Lujan ("Mono Vides"), killed in 2010; Germán Bustos Alarcó ("Puma"), captured in 2012; current leader unknown |

SOURCE: "Rastrojos," *InSight Crime*, undated; "Paisas," *InSight Crime*, undated; "Libertadores del Vichada," *InSight Crime*, undated.

<sup>a</sup> El Bloque Meta and Los Libertadores del Vichada were both formerly part of Ejército Revolucionario Popular Anticomunista; they emerged as rival factions after the parent movement surrendered to the government in 2011.

BACRIM differ significantly from other nodes in the drug trafficking networks that are deeply rooted in their communities, such as the *transportista* groups in Central America.<sup>14</sup>

The most powerful BACRIM outfit is Los Urabeños ("those from Urabá," a trackless jungle region between Colombia and Panama's Darien region that has long been a smuggling haven). When the AUC demobilized between 2006 and 2009, midlevel commanders and fighters began to operate independently under the name of Gaitanista Self-Defense

<sup>14</sup> These are groups that control smuggling routes. *Transportista* networks are discussed in Chapter Five.

Forces.<sup>15</sup> The group secured its dominant position by consolidating control of territory along Colombia's Caribbean coast while taking control of drug routes on the Pacific coast previously run by rival groups.<sup>16</sup>

Los Urabeños's founder was Daniel Rendón Herrera ("Don Mario"), a former midlevel AUC commander and brother of Freddy Rendón Herrera ("El Alemán"), commander of a demobilized AUC bloc. Don Mario and his group expanded from their home base in Urabá into the department of Antioquía and the Caribbean coast, clashing in the process with Los Paisas and the Oficina de Envigado, two Medellín-based groups that were formerly part of the AUC, and Los Rastrojos, a group composed of former members of the Norte del Valle cartel and operating in southwestern Colombia. After Don Mario was captured in April 2009 (and later extradited to the United States), the brothers Dario Antonio and Juan de Dios Usuga, known respectively as "Otoniel" and "Giovanni," took over and continued the group's expansion all the way to the Venezuelan border. Giovanni was killed by police in January 2012, but this did not slow down the group's expansion. Otoniel continued to run the organization after his brother's death and began an offensive down the Pacific coast to absorb territory controlled by Los Rastrojos, who had been weakened by the surrender or arrest of their three founders.<sup>17</sup>

The success of Los Urabeños in overcoming rival groups can be attributed to three factors. First, because of their paramilitary roots, Los Urabeños aligned themselves with other groups that also had paramilitary capabilities and incorporated them into their structure. Los Rastrojos, by contrast, used a franchise model, exercising far less control than Los Urabeños, and allied themselves with urban groups that generally did not have the firepower needed in a turf war. Second, Los Urabeños were better at utilizing their support network. Although Los

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<sup>15</sup> The forces are named after Jorge Eliécer Gaitán, a leading Colombian Liberal Party politician assassinated on April 9, 1948. The riots that followed Gaitán's assassination are regarded as the beginning of the period of extreme violence in Colombia known as "La Violencia."

<sup>16</sup> Marcus Sales, "How the Urabeños Beat the Rastrojos to Become Colombia's #1 Drug Cartel," *Colombia Reports*, August 6, 2013.

<sup>17</sup> Adriaan Alsema, "Profiles—Urabeños," *Colombia Reports*, September 17, 2012.

Rastrojos had a support base in certain areas, the nature of the groups it had aligned with meant that these allies were unable to provide the capabilities required to resist inroads by rivals. Third, Los Urabeños were a more cohesive organization. Los Rastrojos were a federation of different groups and more vulnerable to internal split than vertically integrated groups. When Los Rastrojos was off-balance after the loss of its leaders, Los Urabeños were quick to take advantage of the opportunity.<sup>18</sup>

As of spring 2015, the leaders of Los Urabeños, Los Rastrojos, Libertadores del Vichada, and El Bloque Meta authorized their attorneys to begin negotiations with Colombia's attorney general's office regarding their surrender in exchange for reduced penalties and other legally permitted concessions. Because these groups are not considered "political," they cannot be processed under the disarmament, demobilization, and reintegration mechanisms established for demobilization of the AUC (or the FARC if a peace agreement is reached). There have been suggestions of a compromise in which demobilized BACRIM members would not be extradited to the United States.<sup>19</sup>

In addition to the FARC and the BACRIM, there are indications that the Ejército de Liberación Nacional/National Liberation Army (ELN), Colombia's second-largest guerrilla organization, with about 2,000 combatants,<sup>20</sup> is now becoming more intimately involved in the production and smuggling of Colombian cocaine. Traditionally, most of the group's criminal income was derived from kidnapping for ransom and extorting protection money from energy firms (oil, gas, coal) and mining companies (gold and emeralds).<sup>21</sup> Drug trafficking was shunned as it was considered "anti-revolutionary."

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<sup>18</sup> Sales, 2013.

<sup>19</sup> Gustavo Rugeles, "Los Urabeños, los Rastrojos y Otras Dos Bacrim Alistan su Entrega a la Justicia," *Noticias Dos Puntos*, March 8, 2015.

<sup>20</sup> The ELN was founded in 1964 by adherents of the Castroite doctrine of "prolonged people's war." Over the last few years, the ELN has shown signs of internal fragmentation. The Colombian government and the ELN started exploratory peace talks in 2014.

<sup>21</sup> Alex McDougall, "State Power and Its Implications for Civil War in Colombia," *Studies in Conflict and Terrorism*, Vol. 32, No. 4, 2009; Richani Nazih, *Systems of Violence: The Politi-*

Faced with falling numbers and a failing guerrilla campaign, however, the group's resistance to narco-sourced funds appears to be diminishing. By 2006, it was reported that the ELN was engaged in protecting cocaine laboratories and shipments, which brought in significant profits that were used to buy weapons and attract recruits. The group is said to have moved to make a strategic alliance with Los Rastrojos to run a production ring in Bolívar. The extent of this relationship became apparent in 2012 when Colombian police seized 857 kilograms (kg) of cocaine that had been manufactured in refining facilities protected by the ELN and was destined for export across the Venezuelan border.<sup>22</sup>

Drug production in Peru and Bolivia is largely dispersed among a plethora of amorphous nonspecific groups, although in the former case at least two factions of Shining Path (*Sendero Luminoso*)—which carried on a bloody insurgency against the Peruvian state between 1980 and 1992—have resurfaced as security subcontractors for indigenous coca farmers.<sup>23</sup> According to a recent study, Shining Path is only a small piece of a larger dynamic. A large number of “family clans” make up the narcotics infrastructure in Peru. These family clans buy the coca leaf from local farmers, smuggle precursor chemicals to production sites, produce intermediate products and cocaine, arrange the transportation of those products, and manage details of the local operations and their security, with financing from external organizations that are the recipients of their products.<sup>24</sup>

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*cal Economy of War and Peace in Colombia*, Albany, N.Y.: State University of New York Press, 2002, p. 170. By the turn of the millennium, the group was thought to have earned \$150 million through these illicit pursuits: 30 percent from kidnapping and 70 percent from extortion.

<sup>22</sup> Edward Fox, “Colombia Dismantles ELN-Rastrojos Drug Trafficking Network,” *InSight Crime*, August 31, 2012a.

<sup>23</sup> Interview with Colombian and U.S. officials, Cartagena, November 2008. See also Simon Romero, “Cocaine Trade Helps Rebels Reignite War in Peru,” *New York Times*, March 17, 2009a.

<sup>24</sup> R. Evan Ellis, “Narcotrafficking, Shining Path, and the Strategic Importance of Peru,” *War on the Rocks*, March 31, 2015a.

## Venezuela: A Key Drug Transit Platform

A large part of the cocaine that transits the Central America supply chain on its way to the United States, as well as the vast majority of cocaine that is shipped to West Africa is exported from Venezuela. The country's role in the Latin American drug trade has expanded considerably since late Venezuelan President Hugo Chávez's expulsion of the DEA in 2005.<sup>25</sup> The Presidential Determination on Major Drug Transit or Major Illicit Drug Producing Countries for Fiscal Year 2015 designated Venezuela, along with Bolivia and Myanmar/Burma, as a major drug transit country.<sup>26</sup> The attendant Memorandum of Justification stated that in the previous two years, nearly all detected illegal drug flights arriving in Honduras, the region's largest center for airborne drug smuggling, originated from Venezuela and that the majority of detected illegal flights departing Central America and returning to South America landed first in western Venezuela (Figure 3.1).<sup>27</sup> Most of the narco flights from Venezuela to Central America originate in Apure state, near the Colombian border, a region with a strong FARC presence. According to a Venezuelan expert, there are 116 clandestine airstrips in Apure and strategically outlined roads to carry the cargo in vehicles and subsequently load them in light aircraft.<sup>28</sup>

Shipments from Venezuela to West Africa run by both air and sea. In the former case, consignments are transported in modified light aircraft (typically, modified turbo-prop planes such as Cessnas) to informal landing strips in West Africa. Leopold Senghor Airport in Sierra Leone is known to be one major arrival point for these drug flights.<sup>29</sup>

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<sup>25</sup> Chávez justified the decision on the grounds that DEA agents were complicit in espionage activities against his government.

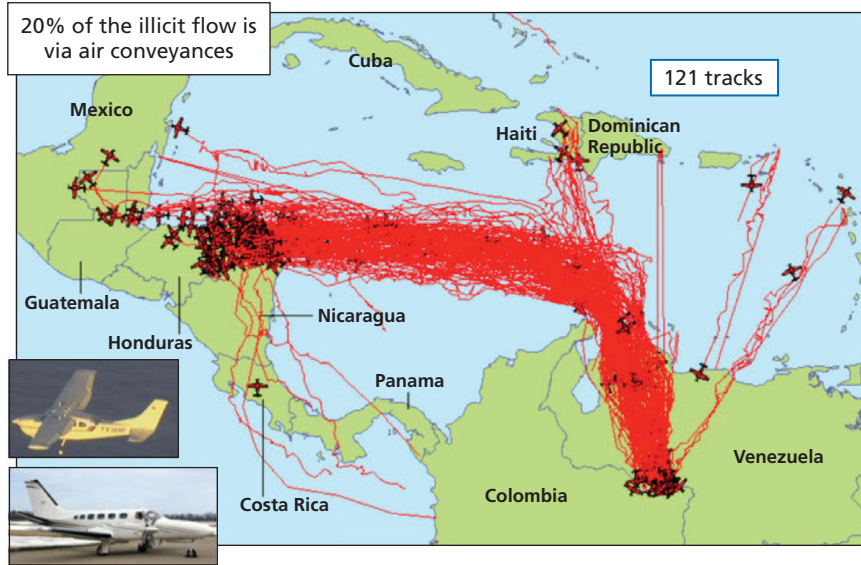
<sup>26</sup> White House, "Presidential Determination—Major Drug Transit or Major Illicit Drug Producing Countries for Fiscal Year 2015," September 15, 2014d.

<sup>27</sup> White House, "Memorandum of Justification for Major Drug Transit or Illicit Drug Producing Countries for Fiscal Year 2015—Venezuela," September 15, 2014c, p. 7.

<sup>28</sup> Natalia Matamoros, "Venezuela Is the First Drug Trafficker in Latin America," *El Universal* (Caracas), October 5, 2013.

<sup>29</sup> Africa Economic Development Institute, "West Africa and Drug Trafficking," undated.

**Figure 3.1**  
**Airborne Drug Trafficking from Venezuela**



SOURCE: JIATFS Analysis and Research Group, Key West, Fla., 2011.

RAND RR1481-3.1

In the latter and more common route, they are moved in maritime conveyance that follows the so-called “Highway 10,” a reference to the 10th degree of latitude that connects southern America to its closest point on the African continent across the Atlantic Ocean.<sup>30</sup>

The overall volume of drugs passing through Venezuela to Europe is not known. However according to the Maritime Analysis Operation Centre, more than half (51 percent) of all intercepted shipments in the Atlantic during the 2006–2008 period started their maritime journey in Venezuela, which is now regarded as the primary gateway to West Africa.<sup>31</sup>

<sup>30</sup> Joseph Kirschke, “The Coke Coast: Cocaine’s New Venezuelan Address,” *World Politics Review*, September 11, 2008.

<sup>31</sup> UNODC, *The Transatlantic Cocaine Market*, April 2011, p. 24.

### Is Venezuela a Criminalized State?

According to the Memorandum of Justification, Venezuela does not encourage or facilitate illegal activity involving drug trafficking as a matter of government policy. However, the document notes that credible reporting indicates that individual members of the government and security forces engaged in or facilitated drug trafficking activities. In 2013, Venezuelan authorities reported seizing 46 MT of illegal drugs. While Venezuela reports the seizures, it did not systematically share the data or evidence needed to verify the destruction of the drugs. The Venezuelan government also published statistics on arrests and convictions for drug possession and trafficking, but it did not provide information on the nature or severity of the drug arrests or convictions.<sup>32</sup>

Criminal elements in the military, colloquially known as the Cartel de los Soles (“Cartel of the Suns”—named after the insignia of Venezuelan generals) are intimately involved in drug-running operations.<sup>33</sup> In 2008, the U.S. Treasury froze the assets of the director of the Directorate of Intelligence and Prevention Services, General Henry Rangel Silva; the director of Military Intelligence, General Hugo Carvajal (nicknamed “The Chicken”); and the former Minister of Interior, Ramón Rodríguez Chacín for materially assisting the FARC’s narcotics trafficking.<sup>34</sup>

Documents found in the computer files of the late FARC commander Raúl Reyes in the Colombian raid on Reyes’ camp on the Ecuadoran side of the border in March 2008 revealed close coordination between the FARC and senior officials in the Venezuelan government. There are references in the captured documents to the “300,” also called the “dossier,” which appears to refer to a cash donation by Hugo Chávez to the FARC.<sup>35</sup> There is discussion of business deals to

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<sup>32</sup> White House, 2014c.

<sup>33</sup> Javier Ignacio Mayorca, “Mitos y Realidades Sobre el Cartel de los Soles,” *Observatorio Iberoamericano de la Democracia*, October 7, 2012.

<sup>34</sup> U.S. Department of the Treasury, “Treasury Targets Venezuelan Government Officials Supporting the FARC,” Washington, D.C., HP-1132, September 12, 2008.

<sup>35</sup> Douglas Farah, “What the FARC Papers Show Us About Latin American Terrorism,” NEFA Foundation, April 1, 2008.

be undertaken with the money. One of the deals discussed was an oil allotment from Venezuela to the FARC to sell outside the country. Another was the sale of gasoline in Venezuela or Colombia, or setting up a company in Venezuela with the possibility of obtaining government contracts.<sup>36</sup>

One message found in Reyes's computer files was from Márquez, the FARC's liaison with Chávez. It describes the FARC's plan to buy surface-to-air missiles, sniper rifles, and radios in Venezuela. Márquez wrote that the effort was facilitated by General Rangel Silva and former Minister Rodríguez Chacín.<sup>37</sup> In July 2009, the Colombian military raided a FARC camp and confiscated five Swedish Saab AB AT-4 85-mm antitank weapons that had been previously sold by Sweden to the Venezuelan army.<sup>38</sup>

According to numerous sources, the FARC operates without interference in the Venezuelan states of Barinas and Apure, resulting in a sharp increase in kidnappings and other criminal activity. An indictment issued by Judge Eloy Velasco Nuñez, a magistrate in the National Court of Spain (*Audiencia Nacional*), maintained that the Basque terrorist organization Euskadi Ta Askatasuna/Basque Country and Freedom (ETA) provided weapons, explosives, and urban guerrilla warfare training to FARC personnel in camps on Venezuelan territory. The organizer of these courses was said to be José Arturo Cubillas Fontán, representative of the ETA in Venezuela and responsible for liaisons with the FARC. Cubillas Fontán has been chief of security in the Venezuelan land reform institute (*Instituto Nacional de Tierras*) since 2005. According to the Spanish indictment, ETA instructors were accompanied to a FARC training site by an individual who wore a jacket with the emblem of the Military Intelligence Directorate and were escorted by Venezuelan military personnel.<sup>39</sup>

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<sup>36</sup> A letter to the Secretariat dated February 8, 2008, cited in Farah, 2008.

<sup>37</sup> Simon Romero, "Venezuela Still Aids Colombia Rebels, New Material Shows," *New York Times*, August 3, 2009b.

<sup>38</sup> Maite Rico, "Turbulencias en la Región Andina," *El País* (Madrid), August 3, 2009.

<sup>39</sup> Audiencia Nacional (Spain), "Auto de Procesamiento," Juzgado Central de Instrucción Número 6, Sumario 75/09 (DP 263/08), February 24, 2010. See also Maye Primera and

In December 2014, Venezuelan Navy Commander Leamsy Salazar, former chief of security for the late President Chávez and National Assembly president Diosdado Cabello, defected to the United States. According to U.S. press reports, Salazar is expected to provide witness testimony at an investigation by the DEA and the U.S. Attorney for the Southern District of New York into links between the Venezuelan government and narco-trafficking. Salazar reportedly identified Cabello, regarded as the second-most-powerful man in the Venezuelan government, as the leader of the Cartel de los Soles.<sup>40</sup>

The U.S. media has reported that federal prosecutors are building a case against Cabello and other Venezuelan officials and military officers that may result in indictments. Officials under investigation are reported to include former Interior Minister Tarek El Aissami, now governor of Aragua state; retired General Carvajal (“The Chicken”), a former director of the National Office Against Organized Crime and Financing of Terrorism (which suggests that the Venezuelan regime does have a sense of humor) and Military Intelligence; Major General Nestor Reverol, commander of the National Guard; Minister of Industries Jose David Cabello, Diosdado Cabello’s brother; and Luis Motta Dominguez, a National Guard general in charge of central Venezuela.<sup>41</sup> “The Chicken” Carvajal was detained by Aruba authorities at the request of the U.S. government in July 2014 when he arrived to take up his appointment as Venezuelan consul in Aruba. A judge in Aruba ruled that Carvajal did not have diplomatic immunity because he had not yet been accredited as a diplomat at the time the United States requested his extradition. The United States accused Carvajal of having coordinated the trafficking of 5.6 tons of cocaine from Venezuela to Mexico destined for the U.S. market. However, after the Venezu-

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Manuel Altozano, “Venezuela Pide Antecedents de Uno de los Etrarras Que Busca el Juez Velasco,” *El País* (Madrid), March 19, 2010; and José María Irujo, “Venezuela, el Gran ‘Balneario’ de ETA,” *El País* (Madrid), March 21, 2010.

<sup>40</sup> Antonio Maria Delgado, “Identifican a Diosdado Cabello Come Jefe del Cartel de los Soles,” *El Nuevo Herald*, January 26, 2015.

<sup>41</sup> José de Córdoba and Juan Forero, “Venezuelan Officials Suspected of Turning Country into Global Cocaine Hub,” *Wall Street Journal*, May 18, 2015.

elan government turned the pressure on Aruba and the Netherlands, the Dutch Foreign Ministry decided that Carvajal did have diplomatic immunity after all and released him.<sup>42</sup>

In a new book on the *chavista* system in Venezuela,<sup>43</sup> Emili Blasco, the Washington correspondent of the Spanish newspaper *ABC*, describes the evolution of Venezuelan state involvement in the drug trade. According to Blasco, a Lebanese-Venezuelan entrepreneur named Walid Makled García set up an organization known as the Beirut cartel between 2000 and 2006 that picked up cocaine from the FARC across the Venezuelan border states of Apure and Táchira, transported the product to the city of Valencia, and shipped it out of the port of Puerto Cabello, in Carabobo state, with the complicity of the state governors along the trafficking route and of the head of the Puerto Cabello port authority. Blasco reports that Makled García paid a million dollars a month in bribes. In 2007, Makled García was driven out of the business and his operations were taken over by a number of Venezuelan generals close to Chávez.<sup>44</sup> Several Venezuelan state enterprises, such as the state oil company *Petróleos de Venezuela, S.A.*, and the gold mining enterprise *Minerven*, laundered the proceeds from the DTOs. The role of Chávez in the DTOs was ambiguous. He was said to have behaved like the chairman of the board, setting policy rather than being involved in operations. After Chávez's death, his successor, Nicolás Maduro, was reported to have attempted to influence operational decisions, which caused tensions with the cartel's operational head, José David Cabello.<sup>45</sup>

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<sup>42</sup> "Aruba: Venezuela Military Threat Brought Hugo Carvajal's Release," *PanAm Post*, July 29, 2014.

<sup>43</sup> Chavism is a left-wing political ideology associated with Hugo Chávez.

<sup>44</sup> According to Blasco, these were former Ministers of Defense Rangel Silva, Carlos Marta Figueroa, and Ramón Carrizales; former Minister of Interior Rodríguez Chacín; President Chávez's brother, Adán; and Aragua governor El Aissami. (Emili J. Blasco, *Bumerán Chávez: Los Fraudes Que Llevaron al Colapso de Venezuela*, Washington, D.C., Madrid: Center for Investigative Journalism in the Americas, Inter-American Trends, 2015)

<sup>45</sup> Blasco, 2015, pp. 188–211.

In conclusion, there is more than sufficient evidence that officials at the highest levels of the Venezuelan government have been cooperating with the FARC in DTOs. This would place Venezuela in the category of “criminalized state,” defined above as states where the senior leadership is aware of and involved in transnational criminal enterprises—either actively or through passive acquiescence—where these organizations are used as an instrument of statecraft, and where levers of state power are incorporated into the operational structure of one or more criminal organizations.



## The Mexican Supply Chain

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Roughly 65 percent of South American cocaine is trafficked to the United States, the bulk of which is smuggled through the western Pacific/Central American corridor. The remainder is sent through the Caribbean island chain with the Dominican Republic, Puerto Rico, and Haiti acting as the main transshipment points.<sup>1</sup> In both cases, Mexico acts as the main gateway to the U.S. market, currently accounting for upward of 90 percent of all illicit drug imports to the country (the remaining 10 percent arriving through southern Florida).<sup>2</sup>

About 20 percent of this total is initially dispatched by air. Flights (*narcoavionetas*) generally originate from Venezuela or Brazil, where numerous clandestine runways exist. Drugs are generally shipped in lightweight, single-engine Cessnas, which are capable of transporting loads of 400–500 kg (0.5 MT) at a time. Consignments are delivered to prearranged drop points in Central America, where they are repackaged and routed by either land or water to Mexico. Guatemala is an especially favored transshipment hub on account of the sparsely populated and highly porous nature of the country's northern border zone.<sup>3</sup>

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<sup>1</sup> It remains to be seen whether the continuing economic liberalization of Cuba changes these dynamics.

<sup>2</sup> Chalk, 2011, pp. 5–6.

<sup>3</sup> Adam Isacson, Maureen Meyer, and Gabriela Morales, *Mexico's Other Border: Security, Migration and the Humanitarian Crisis at the Line with Central America*, Washington, D.C.: WOLA, August 2014, pp. 9–10. Mexico and Guatemala maintain only ten official border crossings, compared with more than 45 informal exit and entry points that are along the frontier.

The more favored method, however, is to conceal shipments in go-fast boats. Constructed out of wood that is then overlaid with fiberglass, these vessels can carry up to 2 MT of cocaine. They lie low in the water and are powered by four 200-horsepower Yamaha outboard engines that give them a top speed approaching 70 miles per hour. Go-fasts put to sea off northern Colombia and “hopscotch” up the Pacific coast of Central America, hugging the shoreline the entire way to avoid patrols by the U.S. Coast Guard and regional navies.<sup>4</sup> Again, Guatemala appears to be the principal conduit connecting this passage to Mexico with shipments arriving by boat at mangrove swamps on the coast.<sup>5</sup>

Cartels will occasionally employ a third approach, using self-propelled semisubmersibles (SSPs). These craft are primarily employed for large, direct runs in the Pacific. They are crewed by four to six persons, emit no radar trace and effectively eliminate infrared signatures by dissipating engine heat through keel coolers.<sup>6</sup> SSPs can carry six to ten MT of cocaine and have a range of up to 1,500 nautical miles,<sup>7</sup> which puts them well within reach of Mexico’s maritime domain. A typical journey would first head due west to the Galapagos Islands, then turn north on a bearing through the Guatemalan Basin.<sup>8</sup>

After entering Mexico, cocaine is concealed either in solid or liquid form (there has been a recent trend of mixing the narcotic with insulating oil)<sup>9</sup> on trucks that travel overland to safehouses located in the country’s northern border states. There, the drugs are broken down and concealed in specially modified vehicles that are driven into

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<sup>4</sup> Interview with Colombian and U.S. officials, Cartagena, November 2008; interviews with U.S. Embassy officials, Bogotá, March 2009.

<sup>5</sup> Isacson, Meyer, and Morales, 2014, pp. 9, 28.

<sup>6</sup> The vessels are generally constructed from scratch in jungle boatyards within 30 to 40 miles of the northern Colombian coastal city of Barranquilla, at a unit cost of \$1–2 million.

<sup>7</sup> Most SSPs operate at around 75-percent capacity because they lack buoyancy and cannot carry a full payload if stability and ballast are to be ensured.

<sup>8</sup> Interviews with Colombian and U.S. officials, Cartagena, November 2008; interviews with U.S. Embassy officials, Bogotá, March 2009; see also “Mexico: Cocaine Found in Small Sub,” Reuters, July 19, 2008.

<sup>9</sup> “Argentine Finds Liquid Cocaine Inside Transformers’ Oil,” BBC News, May 16, 2014.

the United States (Table 4.1 lists the main crossing points) by traffickers themselves or, more commonly, by ordinary individuals who have been entrapped in this work. Prospective couriers are generally approached through third parties (typically a co-opted friend or work colleague) and offered a chance to make “easy money.” If the approach is rebuffed, the targeted individual is threatened with violence, as is his or her family. Because cartels have thoroughly penetrated local police forces, victims are effectively devoid of a law-enforcement solution to their circumstances and, hence, have little option but to comply.<sup>10</sup>

Once inside the United States, cocaine shipments are moved to major consumption cities such as San Diego, Los Angeles, Seattle, San Francisco, Phoenix, Denver, Houston, Chicago, Atlanta, Washington, D.C., and New York. Mexican syndicates work with local street gangs to coordinate this aspect of the supply chain, subcontracting these entities as local distributors, enforcers, and debt collectors. Several organizations exist in the country,<sup>11</sup> although two have elicited particular concern. The first is the Mexican Mafia, which is also known as *La*

**Table 4.1**  
**Principal Border Crossing Points for Illegal Cocaine Shipments to the United States**

| Mexico                          | Corresponding U.S. Point |
|---------------------------------|--------------------------|
| Tijuana (Baja California Norte) | San Diego (California)   |
| Sonoyta (Sonora)                | Lukeville (Arizona)      |
| Nogales (Sonora)                | Nogales (Arizona)        |
| Ciudad Juarez (Chihuahua)       | El Paso (Texas)          |
| Nuevo Laredo (Tamaulipas)       | Laredo (Texas)           |
| Reynosa (Tamaulipas)            | McAllen (Texas)          |
| Matamoros (Tamaulipas)          | Brownsville (Texas)      |

NOTE: Crossing points are listed west to east geographically. States are in parentheses.

<sup>10</sup> Interviews with judicial and police officials, Tucson, Arizona, 2013–2014.

<sup>11</sup> Prominent street gangs include the Old Mexican Mafia, the New Mexican Mafia, the Aryan Brotherhood, the New Mexico Syndicate, Nuestra Familia, the Northern Structure, the Black Guerrilla Family, Mexikanemi, Barrio Azteca, the Texas Syndicate and Hermanos Pistoleros.

*Eme* (the Spanish phonetic for the letter “M”). The group initially consisted of convicted Mexican-American youths who organized in the California Department of Corrections during the 1950s. It was originally based in the eastern *barrios* (Spanish-speaking neighborhoods) of urban Los Angeles, but has since expanded to many other states and remains very active in the federal prison system. The second organization of concern is the third-generation Salvadoran *Mara Salvatrucha-13* (MS-13),<sup>12</sup> which was established by Salvadorans fleeing their country’s civil war in the 1980s. The organization emerged in Los Angeles and has now spread to 33 states, retaining an especially strong presence in the tri-border region of Washington, D.C., Virginia, and Maryland—as well as parts of New York.<sup>13</sup>

## Main Players

At the heart of the Mexican supply chain are nine established DTOs (including the six cartels listed in Table 4.2) that, to varying degrees, control virtually all nodes along the cocaine supply chain to the United States. The largest and most powerful is the Sinaloa Federation. Established in 1995, this group dominates most of the state with the same name along with virtually all of Baja California, and it retains important strongholds in Durango, Sonora, Jalisco, and Chihuahua.<sup>14</sup> It is currently seeking to consolidate “ownership” of key trafficking routes that

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<sup>12</sup> For more on third-generation gangs, see John P. Sullivan, “Maras Morphing: Revisiting Third Generation Gangs,” *Global Crime*, Vol. 7, Nos. 3–4, January 1, 2006; John P. Sullivan, “Transnational Gangs: The Impact of Third Generation Gangs in Central America,” *Air and Space Power Journal*, 2008.

<sup>13</sup> Jay Albanese, “Prison Break: Mexican Gang Moves Operations Outside U.S. Jails,” *Jane’s Intelligence Review*, Vol. 21, January 2009; John Sullivan and Adam Elkus, “State of Siege: Mexico’s Criminal Insurgency,” *Small Wars Journal*, August 12, 2008, p. 4; Adam Elkus, “Gangs, Terrorists, and Trade,” *Foreign Policy in Focus*, April 12, 2007.

<sup>14</sup> Fred Burton and Stephen Meiners, “Mexico and the War Against the Drug Cartels in 2008,” *Stratfor Global Security and Intelligence Report*, December 9, 2008; George Grayson, “Mexico and the Drug Cartels,” *Foreign Policy Research Institute*, August 2007; Jo Tuckman, “Body Count Mounts as Drug Cartels Battle Each Other—and the Police,” *The Guardian* (UK), May 26, 2008.

**Table 4.2**  
**Mexican Drug Cartels**

| Cartel                                           | Area of Operation                                                        | Alliances                                   | Main Competitor                             |
|--------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------------|---------------------------------------------|
| Gulf Cartel                                      | Tamaulipas                                                               | Sinaloa Federation                          | Los Zetas                                   |
| Arellano Félix Organization (aka Tijuana Cartel) | Tijuana                                                                  |                                             | Sinaloa Federation                          |
| Carillo Fuentes Syndicate (aka Juárez Cartel)    | Ciudad Juárez                                                            | Beltrán Leyva Organization (BLO), Los Zetas | Sinaloa Federation                          |
| La Familia Michoacaná                            | Michoacaná State                                                         |                                             | Cabelleros Templarios (aka Knights Templar) |
| Cabelleros Templarios (aka Knights Templar)      | Michoacaná State                                                         |                                             | La Familia Micoacaná                        |
| Jalisco Cartel New Generation (CJNG)             | Southern stretches of Mexico's Pacific coasts; parts of Michoacaná State |                                             | Cabelleros Templarios (aka Knights Templar) |

SOURCE: Peter Chalk, "Border Dispute: US-Mexican Border Security Relations Remains Key Issue," *Jane's Intelligence Review*, June 2015.

abut California and New Mexico and to establish a foothold in the Tamaulipas-Texas corridor. The Sinaloa Federation suffered a significant loss in 2014 with the arrest of longtime commander Joaquín Guzmán ("El Chapo" or "Shorty"), the world's most wanted drug lord.<sup>15</sup> In July 2015, Guzmán staged a spectacular escape from his cell in the Altiplano Federal Penitentiary, Mexico's "supermax" prison, through a custom-built tunnel underneath the prison.<sup>16</sup> This was his second escape from a Mexican maximum-security prison: In 2001, he had escaped from the Puente Grande prison, where each inmate is assigned two prison guards and monitored with an advanced surveillance system. Some authorities

<sup>15</sup> For an excellent account of the events leading up to the capture of Guzmán, see Patrick Radden Keefe, "The Hunt for El Chapo," *The New Yorker*, May 5, 2014. See also Randal Archibold and Ginger Thompson, "El Chapo, Most-Wanted Drug Lord, Is Captured in Mexico," *New York Times*, February 22, 2014; "U.S. to Seek 'Shorty' Guzman's Extradition from Mexico," BBC News, February 24, 2014.

<sup>16</sup> He was recaptured January 8, 2016.

believed that prison guards were bribed or coerced into disabling the security cameras and smuggling him out of the prison in a laundry cart.<sup>17</sup>

Guzmán's organization has extensive experience in tunneling; the Sinaloa Federation has dug dozens of passageways under the U.S.-Mexican border. Fourteen months before Guzmán's escape from Altiplano, one of his lieutenants, Adelmo Niebla Gonzalez, ("El Señor"), and two other inmates escaped from another prison, the Culiacán penitentiary, through a quarter-mile tunnel. Both tunnels featured ventilation systems with makeshift PVC piping and electric lights, and both emerged in abandoned construction sites.<sup>18</sup>

The principal competitor to the Sinaloa Federation is Los Zetas. Founded by 30 members of an elite special force unit (the Grupo Aeromóviles de Fuerzas Especiales) that deserted from the Mexican Army between 1996 and 2000, it initially acted as the enforcement wing of the Gulf Cartel, which was traditionally considered one of the most powerful of the Mexican syndicates.

In 2009, Los Zetas emerged as a trafficking entity in its own right and quickly established territorial strongholds in Tamaulipas, Veracruz, Tabasco, and Campeche.<sup>19</sup> Los Zetas has suffered some recent setbacks, including the death in October 2012 of founding member Heriberto Lazcano—known as "El Verdugo" ("the Executioner") and Z-3—and the arrest of his successors Miguel Treviño Morales in 2013 and Miguel's brother, Omar Treviño Morales (known as Z-42), in March 2015.<sup>20</sup> That said, the cartel has managed to consolidate control over much of eastern Mexico and the Gulf coast, and it has signifi-

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<sup>17</sup> Amanda Macias, "There's Something Peculiar About the 2 Prisons Mexican Drug Kingpin 'El Chapo' Escaped From," *Business Insider*, July 25, 2015.

<sup>18</sup> Amanda Macias and Barbara Tasch, "This Astounding Mistake Led to 'El Chapo' Guzmán's Prison Escape," *Business Insider*, July 30, 2015.

<sup>19</sup> George Grayson, "Los Zetas: The Ruthless Army Spawned by a Mexican Drug Cartel," *Foreign Policy Research Institute*, May 2008a; Oscar Becerra, "A to Z of Crime: Mexico's Zetas Expand Operations," *Jane's Intelligence Review*, January 2009a; Burton and Meiners, 2008; Tuckman, 2008.

<sup>20</sup> Catherine Shoicet, "Mexico Captures Major Drug Lord," CNN News, July 16, 2013.

cantly weakened its parent movement's hold on important drug corridors over the Texan border.<sup>21</sup>

As noted above, the Gulf Cartel, the third Mexican DTO, had traditionally been considered one of the most powerful syndicates. However, since 2007, its dominance has withered, both as a result of the elimination of much of its leadership (the organization's "godfather," Osiel Cárdenas Guillén, was extradited to the United States in 2007) and of the defection of its former enforcement wing.<sup>22</sup> Although the Gulf Cartel has lost considerable ground to Los Zetas, it continues to be an important player in the Mexican drug trade and has benefited from a strategic alliance forged with the Sinaloa Federation to reclaim and jointly manage trafficking routes in Tamaulipas.<sup>23</sup>

Two other cartels that have diminished in importance but continue to operate are the Arellano Félix Organization and the Carrillo Fuentes Syndicate. The former, which is also known as the Tijuana Cartel, is based in Baja California and was once dubbed the most violent of the Mexican DTOs. Like the Gulf Cartel, it has suffered as a result of the combined effect of losing key personnel, notably the founding Félix brothers, and incursions into its territory.<sup>24</sup> In April 2015, the group was battling (and losing to) the Sinaloa Federation for control of the lucrative Tijuana corridor and was in danger of being reduced to a small group of scattered cells.

The Carrillo Fuentes Syndicate, which is more commonly referred to as the Juárez Cartel, is based in Chihuahua and was at one time responsible for about half the drugs entering the United States. Again, the capture of top commanders—longtime leader Vicente Carrillo Fuentes ("the Viceroy" or "The General") was arrested in October 2014—and competition from rival syndicates (including the Sinaloa Feder-

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<sup>21</sup> "Zetas," *InSight Crime*, undated; Jan Martinez Ahrens, "Detenido el Líder del Cartel de Los Zetas, Omar Treviño, el Z-42," *El País*, March 5, 2015.

<sup>22</sup> Burton and Meiners, 2008; Grayson, 2007; Tuckman, 2008; "5,630 Execution Murders in 2008: Mexican Drug Cartels," M3 Report, January 1, 2009.

<sup>23</sup> "Gulf Cartel," *InSight Crime*, undated.

<sup>24</sup> Burton and Meiners, 2008; Tuckman, 2008; Lizbeth Díaz, "Analysis: Mexico's Tijuana Cartel Weaker as Ex-Boss Comes Home," Reuters, March 14, 2008.

ation) have had a negative effect on the group. In an effort to retain relevance, it has worked with Los Zetas and the BLO to keep the Ciudad Juárez–El Paso cocaine channel open. However, the durability of these arrangements remains open to question, not least because they were a product of agreements forged by the now captured Carrillo Fuentes.<sup>25</sup>

As noted, one of the cartels embroiled in the Ciudad Juárez turf war is the BLO, which sometimes goes by the name of Cartel Pacífico Sur. The group was originally closely allied with the Sinaloa Federation but broke from it in early 2008 after one of its founding members, Alfredo Beltrán Leyva (“Fireant”), was arrested. The incident was interpreted as a betrayal instigated by longtime partner Guzmán, and the BLO subsequently declared war on “El Chapo” and his cartel. The organization initially proved capable of resisting pressure from the Sinaloans—as well as infiltrating Mexican counternarcotic units; the BLO assassinated some of the most-senior counternarcotics officers, including federal police director Edgar Millán Gómez (killed in May 2008).<sup>26</sup> Internal divisions and bloody internecine violence severely unraveled the group, an implosion that was only forestalled when Héctor Beltrán Leyva (“El H”) assumed leadership and moved to restore a semblance of organizational unity. Under his guidance (and in common with the Juárez Cartel), the BLO turned to Los Zetas in an effort to consolidate territory in Chihuahua State.<sup>27</sup> Although the BLO appeared to be making a comeback, it suffered a severe blow when Héctor Beltrán Leyva was captured in October 2014. As of spring 2015, its future as a prominent DTO remained uncertain.<sup>28</sup>

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<sup>25</sup> “Mexico Arrests Alleged Leader of Juarez Drug Cartel Vicente Carrillo Fuentes,” *The Guardian* (UK), October 9, 2014.

<sup>26</sup> Burton and Meiners, 2008; George Friedman, “Mexico: On the Road to a Failed State?” *Stratfor Global Intelligence*, May 13, 2008; Grayson, 2007; Francisco González, “Mexico’s Drug Wars Get Brutal,” *Current History*, February 2009; James McKinley, “6 Charged in Shooting of Officer in Mexico,” *New York Times*, May 13, 2008. In the United States, Gómez’s rank was equivalent to the director of the Federal Bureau of Investigation (FBI).

<sup>27</sup> Steven Dudley, “Héctor Beltrán Leyva, the BLO’s Gentleman Operator, Captured in Mexico,” *InSight Crime*, October 2, 2014.

<sup>28</sup> Jo Tuckman, “Capture of Cartel Boss Héctor Beltrán Leyva Ends Infamous Cocaine Dynasty,” *The Guardian* (UK), October 2, 2014; Lizbeth Díaz, “Mexico Arrests Drug Lord

Apart from DTOs that have made no pretense to being anything other than criminal, profit-driven entities, there are also groups that have attempted to weave “spiritual” connotations into their activities. Notable in this regard is La Familia Michoacana, which came to prominence in 2006 as a self-defined Christian movement dedicated to “defending citizens, merchants, businesses, and farmers” from all forms of crime and filling the security void left by the central government.<sup>29</sup> However, the group gradually sidelined the veneer of a local self-defense force and systematically came to be involved in drug trafficking, as well as extortion and money laundering.

La Familia also developed a highly notorious reputation for carrying out so-called “social work,” essentially beheading those who did not conform to the group’s “law enforcement” code.<sup>30</sup> Despite successfully extending its influence from Michoacán to cities in surrounding states, La Familia’s ability to consolidate territory has been severely hampered by bitter internal divisions and power plays.<sup>31</sup> A particularly serious schism occurred in 2011, when founder Nazario Moreno González (“El Mas Loco,” or “The Craziest One”) split and established a rival organization, the Caballeros Templarios (Knights Templar).

The Caballeros Templarios position themselves as an alternative vehicle for protecting members of the public from the actions of larger criminal entities and similarly employ religious imagery and rhetoric in their public communiqués. However, the group has proven to be every bit as violent as its parent movement (if not more so), conducting an extremely bitter and bloody campaign to take over the portfolio of La Familia’s criminal operations.<sup>32</sup> Although the Caballeros now effectively dominate trafficking in Michoacán State and control most of the

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Beltran Leyva Posing as Businessman,” Reuters, October 2, 2014.

<sup>29</sup> “La Familia Michoacana,” *Borderland Beat* blog, September 18, 2009.

<sup>30</sup> Oscar Becerra, “Family Business: La Familia: Mexico’s Most Violent Criminals,” *Jane’s Intelligence Review*, October 2009b; George Grayson, “La Familia: Another Deadly Mexican Syndicate,” *Foreign Policy Research Institute*, February 2009.

<sup>31</sup> James Bargent, “Arrests Show Familia Michoacana Still Active in Southwest Mexico,” *InSight Crime*, May 22, 2014.

<sup>32</sup> “Knights Templar,” *InSight Crime*, undated.

methamphetamine production in western Mexico, the group's leadership has been severely debilitated by the killing of Moreno González and his deputy, Enrique Plancante ("Kike"), in 2014.<sup>33</sup> These twin losses could have far-reaching consequences for the Caballeros' future trajectory, especially as they came at a time when the organization was already facing a concerted challenge from vigilante groups that have sprung up to drive it out of towns in western Michoacán state.

A final—and, again, relatively new—Mexican DTO is the CJNG. The group arose in 2010 after the death of Ignacio "Nacho" Coronel, the Sinaloa Federation's chief representative in Jalisco State. It has steadily expanded control of drug trafficking along the southern stretches of Mexico's Pacific Coast and has sought to gain territory in neighboring Michoacán, which has brought it into competition with the Caballeros Templarios.<sup>34</sup>

Mexican authorities have claimed the group is working directly with vigilantes against the Caballeros Templarios, a charge the CJNG rejects.<sup>35</sup> Despite being relatively small and largely regional in nature, the cartel's activities have led to extremely high levels of violence in Jalisco and surrounding areas. In 2013, the group was linked to the discovery of several clandestine mass graves across the country's southwest, including one that contained 66 bodies.<sup>36</sup> In 2014, the police made several high-profile CJNG arrests that included second-in-command and chief "bursar" Ruben Oseguera González ("El Menchito"). However his father, and the cartel's supreme leader, Nemesio Oseguera Cervantes ("El

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<sup>33</sup> "‘Long Dead’ Mexico Drug Lords Nazario Moreno Killed," BBC News, March 9, 2014; "Mexican Knights Templar Drug Lord ‘Kike’ Plancarte Killed," BBC News, April 1, 2014. Moreno's death was first announced after a 2010 shootout, but no body was ever found and he was later seen alive.

<sup>34</sup> Jesús Pérez Caballero, "How the Jalisco Cartel Evolved with Mexico's Drug War," *InSight Crime*, October 15, 2014.

<sup>35</sup> Miriam Wells, "Mexico Captures CJNG Leader, Investigates Links With Vigilantes," *InSight Crime*, January 31, 2014.

<sup>36</sup> "Mass Grave Discoveries Suggest Little Has Changed in Mexico," *InSight Crime*, December 9, 2013.

Mencho”), remains at large and the group continues to retain a significant presence in the Mexican drug trafficking landscape.<sup>37</sup>

### **Explaining the Sinaloa Cartel and Los Zetas’ Dominance Over the Contemporary Mexican Criminal Landscape**

At a basic level, the various DTOs described above can be delineated into national organizations (Sinaloa Federation, Los Zetas, Gulf, BLO, Juárez, and Tijuana) and entities that are more regionally focused, albeit with aspirations for at least some geographic growth (La Familia, Caballeros Templarios, and CJNG). Another way of looking at the groups is to split them into two competing blocs that pitch the Sinaloans, Gulf, and La Familia against a loose pattern of shifting alliances among the remaining six cartels. Either way, it is clear that two dominate the current Mexican drug trade: the Sinaloa Federation and Los Zetas. Although both have suffered from the loss of key leaders, they have managed to withstand concerted military onslaughts from the government, counter the plays of opportunistic rivals, and steadily expand respective spheres of territorial control.

A curious feature of the growth of (and ensuing competition between) the Sinaloans and Los Zetas is that their successes stem from consideration of very different sets of factors. In the case of the former, an important geographic advantage has been access to key transportation hubs. Apart from numerous airfields (recognized and otherwise), Sinaloa has a modern port (Mazatlán) and an excellent network of roads and highways, all of which afford easy access to the cartel’s single most important market, the United States.<sup>38</sup>

More than this, however, has been a posture that is not merely aimed at maximizing profit but designed to ensure “marginal imprisonment risk.” The cartel’s leader, Guzmán, deliberately adopted a low-profile, austere lifestyle in the mountains of the Sierra Madre, conspicuously avoiding the type of reckless behavior that would attract the attention of the authorities. In this manner, he managed to evade arrest

<sup>37</sup> Wells, 2014; “Mexico Arrests Jalisco New Generation Drug Lord El Menchito,” BBC News, January 31, 2014.

<sup>38</sup> “How to Succeed in Business: The Sinaloa Cartel,” *Borderland Beat*, January 2015.

for years, effectively overseeing a multibillion-dollar empire from the sidelines, where the danger of capture was slim at best.<sup>39</sup>

The Sinaloans also assumed an organizational profile that was designed to insulate them from the type of decisive decapitation strike that had crippled hierarchical DTOs such as the Tijuana and Juárez cartels. Top commanders maintained operational security by rarely making calls, avoiding email, and limiting the number of people with whom they communicated. Structurally, a high degree of autonomy was given to peripheral lieutenants who carried out trafficking operations in a compartmentalized, cellular “hub and spoke” manner. In addition, many specialized tasks, such as accounting, software design, and money laundering, were delegated to independent specialists, establishing a cadre of critical adjunct members who worked for the cartel but outside it. This horizontal, contractual configuration has been important in minimizing the disruptive effect that might otherwise have resulted from the capture of Guzmán and other ranking lieutenants.<sup>40</sup>

To guard against internal splintering, a major weakness afflicting many Mexican DTOs, the Sinaloans revived and instituted the custom of dynastic marriage. Indeed, the organization is often referred to as an *alianza de sangre* (“alliance of blood”) because so many of its members are related as wives, husbands, cousins, or in-laws. These familial ties have functioned as an effective hedge against distrust, cementing the cartel as an organic collective where the whole is considered greater than the sum of the individual parts.<sup>41</sup>

On a business front, the Sinaloans have avoided expanding beyond their core interest, retaining a single-minded focus on the production and trafficking of methamphetamine, marijuana, and cocaine. This has had two positive interrelated effects. First, it has allowed the group to devote the totality of its resources to refining, adapting, and

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<sup>39</sup> Patrick Radden Keefe, “Cocaine Incorporated,” *New York Times Magazine*, June 15, 2012. See also Keefe, 2014, pp. 41–42.

<sup>40</sup> Harris, 2014, Chapter One; Keefe, 2012; “How to Succeed in Business: The Sinaloa Cartel,” 2015.

<sup>41</sup> Keefe, 2012; “How to Succeed in Business: The Sinaloa Cartel,” 2015.

improving trafficking techniques—something that is reflected in the exceptionally high degree of innovation that has come to characterize the cartel's operational methods.<sup>42</sup> Second, it has branded the Sinaloans as being “the best in the game,” a reputation that has given it a significant competitive advantage over other cartels, especially in terms of concluding deals for breaking into new markets.<sup>43</sup>

Finally, there has been some speculation that the administration of former Mexican President Felipe de Jesús Calderón Hinojosa made a strategic calculation against targeting the Sinaloans and, instead, placed a priority on pursuing its more unpredictable and violent rivals. According to this thesis, authorities concluded they could not eliminate all the cartels in the country and, instead, picked a “favorite” in the conflict—the Sinaloans—in the hope that a more pragmatic and business-oriented monopoly might emerge and usher in some type of *pax narcotica*.

A related argument is that Calderón Hinojosa was prepared to offer preferential treatment to the Sinaloans in exchange for intelligence on the actions and locations of its main competitors. While the overall frequency of arrests did appear skewed toward groups such as Los Zetas and BLO during his tenure,<sup>44</sup> the 2014 capture of Guzmán in the watch of current Mexican President Enrique Peña Nieto's government—which followed the earlier seizure of several other senior and

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<sup>42</sup> Keefe, 2012. For example, when the Mexican government banned the importation of ephedrine—a key base chemical employed in the manufacture of methamphetamine—the Sinaloans adapted, tweaking their recipe to use unregulated precursors. The cartel also pioneered the use of tunnels to traffic drugs into the United States, building a 200-foot underground passage between a house in the border town of Agua Prieta and a warehouse in Douglas, Arizona. Twenty years on, more than a hundred similar corridors have since been discovered.

<sup>43</sup> “How to Succeed in Business: The Sinaloa Cartel,” 2015; Samuel Logan, “The Sinaloa Federation's International Presence,” *CTC Sentinel*, Vol. 6, No. 4, April 29, 2013.

<sup>44</sup> A 2010 National Public Radio investigation of Mexican arrest statistics, for instance, found that the Sinaloa Federation had suffered conspicuously fewer arrests than had its rival DTOs. See Keefe, 2012.

midlevel operatives—would seem to suggest that if any past accommodation existed, it has now come to an end.<sup>45</sup>

A somewhat different and, in certain cases, contradictory set of explanations would seem to apply to Los Zetas, suggesting there is more than one way to overcome the supply chain difficulties and transaction costs inherent in being a violent, illegal business organization. Initially the group's success doubtless reflected its elite military origin, which both imparted a tight sense of internal cohesion and fostered an ethos of institutional meritocracy. The former provided a built-in barrier against organizational factionalism while the latter ensured that only the most competent rose through the ranks (as opposed to many other DTOs where family lineage, irrespective of experience and expertise, frequently determined seniority).<sup>46</sup>

In common with the Sinaloans, Los Zetas adopted a “flat,” decentralized organizational structure. Although there are identified leaders, much of the day-to-day running of the cartel is left to individual cells that are empowered to exploit any opportunities that might arise in their respective locales (that is, they do not have to wait for an order from the top before they act).<sup>47</sup> This configuration has allowed the group to recover quickly from the loss of key commanders, as has been shown by its continued operational growth despite the loss of senior figures such as Lazcano and the Treviño Morales brothers.

Unlike the Sinaloans, Los Zetas quickly developed into a criminal entity engaging in a wide array of illicit activities that have included everything from oil theft and piracy to human trafficking and kidnapping for ransom. In this case, diversification proved to be advantageous, reducing the group's reliance on a single revenue stream (drugs)

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<sup>45</sup> Keefe, 2012; Harris, 2014.

<sup>46</sup> “Mexico: Will Los Zetas Unravel Without Their Leader?” *Stratfor Global Intelligence*, July 16, 2012; Samuel Logan, “A Profile of Los Zetas: Mexico's Second Most Powerful Drug Cartel,” *CTC Sentinel*, February 16, 2012a. Los Zetas' military background also gave the group ready access to state-of-the-art weaponry and communications technology, as well as the necessary knowledge and expertise to set up and run effective training camps for new recruits.

<sup>47</sup> Dwight Dyer and Daniel Sachs, “Los Zetas' Spawn,” *Foreign Affairs*, August 5, 2013; Samuel Logan, “The Future of Los Zetas After the Death of Heriberto Lazcano,” *CTC Sentinel*, October 29, 2012b.

while providing additional sources of income to cover the costs of what is a highly capital-intensive business.<sup>48</sup>

Another factor that appears to have direct relevance to Los Zetas is its penchant for extreme brutality. While all Mexican DTOs share a reputation for violence, none have taken it to the level of this particular organization. Its members repeatedly carry out acts of barbarity that have no immediate operational necessity, from beheadings to skinning victims alive, simply to coerce and intimidate civilians and rivals alike. The tactic has worked well, allowing the group to expand by asserting and entrenching control—not through respect, but through sheer terror.<sup>49</sup>

Writing in *Foreign Affairs*, Dwight Dyer and Daniel Sachs argue that these organizational and characteristic traits have combined to make Los Zetas one of the most devastating and destabilizing forces in the western hemisphere:

Together these [distinguishing] characteristics have made the group a devastating force. The Zetas' organizational structure is well adapted to supporting its diversification strategy and its brutality serves as a trademark that eases its entry into new [operational locations]. Because all of the Zetas' businesses benefit from geographic economies of scale, the group also has had an insatiable appetite for territory. And the decentralized structure, with minimal investment in supervision and control, is designed to feed such an appetite. The reputation for ruthless violence provides a credible threat that lowers the cost of penetrating a new area, especially if local (state and municipal) law enforcement forces are poorly equipped and trained.<sup>50</sup>

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<sup>48</sup> Dyer and Sachs, 2013; Logan, 2012a.

<sup>49</sup> Dyer and Sachs, 2013; Samuel Logan, "Preface: Los Zetas and a New Barbarism," *Small Wars and Insurgencies*, Vol. 22, No. 5, December 2011; John Elliston, "Psywar Terror Tactics," ParaScope Inc., 1996. As Elliston notes, the emphasis on violence accords with a basic premise of psychological warfare: "if you frighten your enemy enough, you may defeat him without having to fight."

<sup>50</sup> Dyer and Sachs, 2013.

Impact on National Stability

The importation and trafficking of cocaine has had an insidious and pervasive impact on Mexico’s national stability, contributing to what amounts to the wholesale breakdown of order across large swaths of the country’s territory—something that has been especially evident in the northern states bordering California, Arizona, New Mexico, and Texas (Table 4.3). According to government statistics, more than 135,000 drug-related killings have occurred since 2007, with a further 22,322 “disappearances” still to be accounted for.<sup>51</sup> To put these figures in perspective, 4,287 American soldiers lost their lives in Iraq between 2003 and 2009.<sup>52</sup>

Most homicides are the work of syndicate-controlled paramilitary cells that are hired to eliminate members of rival DTOs, confront government troops, silence suspected informers, assassinate high-ranking officials, or kill journalists and law enforcement personnel who refuse to work with or be co-opted by cartels. The specific nature of these murders has become progressively more barbaric; as already noted, it is

**Table 4.3**  
**General Trafficking Routes, Known Waypoints from U.S. Southern Border into Mexico**

| Route    | City Entry Points                                                      | Onward State Destinations                              |
|----------|------------------------------------------------------------------------|--------------------------------------------------------|
| Pacific  | Tijuana, Mexicali, San Luis Río Colorado, Nogales                      | Sinaloa, Nayarit, Jalisco, Michoacán, Guerrero, Oaxaca |
| Gulf     | Acuña, Piedras Negras, Nuevo Laredo, Miguel Alemán, Reynosa, Matamoros | Veracruz, Chiapas                                      |
| Central  | Ciudad Juárez, Chihuahua, Durango                                      | Jalisco, joins Pacific route                           |
| Southern | Balancán, Ciudad Cuauhtémoc, Ciudad Hidalgo                            | Veracruz, Oaxaca; joins other routes                   |

SOURCE: Data reproduced from María de la Luz González, “Operación ‘Hormiga,’ en el Tráfico de Armas,” *El Universal*, December 22, 2008.

<sup>51</sup> “Mexico’s National Crime Statistics Show No Significant Decline in Homicides and Disappearances,” *Baker Institute Blog*, James A. Baker III Institute for Public Policy, October 24, 2013. See also Randal Archibold, “Elite Mexican Police Corps Targets Persistent Violence, But Many Are Skeptical,” *New York Times*, August 22, 2014; Maureen Meyer, *Mexico’s Police: Many Reforms, Little Progress*, Washington, D.C.: WOLA, May 2014, p. 3.

<sup>52</sup> “U.S. Casualties in Iraq,” *Global Security*, page last modified March 22, 2012.

not unusual for people to be dismembered, beheaded, or even skinned alive. Victims are generally displayed in full public view warning the wider community and competitors that the group is not to be crossed.<sup>53</sup>

Apart from fostering extreme violence, the narcotics trade has decisively undermined political stability in Mexico by fostering pervasive and systemic corruption. In 2013, Transparency International ranked the country 103rd of the 175 polities surveyed, giving it a Corruption Perceptions Index of just 35 out of a possible clean score of 100.<sup>54</sup> The most severely affected institution is the police, where pay as low as \$500 per month and punitive intimidation have combined to literally “privatize” law enforcement.<sup>55</sup> This is especially true at the local level, where poorly paid officers are routinely offered cash payments to cooperate with DTOs and threatened with physical harm if bribes are not accepted.<sup>56</sup> Known as “plata o plomo” (“silver or lead”—that is, take the bribe or die), problems of this sort are endemic across the country.<sup>57</sup>

Finally the Mexican narcotics industry has spawned additional threats that are now surfacing and seriously affect the country’s national security, most notably arms trafficking from the United States. According to an International Crisis Group analysis based on data from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, the United States was estimated to be the source of more than two-thirds of the firearms used by Mexican murder squads. Mexican security forces confiscated more than 99,000 guns between 2007 and 2011, 68,000 of which the bureau traced to U.S. gun sellers.<sup>58</sup>

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<sup>53</sup> Keefe, 2014, p. 44; Marc Lacey, “Drug Suspect Accused of Boiling Bodies,” *New York Times*, January 13, 2010; Ken Ellingwood, “Extreme Violence Grips Mexican Border City,” *Los Angeles Times*, December 19, 2008.

<sup>54</sup> Transparency International, “Corruption Perceptions Index 2014: Results,” undated.

<sup>55</sup> Interviews with a senior analyst, WOLA, November 3, 2014.

<sup>56</sup> See, for instance, Julia Preston, “Officers Team Up to Quell Violence,” *New York Times*, March 26, 2010.

<sup>57</sup> International Crisis Group, “Peña Nieto’s Challenge: Criminal Cartels and Rule of Law in Mexico,” Brussels, Belgium, Latin America Report No. 48, March 19, 2013, p. 21.

<sup>58</sup> International Crisis Group, 2013, p. 15.

A contrarian view by Stratfor Global Intelligence questions the methodology employed to calculate the number of U.S.-origin weapons confiscated in Mexico and concludes that while the United States is a significant source of certain classes of weapons and ammunition, it is by no means the source of as high a proportion of the weapons used by Mexican criminal cartels as other studies have indicated. Stratfor notes that the military-grade weapons increasingly favored by the cartels and their enforcer groups are not generally available for sale in the United States and Mexico and are likely obtained in South and Central America and smuggled into Mexico using the same supply chains used to move narcotics along those routes.<sup>59</sup>

### **Is the Violence in Mexico a Criminal Insurgency?**

Mexican criminal organizations deploy an impressive array of weaponry nearly rivaling that of the Mexican military. Aside from automatic and semiautomatic rifles and machine guns, criminal organizations have also deployed shoulder-launched RPG-7s that were likely diverted from Mexican and Central American military stockpiles, and have developed armored vehicles with gun turrets and battering rams known as “monsters” or “narco tanks.” Some of these vehicles were not appreciably different from the Mexican Federal Police armed vehicles known as “rhinoceros.” The groups are also able to produce their own weapons; a factory owned by the CJNG assembled untraceable AR-15 rifles from components.<sup>60</sup>

Organized crime figures in Mexico have been described as “post-modern social bandits”<sup>61</sup>—a category of antistate actors with a long tradition in Latin America. Like insurgents, they provide social goods, construct narratives of power and rebellion, and seek to gain legitimacy in the territories that they control. Their message is delivered through

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<sup>59</sup> Scott Stewart, “Mexico’s Gun Supply and the 90 Percent Myth,” *Stratfor Global Intelligence*, February 10, 2011.

<sup>60</sup> Ioan Grillo, “Mexican Cartels Invent Ingenious Weapons to Battle Government,” *Time*, April 29, 2015; Gordon Housworth, “‘Narco-Tanks’: Mexico’s Cartels Get Asymmetric Weapons,” *InSight Crime*, June 11, 2011.

<sup>61</sup> Sullivan, 2012.

symbolic acts of violence—including beheadings and corpse messaging (attaching a message to a corpse)—and information operations, including influencing the media and forging a “narco-culture” in which the criminal organizations are portrayed as challengers to a corrupt state and police.<sup>62</sup>

La Familia Michoacana used symbolic violence as a social statement. In September 2006, the group threw five human heads onto a dance floor in a nightclub and issued the following statement: “The Family doesn’t kill for money; it doesn’t kill for women; it doesn’t kill innocent people; only those who deserve to die, die. Everyone should know . . . this is divine justice.”<sup>63</sup> The Caballeros Templarios have used mass media to communicate their message on numerous occasions. The group’s former leader, Servando Gómez (“La Tuta”), regularly gave media interviews and appeared in YouTube videos. In one of these videos, Gómez says his group has a “congress” and obeys the will of “the people,” adding that, “We don’t do what I order, we do what we believe is in the interest of the majority of the people.”<sup>64</sup> (Gómez was captured in February 2015.)

In the documentary “Narco Cultura,” by Israeli photojournalist Saul Schwarz, the Angeleno singer Edgar Quintero and his band “BuKnas de Culiacán” sing about the drug war. Using AK-47s and a Bazooka (actually an inert AT-4) as props, they hail the exploits of the *sicarios* (assassins) and the power of the *capos* (bosses). Singers and bands such as El Komander and BuKnas de Culiacán are a means of cartel information operations. Their *narcocorridos* (a genre of music that has its roots in folk music and norteno ballads) are banned in parts of Mexico, so they are produced in Los Angeles, home to a large immigrant community and numerous gangs. On a visit to Culiacán, Quintero wears a medallion of Jesús Malverde (the patron saint of Sinaloa’s drug smugglers, believed to perform miracles), and visits the *narcotumbas* (tombs) of the Jardines de Humaya cemetery. The mausoleums and tombs of

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<sup>62</sup> Sullivan, 2012.

<sup>63</sup> Sullivan, 2012.

<sup>64</sup> Patrick Corcoran, “Knights Templar Test Narco-Insurgency Theory,” *InSight Crime*, October 13, 2013.

the Jardines are essentially a narco-necropolis. The opulent tombs, larger than many homes in Juárez, provide a stark contrast to the graves with wooden crosses in that town and reinforce the impact of a culture of death and violence.<sup>65</sup>

The effects of the activities of the Mexican drug cartels on the country's stability have led some analysts to describe them as a "criminal insurgency" or "narco-insurgency." In a study published by the U.S. Army War College Strategic Studies Institute, Hal Brands argued that for much of the 20th century, Mexico's ruling party, the Institutional Revolutionary Party, oversaw a system by which the drug cartels were tolerated in return for keeping violence to a minimum. The Mexican state served as a "referee" that had the capacity to adjudicate disputes and control, contain, and protect these groups.<sup>66</sup>

After the Institutional Revolutionary Party lost power in 2000, the system collapsed. The end of one-party rule left the Mexican drug trade without a regulating authority; as a result, the drug trade devolved into a Hobbesian struggle of all against all. In response to the Calderón Hinojosa government's efforts to suppress the drug trade, the cartels turned their violence against the authorities and effectively challenged the state for control of large areas of Mexico. This dynamic had led to what Luis Aguilar has called the "decomposition of the state," in which the state gives way amid the violence and terror sowed by sophisticated criminal cartels and their paramilitary organizations' employed guerilla tactics.<sup>67</sup>

Robert J. Bunker argues that at some point in the recent past, the Mexican cartels (and some gangs) crossed a "firebreak" between our perceptions of what is "organized crime" or even "transnational

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<sup>65</sup> John P. Sullivan, Khirin A. Bunker, and Robert J. Bunker, "Film Review: Narco Cultura? A Tale of Three Cities," *Small Wars Journal*, December 20, 2013. Regarding Jesús Malverde, see David Agren, "The Legend of Jesus Malverde, Patron 'Saint' of Narco Traffickers, Grows in Mexico," *World Politics Review*, June 28, 2007.

<sup>66</sup> Hal Brands, *Mexico's Narco-Insurgency and U.S. Counterdrugs Policy*, Carlisle, Pa.: U.S. Army War College Strategic Studies Institute, May 2009, p. 6.

<sup>67</sup> Brands, 2009, pp. 10–12. Aguilar is cited in George W. Grayson, "Surge Two: Northward Flood of Mexicans Likely to Increase After U.S. Election," Center for Immigration Studies, October 2008b.

organized crime”—a criminal threat and law enforcement concern—and what is “insurgency”—a military threat and national security or military concern (although law enforcement plays a partnership role with the military in responding to such a threat). Essentially, he wrote, we are seeing criminal organizations in Mexico evolve into new war-making organizations.<sup>68</sup> Insurgency-like tactics employed by Mexican criminal organizations include:

- operations ranging from guerrilla-style attacks with military-grade weapons to assassinations of members of the security forces
- psychological operations designed to wear down the government forces and to gain the support or acquiescence of the population (The cartels’ use of beheadings and other terror tactics are designed to achieve specific goals, including control of territory, punishment for betrayal, mitigation of the effectiveness of law enforcement, and intimidation of everyone from government officials to the general public.)
- systematic targeting of high-ranking counternarcotics officials, mayors, and judges.<sup>69</sup>

While the concept of Mexico’s drug violence as a narco-insurgency raises intriguing questions, a contrary view holds that, to the extent that criminal organizations have a political agenda, attacks on police, military, and government officials are meant to pressure the state to move away from confrontation and to give the drug traffickers space in which to operate without interference. In this view, while the criminal organizations have assumed some governmental roles, they have done so not to establish alternative governance, as in the case of insurgencies, but to protect their operating spaces. Therefore, the

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<sup>68</sup> Robert J. Bunker, “Criminal (Cartel & Gang) Insurgencies in Mexico and the Americas: What You Need to Know, Not What You Want to Hear,” Testimony Before the House Foreign Affairs Subcommittee on the Western Hemisphere, U.S. Congress, Washington, D.C., September 13, 2011, p. 5.

<sup>69</sup> Clark, 2009.

exercise of quasigovernmental functions by criminal groups does not amount to a “criminal insurgency.”<sup>70</sup>

A reasonable conclusion is that the activities of the Mexican DTOs do not meet the classical definition of insurgency but that functionally, the cartels play the role of insurgents in that they seek to leverage political control to gain freedom of action for their illegal activities.

### **Rise of the *Autodefensas***

*Autodefensas* (local, armed, self-defense groups, also commonly known as paramilitaries) developed in Colombia with varying degrees of government sanction in areas where the state was unable to fulfill its fundamental obligation to provide security to the population. A similar dynamic is emerging in Mexico. In January 2014, community leaders in the state of Michoacán organized a civil defense organization known as *Guardias Comunitarias* without any government representation. The *autodefensas* directed their activities against the Caballeros Templarios that had been operating in the states of Michoacán and Guerrero for several years and had been extorting the local population. The *autodefensas* began to perform most, if not all, of the public safety functions of the state, including the establishment of access controls or checkpoints at the entrances of towns and villages, and the arrest, trial, and punishment of criminal suspects detained in makeshift jails.<sup>71</sup>

According to one study, there are several distinct types of Mexican *autodefensas*:

- independent grassroots organizations composed of frustrated citizens who have taken up arms to protect their property
- surrogate or actual DTOs (The CJNG stated in its propaganda that its goal was to assist the Mexican military and police in eliminating Los Zetas, but the group is actually another cartel in competition with Los Zetas.)

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<sup>70</sup> Williams, 2009.

<sup>71</sup> Gary J. Hale, “Autodefensas, Vigilantes and Self-Policing in Mexico: Civilian Dominance over Public Safety Policies?” *Small Wars Journal*, June 23, 2014.

- insurgent organizations operating under the banner of *autodefensas* (Grassroots insurgent groups have been operating for decades in Guerrero and Chiapas states in southern Mexico. More recently, self-defense groups have emerged in these areas that might represent a new modality for the same insurgent groups.)
- private security groups operating as quasi-official police forces to protect businessmen and wealthy individuals.

In Chihuahua, business owners contributed to establishing a private security force that not only provided physical protection, but also gathered and analyzed crime statistics to better understand and respond to crime in that state. The physical security arm of the force is the *Grupo Trece*, a unit composed of state police officers who take on additional duties as bodyguards for business owners. The businessmen reimburse the state of Chihuahua for the services provided by the police officers.<sup>72</sup>

In January 2014, the Peña Nieto administration and the *autodefensas* in Michoacán signed an agreement that allows for the *autodefensas* to be incorporated into the rural corps or local municipal police. In his study of the Mexican *autodefensas*, analyst Gary Hale foresees two possible paths for these organizations: If they are operated in coordination with well-established goals and objectives, and if they are successfully incorporated into a thoughtful public safety bureaucracy, a new form of self-policing practice might emerge in Mexico. On the other hand, the continued operation of *autodefensas* without government training and supervision could lead to the advent of a lawless society in some regions of Mexico.<sup>73</sup>

## Weaknesses in Mexico's Counternetwork Response

Mexico's efforts to blunt the activities of criminal organizations have suffered from a range of shortfalls. One has been the overwhelming emphasis on using the military to combat the drug cartels. This was

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<sup>72</sup> Hale, 2014.

<sup>73</sup> Hale, 2014.

particularly true of Calderón Hinojosa's Mérida Initiative,<sup>74</sup> which at its height involved 96,000 combat troops—almost 40 percent of all active personnel—who were deployed to pursue a “kingpin” strategy aimed at dismantling criminal syndicates by killing or capturing their leaders.<sup>75</sup>

Although the policy was instrumental in eliminating several key drug lords and making some record cocaine seizures, it singularly failed to increase security. Violence exploded in the northern states and the national death toll spiraled as drug cartels fought each other and the authorities. Scant regard for the proportionate use of force led to a fivefold increase in the number of abuse complaints directed against Mexican security forces between 2006 (213) and 2013 (1,196).<sup>76</sup> And the number of active cartels not only registered no meaningful decline, they actually proliferated, as groups moved to forge ties in an ever-changing environment of tactical alliances.

On coming to power in December 2012, Peña Nieto announced that he recognized the shortcomings of a militarized counternarcotics response and would, accordingly, remove this function from the army and return it to a revamped law enforcement structure that is “clean, transparent, and, above all, trusted.”<sup>77</sup> To this end, the government committed to the creation of a National Gendarmerie composed of thoroughly screened officers that is specifically tasked with augment-

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<sup>74</sup> The name is derived from the town in which Presidents George W. Bush and Calderón Hinojosa met (in March 2007) to signal American support for the initiative. U.S. funding was used to underwrite equipment, training, and intelligence-sharing for counternarcotics, counterterrorism, border security, law enforcement, and general institution building.

<sup>75</sup> Keefe, 2014, p. 44; Lorena Lopez, “Calderón Devolvió a 50% de la Tropa a los Cuarteles,” *Milenio*, December 16, 2012; “Sexto Informe de Labores,” Secretaría de la Defensa Nacional, undated.

<sup>76</sup> Isacson, Meyer, and Morales, 2014, pp. 35–36. See also Meyer, 2014, p. 3; and George Withers, Lucile Santos, and Adam Isacson, *Preach What You Practice: The Separation of Military and Police Roles in the Americas*, Washington, D.C.: WOLA, November 2010.

<sup>77</sup> Robert Gray, “U.S. Border Residents Mixed Over Mexico Peña Nieto's Win,” Reuters, July 3, 2012. See also Randal Archibold and Damien Cave, “Mexico Election Signals New Tack in the Drug War,” *New York Times*, June 11, 2012; Ed Vulliamy and Jo Tuckman, “Mexico Election: Failure of Drugs Leaves Nation at the Crossroads,” *The Guardian*, June 23, 2012.

ing road and border security along key trafficking corridors, as well as defending economically important sectors (mining, agriculture, commerce, tourism) that are coming under stress due to large-scale extortion. The new force became operational in 2014 and falls under the authority of the Ministry of the Interior.<sup>78</sup>

Despite the fanfare surrounding the supposed novelty of the National Gendarmerie, it is not apparent the force represents a fundamental departure from Calderón Hinojosa's militarized counternarcotics approach. Although statutorily an Interior force, responsibility for actually training the gendarmerie has fallen to the army. It is highly likely, therefore, that the unit will be imbued with techniques, tactics, and procedures that are strongly styled on military operational concepts (the maximum use of force to take an objective and eliminate an enemy) and that have little to do with investigating crimes, preserving public order, and otherwise defending and serving the community.<sup>79</sup> As one commentator remarked, despite the rhetoric of a new approach, the National Gendarmerie may end up being nothing more than a group of "soldiers [dressed] in gray uniforms who lack real police training."<sup>80</sup>

Mexico's counternarcotics drive has also been hampered by a severe lack of coordination among the various agencies and departments charged with confronting drug cartels. A plethora of forces exist in the country, all of which answer to separate mandates, command structures, and bureaucratic management systems. The gendarmerie will inject a new element of confusion to this Byzantine picture, especially given that it is meant to operate across all levels of governance—local, state, and national. Particular problems are liable to arise with the Federal Police, the organization charged with leading the fight against the drug cartels, particularly in terms of how they will share

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<sup>78</sup> Archibold, 2014. The plan is to double the size of the National Gendarmerie by the end of Nieto's tenure.

<sup>79</sup> Interview with a senior analyst, WOLA, November 3, 2014. For a discussion of the problems inherent in militarizing police to undertake internal law enforcement operations, see Peter Chalk, *The Liberal Response to Terrorism*, London: Macmillan, 1996, pp. 103–106.

<sup>80</sup> Lydia Cacho, "Los Gendarmes de Peña Nieto," *Sin Embargo*, January 18, 2003.

resources (including helicopters), delineate jurisdiction, and coordinate intelligence.<sup>81</sup>

Although two fusion centers were set up during the latter stages of Calderón Hinojosa's government to streamline and coordinate the national counternarcotics function (the Bilateral Implementation Office in Mexico City, and a facility in Monterey, Nuevo Leon), their future under the current government remains questionable because they have a heavy American "footprint." President Nieto reportedly viewed both as involving an inappropriate U.S. presence and in 2015 had put the programs on hold as he reviewed how extensive Washington's role should be.<sup>82</sup>

Finally, effective mitigation has been stymied by intelligence "black holes" born of stovepiping, interservice jealousy, jurisdictional confusion, and, above all, a lack of trust due to the endemic cartel-related corruption that afflicts many state organs. As a result, generating accurate information that can be acted on quickly has not been a characteristic feature of Mexico's overall counternarcotics response. Indeed, virtually all of the high-level arrests that have taken place over the past five years occurred because of U.S.-supplied data sourced from satellite imagery, communication intercepts, and DEA-run human assets.<sup>83</sup>

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<sup>81</sup> Interviews with Control Risks Group, Mexico City, April 2013.

<sup>82</sup> Interview with a senior analyst, WOLA, November 3, 2014.

<sup>83</sup> See, for instance, Dana Priest, "U.S. Role at a Crossroads in Mexico's Intelligence War on the Cartels," *Washington Post*, April 27, 2013.

## Central America: The Retreat of the State and the Expansion of Illicit Power Centers

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The ability of TCNs to co-opt or influence local power structures at the local and national levels has significantly undermined governance and the rule of law and made Central America a key point of convergence where the activities of substate and extraregional actors present multiple, significant, and sustained threats to the security of the United States. TCNs, with more money than they can spend, launder, or invest, now exercise unprecedented formal and informal power in each of the six states of Central America.

These criminal actors and their resources have overwhelmed these small states. Instead of having to focus on one larger state apparatus, as in Mexico or Colombia, Central American TCNs have six small and weak nations—which seldom act in concert or share information—to hollow out.<sup>1</sup> One Honduran academic termed this phenomenon the “evaporating state,” where the state government essentially withdraws from carrying out most of its legitimate functions.<sup>2</sup>

Although the presence of illicit actors in Central America is nothing new, the volume, sophistication, power, and impunity of the illicit activities and actors are fundamentally reshaping the region. This has

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<sup>1</sup> The concept of convergence is examined in Miklaucic and Brewer, 2013. For a more complete discussion of the collapse of the states of the Northern Triangle, see Douglas Farah, “Central America’s Northern Triangle: A Time of Turmoil and Transitions,” *PRISM Journal*, Center for Complex Operations, National Defense University, Vol. 4, No. 3, 2013, pp. 89–109.

<sup>2</sup> Interview with Leticia Salomón, Centro de Documentación de Honduras, Universidad Nacional Autónoma de Honduras, Tegucigalpa, Honduras, January 2015.

led to the retreat of the state as a guarantor of an impartial and functioning judicial system, the rule of law, and control of national borders, and to a political process that increasingly represents little other than the investments of different TCNs in securing their interests. This leads to the cycle now under way in the northern tier of countries where, as Phil Williams notes, “States face two fundamental and interconnected challenges: They are often unable to meet the economic needs and expectations of their citizens, and they are unable to elicit the loyalty and allegiance of significant portions of these same citizens.”<sup>3</sup>

One recent investigation into a series of interrelated money laundering, drug trafficking, and murder cases noted that in contrast to the vast Mexican territory, “where various cartels fight over control of routes at gunpoint, Central America might as well be one country, where drug trafficking groups quietly coexist, without a clearly defined hierarchy, and with the money as a flag to prevent shootouts and mishaps.”<sup>4</sup>

This assessment omits the central fact that violence related to drug trafficking does exist, particularly between and among drug trafficking organizations and gangs, which we will discuss in further detail. Nonetheless, the concept highlights the reality that in Central America each network depends on other networks that extend across the region. Nor is there a clear hierarchy among these networks. Absolute loyalty to a single syndicate is seldom a requirement, and many of the human smuggling and cocaine transport groups work for whoever pays them at the moment.

Many of the most influential groups are transmutations of the clandestine structures that were active during the region’s civil wars in the 1980s. During these wars, Central America was part of the Cold War proxy conflicts between the Soviet Union and the United States. In the multiple regional conflicts, all sides developed clandestine meth-

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<sup>3</sup> Phil Williams, “Lawlessness and Disorder: An Emerging Paradigm for the 21st Century,” in Michael Miklaucic and Jacqueline Brewer, eds., *Convergence: Illicit Networks and National Security in the Age of Globalization*, Washington, D.C.: National Defense University, Center for Complex Operations, April 2013, p. 27.

<sup>4</sup> Efrén Lemus, “Repollo and the Murderer of Facundo Cabral in the Same Narco-Network,” *InSight Crime*, August 22, 2013.

ods for moving weapons, money, and people, as well as acquiring false identification papers, safe houses, and vehicle licenses. When the wars ended, most of the combatants assimilated into civil society, but in each case small groups of participants did not. These groups almost immediately turned to crime to finance themselves, including kidnapping, extortion, and cocaine trafficking.

The shift from an ideological to an economic basis for operating allowed the networks of the extreme right and extreme left to work together, rather than against each other. The erasing of these ideological walls provided expanded alliances and greatly enhanced capabilities. Individually, the extreme right and extreme left had a long history of dealing with allies across the region, but together these budding networks had immediate access to a variety of trusted partners, regardless of their location, in any other country in the region.<sup>5</sup> Additionally, each group had cadres of highly trained former combatants and intelligence operatives, who provided a new level of sophistication and brutality to already existing small-time criminal networks.

Both the Mexican DTOs and the new actors examined here bring one constant that drives violence: change due to the constantly shifting correlation of forces among the criminal actors and the states. The unsettled nature of the relationships among the converging groups in Central America bodes ill for any rapid reduction in violence. Adding to the disorder, new actors have been moving in, including the Sinaloa cartel, Los Zetas, and extraregional actors, such as Russian criminal organizations. As these groups move in, violence flares in specific areas of territorial dispute. As a 2012 United Nations study of TCNs in Central America noted, “The key driver of violence is not cocaine, but change: change in the negotiated power relations between and within groups, and with the state.”<sup>6</sup>

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<sup>5</sup> For a more complete look at the transformation of former armed groups into criminal organizations in El Salvador, see Douglas Farah, *Organized Crime in El Salvador: The Home-grown and Transnational Dimensions*, Woodrow Wilson International Center for Scholars, Working Paper Series on U.S.-Mexico Security Collaboration, May 2010.

<sup>6</sup> UNODC, *Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment*, September 2012, pp. 13, 22.

## ***Transportista* Networks**

Unlike the Mexican organizations, the *transportistas* are largely local and each of the Central American networks individually seldom controls more than a few towns or rural valleys. While they move illicit products across a border, the Central American *transportista* structures are not truly transnational. Rather, they are local groups who have members on both sides of one specific border and control specific crossings.

While this limits their national reach, they are structures that are deeply rooted in the local community, creating control based on trust and on the ability of the network to inflict harm—not only on an offending individual, but likely on that individual’s extended family, as well. The alliances among *transportista* networks, particularly those in close proximity to each other, are often cemented through interfamily marriages. This feudal system of creating blood alliances is not new, but it is growing in importance. It almost guarantees that, if someone is captured, he or she will not divulge information that could damage multiple groups. It also helps guarantee that someone in the extended family with the same skills or same knowledge can immediately step in to replace the missing party and business will continue unhindered.<sup>7</sup>

The movement of illicit products is a type of relay system, where the goods are passed from the custody of one group to the next. For example, in the illicit movement of Chinese nationals, the *coyote*, or transporter, will text a group photograph to the cell phone of the *coyote* in charge of the next leg of the journey, with an arrival time and location. That *coyote* will, in turn, text a new photo with similar information to the person in charge of the next leg of the relay, and so on.<sup>8</sup>

The same methodology applies to drug trafficking. When a load is delivered in Honduras, the network in control of the reception area will pick up the product and move it toward Guatemala. The load will

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<sup>7</sup> This is a well-known strategy of the Sinaloa cartel, and is said to be most prevalent along the Honduras-Guatemala border region, where the Sinaloa cartel has a strong influence.

<sup>8</sup> Interviews with three *coyotes* in Central America as part of a project for the Homeland Security Institute, 2011.

then be handed over to another *transportista* group that has operations on both sides of whichever border is being crossed. That group, in turn, will hand it off to other groups until it reaches the stash houses in Guatemala, where the Mexican organization that owns the load retakes control of it and moves it across the Mexican border.<sup>9</sup>

Those who operate pieces of the supply chain operate in, and control, specific geographic territories, allowing them to function in a relatively safe environment. Violence often erupts when the groups overlap or try to expand their sphere of operations. These networks move a multiplicity of illicit products, including cocaine, chemical precursors, and human beings, ultimately crossing U.S. borders undetected thousands of times each day.

*Transportistas* interviewed for this study say the greatest threat to their business transactions is seldom the police or military, which they are accustomed to dealing with. Rather, it is *tumbadores*, or other groups who steal the trafficked material, either in transit or from stash houses. *Tumbes*, as the thefts are called, are a favorite way for a group to announce its expansion into a new area. In the early days of their expansion into northern Guatemala, Los Zetas carried out a series of often-bloody *tumbes*, sometimes keeping the drugs, sometimes (in an effort to build alliances) allowing the *transportista* to buy the load back at a slight markup. The idea was not so much to make money as to establish Los Zetas as the dominant presence everyone else would have to deal with.<sup>10</sup>

*Tumbes* are an important driver of violence across the region because the organization handling the product is responsible for either recovering the stolen property or making the owner of the load financially whole. In addition, if a structure is hit and does not respond, it is viewed as weak and easy prey for other aspiring *tumbadores*.

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<sup>9</sup> This description is based on multiple interviews with *transportistas* in the region, as well as police and law enforcement officials in Panama, Nicaragua, El Salvador, Honduras, and Guatemala.

<sup>10</sup> This description is based on multiple interviews with *transportistas* in the region, as well as police and law enforcement officials in Panama, Nicaragua, El Salvador, Honduras, and Guatemala.

The transient and sometimes fungible nature of these supply chains means they are often in flux and easily rerouted when obstacles arise in any part of the chain. When one link is under pressure or cannot do the job, there are other trusted options available at almost every step. This culture of honor among the traditional *transportista* networks is violated by *tumbes*, especially if carried out by a rival group rather than a common thief. In the case of rival networks, *tumbes* are often wars to the death—not only for individuals, but for entire clans.

However, when the system works well, as it generally does, it makes the *transportista* networks impossible to track at ground level in real time. Investigations usually offer a snapshot of what has taken place rather than a moving picture of how they are evolving.

This relay system relies on several factors to maintain its functionality. One of the most important is local political control, particularly in areas where the state is largely absent. The control of a municipality through the mayor—either a narco or a person the narcos trust—offers multiple benefits. Political infiltration offers the opportunity to engender political and social support, while control of local projects offers the twin possibilities of generating and allocating formal jobs where they are scarce while simultaneously offering multiple avenues for laundering money.<sup>11</sup> The narco mayors do not hew to any ideological lines and are often elected by any party whose backing the narcos can purchase.

Although the Sinaloa Cartel has expanded its influence significantly in Central America over the past two years, the Central American networks do not maintain exclusive relationships with any of the transnational cartels. They negotiate prices for the passage of products through their territory, from pick up to delivery, on a case-by-case basis.<sup>12</sup>

To understand the current situation, it is necessary to briefly revisit the recent history of the two main Mexican organizations, the Sinaloa Cartel and Los Zetas, in Central America. In 2006, Los Zetas began

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<sup>11</sup> According to Moises Naim, these are the features of “mafia states.” (Moises Naim, “Mafia States: Organized Crime Takes Over,” *Foreign Affairs*, May/June 2012)

<sup>12</sup> This description of how the networks link up and move products comes from interviews in Guatemala, Honduras, and El Salvador, February 2013 to February 2015.

a rapid expansion into Guatemala while the Sinaloa cartel and other smaller Mexican groups migrated more visibly to Honduras. Both found El Salvador relatively hospitable territory. This shift was driven largely by the decision of Mexican President Calderón Hinojosa to begin waging a more aggressive campaign against the drug cartels with strong U.S. support. As Mexican and U.S. pressure increased inside Mexico, the organizations saw opportunities to operate more securely in the relatively accessible Northern Triangle.<sup>13</sup>

While the Sinaloa cartel and other established Mexican groups continued to use the more traditional model of allying with local *transportista* networks in the region to acquire and move product, Los Zetas introduced a new methodology that has significantly altered TCN operations in the region—that of widespread territorial control.<sup>14</sup>

Rather than focusing on cocaine trafficking nodes and specific points of penetration to move their product (the *transportista* model), Los Zetas sought territorial dominion in which it could then tax all illicit activities that were carried out or moved through that territory. This diversified the revenue stream of the organization by taxing prostitution, human smuggling, and all illicit activities in its areas of control.<sup>15</sup> It is estimated that in some cases in Guatemala, Los Zetas derived only about 40 percent of its revenues from cocaine trafficking, while the rest came from levies on other activities.<sup>16</sup> This was already the model of Los Zetas in Mexico, but it was new in Central America, as was the level of violence that often accompanies the territorial take-overs of Los Zetas.

In one innovation, the group has been stealing tanker trucks full of gasoline in Mexico from the state-run Pemex oil company to sell at discounted rates on the major highways along the Mexico-Guatemala border. One recent intelligence analysis in Guatemala estimated that

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<sup>13</sup> For a more complete look at this phenomenon, see UNODC, 2012, pp. 11–13.

<sup>14</sup> For more-complete studies of this shift, see Logan, 2013; Steven Dudley, “Part I: The Incursion,” *InSightCrime*, September 7, 2011.

<sup>15</sup> For a comprehensive analysis of this phase of drug trafficking, see Julie López, “Guatemala: La Cara Cambiante del Narco,” *Plaza Pública* (Guatemala), July 18, 2013.

<sup>16</sup> Interview with Guatemalan counternarcotics intelligence officials, April 2013.

30 percent of the gasoline sold in Guatemala came from these Zeta thefts, yielding the group millions of dollars a month unrelated to the drug trade.<sup>17</sup>

The new routes carved out by Los Zetas put it in direct conflict with *transportista* networks, particularly in Guatemala. The confrontation among these groups—largely won by Los Zetas and its allies because of superior firepower, ruthlessness, and military training—led to a series of massacres and assassinations in the Guatemalan drug trafficking world. As the UNODC’s Antonio Mazzitelli noted,

The confrontation between two different criminal cultures—the first, business oriented; the second one, territorial oriented—constitutes a serious threat not only to the security of citizens, but also to the very consolidation of balanced democratic rule in the region.<sup>18</sup>

The shift also brought a significant “Mexicanization” of the criminal networks in the region, meaning an imitation of the habits and culture of the Mexican drug lords. This includes a significant rise in the importation of expensive horses and horse shows on properties owned by drug traffickers and their allies; the production of *narco corridos*, or songs lauding the exploits of a particular drug trafficker or DTO; the importation of cars used to race on specially constructed racetracks in isolated areas (Maseratis, Ferraris, and other luxury vehicles); displays of gold-plated weapons; and importation of exotic animals from Africa and elsewhere to roam the narco ranches in Guatemala and Honduras.<sup>19</sup>

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<sup>17</sup> Interview with Guatemalan counternarcotics intelligence officials, April 2013.

<sup>18</sup> Antonio L. Mazzitelli, *Mexican Cartels’ Influence in Central America*, Western Hemisphere Security Analysis Center, Paper 45, September 2011.

<sup>19</sup> Farah, 2013. The late Colombian drug lord Pablo Escobar built a “mini zoo” of exotic animals, including elephants, giraffes, and hippos. The hippos have bred into a large herd and some have broken free and run amok.

### The “Repollo” Network: A Window on the Convergence of Criminal Actors

When Jorge Ernesto Ulloa Sibrián (“Repollo,” or “Cabbage”) was arrested, cocaine-transporting networks across Central America were affected. Ulloa Sibrián was a *transportista* extraordinaire who protected and aggregated smaller loads from multiple small, regional transporters, then sold the larger consolidated loads at a significant profit. The buyers of the consolidated loads, usually turned over in Guatemala, were brokers for the Mexican cartels, Russian crime syndicates, or anyone who could pay for access to his vast network of political, police, and border-crossing protection that stretched from Panama to Guatemala.<sup>20</sup>

Ulloa Sibrián’s network offers an unusual window into the functioning of the multiproduct criminal networks in Central America, as well as on the different actors in the convergence of TCNs in the region. Ulloa Sibrián directly controlled a relatively small group of people, many of whom in turn interacted or overlapped with other networks, including those who run strip clubs and brothels that are centers of human trafficking. These micronetworks are largely connected at the top, where leaders decide on financial cuts, lend people and vehicles to each other for specific jobs, and occasionally betray and kill each other.

Ulloa Sibrián’s network was at the center of one of the most shocking killings in Central America in recent years—the July 2011 murder of legendary and revered Argentine folk singer Facundo Cabral. Cabral, 74, was gunned down in the early morning hours as he was being driven to the airport in Guatemala City. The killing shows the complex and tangled nature of the convergence of licit and illicit business and the vast range of relationships this convergence entails.<sup>21</sup> The true object of the assassination attempt reportedly was Henry Fariñas

<sup>20</sup> Interviews with law enforcement officers in El Salvador, Guatemala, and Nicaragua, 2013–2014.

<sup>21</sup> The information on the murder of Cabral comes from interviews in El Salvador, Guatemala, and Colombia. Open-source reporting on the crime includes Lemus, 2013; Steven Dudley, “Nicaragua Arrests Man at Center of Facundo Cabral Murder,” *InSight Crime*, March 30, 2012; Julie López, “El Palidejo Arrimado a Mal Palo,” *Plaza Pública* (Guatemala), March 23, 2012.

Fonseca, Nicaraguan owner of the well-known Elite strip clubs in the region, who was driving the vehicle Cabral was in and had sponsored Cabral's last concert tour. His clubs have been linked to human smuggling operations as well as prostitution. Fariñas was wounded during the shooting in Guatemala City. He later returned to Nicaragua, where he was arrested. Yet, upon his return and arrest, Nicaragua's Supreme Court president Alba Luz Ramos immediately came out to defend Fariñas publicly. Still, Fariñas was convicted of drug trafficking a few months later.<sup>22</sup>

Fariñas was an important link for various networks for creating forged documents, including false U.S. visas, which could be used to move both women and drugs throughout Central America and into Mexico and the United States. To protect his work with criminals, Fariñas was working closely with Nicaraguan police. Police officers, including at least one high-ranking official, were regular customers at the nightclub or friends of Fariñas. A private security firm with close government ties that sometimes employed off-duty police officers provided occasional security at the club, while the club made donations to renovate a police station and sponsored a police softball team. Kickbacks were also alleged, although the accusations were not pursued.<sup>23</sup>

Fariñas provided a route for police to resell seized cocaine. A police unit that seized 50 kg of cocaine would only report 40 kg, then sell the rest to Fariñas and his allies. At times, this provided the nightclub owner with a financial incentive to tip off police to rival drug shipments. The investigation into Cabral's murder has spanned at least four countries and involved investigators from six governments, including the United States, Colombia, Panama, Nicaragua, Costa Rica, and Guatemala.

Colombian police said the alleged mastermind of the killing is a Costa Rican named Alejandro Jimenez, who was reportedly trying to force Fariñas to sell one of the Elite franchises in Costa Rica. Colom-

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<sup>22</sup> Edward Fox, "Nicaraguan at Center of Cabral Murder Case Convicted of Drug Trafficking," *InSight Crime*, September 27, 2012c.

<sup>23</sup> Edward Fox, "Murder Case Again Puts Spotlight on Nicaragua Police Corruption," *InSight Crime*, September 17, 2012b.

bian police said Jimenez was a main cocaine purchaser and money launderer for Los Rastrojos, a Colombian BACRIM group of mostly former paramilitary combatants that operates under official protection in both Venezuela and Ecuador; it also operates in Colombia. Jimenez, according to former Colombian police chief General Oscar Naranjo, was the main tie between Los Rastrojos and the Sinaloa cartel in Mexico and in charge of moving the cocaine from Colombia (or Venezuela or Ecuador) to Guatemala. To do so, he partnered with Ulloa Sibrián, and used Ulloa Sibrián's extensive regional business enterprises, including the Elite nightclub chain, to launder part of the money.<sup>24</sup>

Ulloa Sibrián was the crucial link between local groups that seldom move beyond the small territory they control ("fixers") to those that have access to the international market both for selling products and for acquiring specialized goods, such as sophisticated weapons or access to international financial markets. According to police and judicial sources, as well as published reports, Ulloa Sibrián ran a network that moved cocaine, illegal immigrants, and millions of dollars in bulk cash while buying scores of properties in different countries and multiple legitimate businesses. Official estimates of the scope of his network demonstrate Ulloa Sibrián's centrality to the local drug trade: Guatemalan and Salvadoran authorities calculated that he moved up to 16 tons of contraband through those two countries over the course of his career, the vast majority of it destined for the U.S. market.<sup>25</sup>

Such a figure makes Ulloa Sibrián comparable to some of the largest homegrown traffickers to emerge from Central America. Investigators said he used a number of different methods to move cocaine, from trucks and trailers to speedboats. In addition to working with Russian organized crime organizations in Guatemala, Ulloa Sibrián reportedly worked in collaboration with some of the most prominent

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<sup>24</sup> Efrén Lemus, "El Repollo y el Asesino de Facundo Cabral en La Misma Red de Narcos," *El Faro* (El Salvador), August 7, 2013; "Colombia Expulsó a Guatemala Presunto Autor Intellectual de Facundo Cabral," Agence France Presse, March 13, 2012; Claire O'Neill McCleskey, "Colombia Arrests Trafficker Who Helped Facundo's Alleged Killer Escape," *InSight Crime*, October 18, 2012.

<sup>25</sup> Héctor Silva Avalos, "Timing in Arrest of Salvadoran Drug Trafficker Raises Questions," *InSight Crime*, March 20, 2013.

local groups operating in the Northern Triangle, especially in El Salvador, providing an example of the convergence of different TCNs that can be observed in the region.<sup>26</sup>

In the immediate aftermath of the civil war, the nascent security forces, including the National Civil Police, were still in the process of reform and thus unable to deal with the crime wave in an effective manner. Some were even complicit in the violence. In addition to former soldiers and former insurgents with the Farabundo Martí National Liberation Front (FMLN), members of the police were all involved in organized crime. Essentially, belligerents were demobilized but never actually reintegrated back into society, leaving many with limited options. Gangs became an easy way to make money and provided ex-combatants with a sense of security. Total membership in El Salvador's two main gangs ranges from 10,500 to 38,000. Even taking the more conservative figure still puts gang members somewhere around 60 percent of the size of the police force and at nearly the same size as the army.<sup>27</sup>

## Transnational Gangs

Transnational gangs, such as MS-13 and the Calle 18 active in Guatemala, Honduras, and El Salvador, are by far the biggest groups. These small but increasingly powerful parts of the gang structures add new elements of complexity to the drug trade, as they become more deeply involved in the transportation of cocaine, weapons, and human beings. This contrasts with their traditional roles of providing security for illicit movements and hit teams to deal with the opposition when necessary.

The gangs did not spring up overnight. From 2000 to 2004, some 20,000 young Central American criminals were deported from the United States to their homelands.<sup>28</sup> The trend further accelerated from 2008 to 2010, with another 63,000 criminals deported to El Salva-

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<sup>26</sup> Interviews in El Salvador and Guatemala, May 2013.

<sup>27</sup> See Joshua Partlow, "El Salvador Is on Pace to Become the Hemisphere's Most Deadly Nation," *Washington Post*, May 17, 2015.

<sup>28</sup> UNODC, 2012, p. 100.

dor alone.<sup>29</sup> In total, some 300,000 criminals, mostly gang members, have been deported to the Northern Triangle countries over the past decade. As investigative journalist Ana Arana notes, the consequences have been severe:

Fed by an explosive growth in the area's youth population and by a host of social problems such as poverty and unemployment, the gangs are spreading, spilling into Mexico and beyond—even back into the United States itself. With them, the maras [gangs] are bringing rampant crime, committing thousands of murders and contributing to a flourishing drug trade. Central America's governments, meanwhile, seem utterly unable to meet the challenge, lacking the skills, know-how and money necessary to fight these supergangs.<sup>30</sup>

As a result of the explosive growth of criminal groups, the Northern Triangle countries and Belize had four of the six highest homicide rates in the world, far higher than during the armed conflicts of the 1980s. El Salvador, Guatemala, and Honduras measure consistently among the highest five murder rates globally, ranging from 50 to 71 homicides per 100,000 citizens. This compares with about five murders per 100,000 in the United States and 1.7 in Canada. The murder rate for people ages 15 to 24 in El Salvador was an almost unimaginable 94 per 100,000, the highest in the world for that age group.<sup>31</sup>

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<sup>29</sup> Numbers provided by the Congressional Research Service for those years can be found in Clare Ribando Seelke, *Gangs in Central America*, Washington, D.C.: Congressional Research Service, January 3, 2011.

<sup>30</sup> Ana Arana, "How the Street Gangs Took Central America," *Foreign Affairs*, Vol. 84, No. 3, May and June 2005.

<sup>31</sup> There are multiple studies on the number of homicides in the region, which vary slightly in the exact numbers but arrive at the same general numbers. For official National Police statistics in El Salvador, see "Número de Víctimas y Tasas de Homicidios Dolosos en El Salvador (1999-2006)," Observatorio Centroamericano Sobre Violencia, September 3, 2010. See also Edith Portillo, "Gestión de Saca Acumula 16 Mil Homicidios," *El Faro*, December 29, 2008; and UNODC, *Crime and Instability: Case Studies of Transnational Threats*, February 2010. The figure on homicides among young people was taken from "Latin America Has the Highest Homicide Rate for Young Adults in the World," Canwest News Service, November 26, 2008.

In addition to the violence, gangs (particularly MS-13) have increased their territorial control, resulting in increasing links of some gang structures with the *transportista* networks that move illegal drugs across Central America to Mexico. While these alliances are not widespread and take place in regions where the gangs control territory that the *transportistas* need to transit to safely move their products, the result has been a significant new revenue stream for the gangs, resulting in the acquisition of modern weaponry, territorial expansion, and new political power.

To minimize their financial outlays, the *transportistas* pay the gangs in kind (small kilo or subkilo amounts) rather than with cash whenever possible. This has helped fuel the steep rise in cocaine consumption across the region. To turn the cocaine into cash, the gangs store the drugs in heavily defended *pozos* (wells or tunnels) and distribute batches of a few grams at a time to gang members to sell on the street. Because the gangs are often more interested in quick transactions than getting the best possible price, the cocaine is often relatively cheap, making it more easily accessible than in many other parts of the world. If the gangs need to acquire more weapons or explosives, they will trade drugs for the goods they need.<sup>32</sup>

While the small retail of drugs remains the norm, there have also been a growing number of cases where the gangs have been in direct control of multihundred-kg loads of cocaine, indicating a clear expansion and consolidation of certain *clicas*, or small gang units, in the drug trade.

In early November 2012, the Salvadoran National Police intercepted a launch on the Pacific coast near the town of Metalío, Sonsonate province, and seized 113 kg of cocaine. It was the largest cocaine seizure to date in El Salvador. A launch with a similar amount evaded capture.<sup>33</sup> Police sources said that the most unusual thing about the bust was that the people running the launch and those waiting on the

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<sup>32</sup> Information acquired in meetings with well-informed experts in El Salvador, March–June 2013. Members of the National Police antigang unit, both street-level policemen and senior commanders, said in separate interviews in the same time frame that this was the phenomenon that they were observing.

<sup>33</sup> “Decomisan 113 Kilos de Cocaine en Sonsonate,” *La Prensa Gráfica*, November 8, 2012; interviews with counternarcotics police in Latin America, March 2013.

beach to unload the product were all members of MS-13, which contradicted MS-13's traditional role as the security detail. Prior to the November seizure, the largest load wholly controlled by MS-13 was about 14 kg, meaning that the seized load was several orders of magnitude larger than what had been seen previously.<sup>34</sup> The case study of MS-13's Moris Alexander Bercián Manchon and the *Fulton Locos*, who reportedly controlled this load, provides more detail on the evolution of gangs into drug traffickers. (See "Evolution of Gangs and TCNs" later in this chapter.)

## Impact on National Stability

The impact of these networks has been profoundly damaging to the rule of law, political stability, and democratic processes under way since the end of the region's armed conflicts in the early 1990s. Particularly in the Northern Triangle, the significant political power acquired by these entities, coupled with growing corruption and the decline of the states' ability to carry out basic functions has pushed the most-affected nations to the point of collapse.

### Criminalized or Captured State Structures

The cumulative effect of the major actors driving the dynamics of drug trafficking and transnational organized crime in Central America—drug cartels, *transportistas*, gangs, and co-opted or criminalized state actors—has been destructive. However, with the possible exception of some gangs that have openly challenged the security forces, the activities of these groups are clearly not forms of criminal insurgency. With criminalized state actors, the dynamic is exactly the opposite: not to overthrow the state, but to maintain control of the instruments of state power for as long as possible.

In criminalized states, the ruling parties have access to hundreds of millions of dollars with no accountability except to other members of the political structure and the criminal organizations. The advantage of this

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<sup>34</sup> Interviews with antigang police in San Salvador, El Salvador, March 2013.

model for those participating in the criminal enterprise is that they run no risk of negative consequences from the state, because the state itself is the sponsor.<sup>35</sup> A second model that is more typical of Central America is the capture of state structures, usually at the local level, by criminal networks. In this case, parts of the state condone or protect and benefit economically from TCN activities, with some protection at the departmental or national level. However, the state itself, as a matter of policy, is not protecting these activities. Honduras and Guatemala fall closer to this model. In both countries, law enforcement actions against cocaine traffickers, including extraditions of suspected kingpins to the United States, do occur because the national government has enough power and political will to carry them out, even if on a limited basis.

El Salvador is a more complex case. As discussed below, gangs have attained considerable political influence through their ability to mobilize or coerce electoral support in the neighborhoods that they control, as well as through intimidation and violence. Beyond that, Douglas Farah, who has done extensive research on Central America, argues that the FMLN and the *Frente Sandinista para la Liberación Nacional* (the ruling parties of El Salvador and Nicaragua, respectively, led by former Marxist guerrillas) being closely linked with FARC and the Venezuelan regime, along with their role in moving hundreds of millions of dollars in untraceable ways through interconnected state oil companies, sets them apart from other Central American nations in terms of state participation in opaque financial transactions.<sup>36</sup>

*Transportista* groups also do not seek to overthrow or replace the national government. Rather, they seek to corrupt and control power at a local level, without broader aspirations. They share some characteristics of John P. Sullivan's notion of a "criminal insurgency," where the "overarching political motive is to gain autonomous economic control over territory . . . Not all insurgents seek to take over the government or have an ideological foundation. Some seek a free range to develop

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<sup>35</sup> Farah, 2012.

<sup>36</sup> Farah has carried out extensive research on these illicit money streams under contract with the U.S. government. He draws on this research and supporting documentation for this assessment.

parallel structures for profit and power.”<sup>37</sup> The goal of these groups is aimed more at keeping the national government out so they can operate in their spaces without having to answer to a higher authority. While the effect of these groups is to deprive the state of control of their “autonomous spaces” as an insurgency would, they are also able to accommodate state presence or co-opt the state to their own ends.

The gangs are undergoing a profound metamorphosis from groups with little or no political vision to formidable political blocs that, while having no inherent ideology, are capable of delivering hundreds of thousands of votes to a political party in exchange for specific benefits. The gangs deliver on the promises of votes by getting entire neighborhoods, under penalty of death or expulsion, to vote for the favored party. Thus the gangs control not just the votes of gang members but of their families and entire communities.

It has been widely reported that the FMLN negotiated with the gangs in the first round of the 2014 presidential elections, confident of achieving the majority of 50 percent plus one vote necessary to avoid a second round. The FMLN narrowly missed its goal but led by a comfortable margin of more than 10 points going into the second round, with the promise of support from the third-place candidate. In the second round, however, the right-wing Alianza Republicana Nacionalista (ARENA) party tried to negotiate its own deal with the gangs, and the effort was enough to get the gangs to withdraw their support from the FMLN. The ARENA party shocked the nation on Election Day by coming within 0.10 percentage points of winning the presidency, a stunning turnaround in which the gang vote played an important part.<sup>38</sup>

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<sup>37</sup> John P. Sullivan, “Criminal Insurgencies in the Americas,” *Small Wars Journal*, February 13, 2010.

<sup>38</sup> The jailed leadership of the MS-13 and Calle 18 gangs acknowledged in a joint statement that they had negotiated with the FMLN in the first round, and attributed their withdrawal of support to the closeness of the second round, feeling that the FMLN had betrayed their trust. They did not acknowledge new negotiations with ARENA. For the full communiqué, see: “Maras Responden al Gobierno: ‘No le Tenemos Miedo a Zacatraz,’” *La Página*, February 27, 2015. See also David Gagne, “El Salvador Gangs Outline Political Motives for Violence,” *InSight Crime*, March 2, 2015. The information on ARENA’s desperate attempts to reach a deal comes from interviews with ARENA security officials in San Salvador in January 2015.

Gangs occupy significant amounts of territory, challenge and often defeat government forces in pitched battles, systematically target high-ranking police and judicial authorities, negotiate as equals with the government for specific benefits, carry out terror tactics to achieve the goal of intimidating any potential enemies, and are able to force the government to make concessions. All of these are hallmarks of a classical insurgency.

They also have a very clear idea of what their desired end state is, and it does not include taking over the government. It is primarily a vision of a truly autonomous, transnational entity: a society in which the gang could behave according to its own internal code, without being in permanent confrontation with the state. Being tattooed would not be a stigma, seeking to kill rival gang members would be a full-time occupation, women could be treated as sex slaves without consequence, and their internal structure would set the governing rules. In short, it would look very much like the prisons they occupy, but without the bars, gross overcrowding, and lack of amenities.<sup>39</sup>

This would put the gangs closer to Valerica Cruceru's definition of a "pseudo-insurgency," where the groups "have successfully created parallel structures, [and] control resources and illegal markets over certain areas, denying government's control."<sup>40</sup>

Two important characteristics of insurgency had been missing until very recently in gang behavior. One is a clear bid to control state power, rather than just remaining outside state control, as described above. The other has been ongoing access to weapons and training that would allow the gangs to challenge the state's monopoly of force.

This is rapidly changing, at least in El Salvador, where the police have found several sophisticated training camps run by different branches of the gangs. Most of the camps are in areas where the guerrilla armies

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<sup>39</sup> This description of what the gangs seek is drawn from an interview with leaders of the MS-13 and Calle 18 gangs, El Salvador, September 26, 2012.

<sup>40</sup> Valerica Cruceru, "Pseudo-Insurgencies—Real Criminal Enterprises," *Land Forces Academy Review*, October 1, 2014.

of the 1980s trained clandestinely.<sup>41</sup> In the March 2015 municipal and legislative elections, the gangs were not simply negotiating their votes but running a few of their own candidates for national office.<sup>42</sup> As one candidate, himself suspected of being tied to the Calle 18 group, stated: “Everyone knows the gangs have infiltrated many members into the municipal governments in the east.”<sup>43</sup>

It is reasonable to conclude that both trends will continue and likely accelerate, given the decomposition of the state and the growing financial, military, and territorial power of the gangs. Whether they are or ever will be part of a classic insurgency, the gangs have successfully captured control of territory where they exercise governance. Hence, the effect of gangs is the same in many places as that of an insurgent force.

### The Growing Role of the Gangs

While the *transportista* networks have a long history in the region and are an important part of its criminal, political, and social fabric, the role of gangs in the drug business is relatively new and evolving rapidly. These groups, if they continue on their current trajectory, have the greatest potential to displace traditional networks and greatly increase their already formidable social, political, and economic power.

As noted earlier, the primary asset the gangs bring to the movement of drugs across Central America is their control of broad swaths of territory. When this territory overlaps with important routes of the *transportista* networks, negotiations are undertaken with the local gang leadership out of necessity. But there are indications of more consensual relationships developing. Because the gangs exercise control through hundreds or thousands of *clicas*, or neighborhood groups, which in turn are organized into *programas* (several dozen *clicas*), one cannot

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<sup>41</sup> Farah, 2013, along with interviews with antigang police who have discovered gang training camps on the Guazapa Volcano.

<sup>42</sup> “Gallegos Dice un Alcalde Tiene Tatuajes de Pandilla,” *El Mundo* (El Salvador) February 14, 2015.

<sup>43</sup> “Gallegos Dice un Alcalde Tiene Tatuajes de Pandilla,” 2015.

generalize about the relationships of gangs and drug traffickers. The relationships develop differently depending on the region, the personalities involved, and the quality of the territory controlled.<sup>44</sup>

The ongoing mutation of the gangs into political actors with growing ties to the drug trade cannot be understood outside the historic and controversial truce reached among the two main gangs and the government of El Salvador in March 2012. While there were other attempts at truces, this one provided the gangs with instruments to steadily gain political power and expand their territorial control. The truces, in essence, allowed the gangs to continue and expand their criminal activities, primarily extortion, kidnapping, protection, murder, and street-level drug dealing, in exchange for dropping the body count, or at least the bodies that were visible on the streets.<sup>45</sup> Eventually it became clear that the gangs had been simply burying the bodies in clandestine cemeteries rather than publicly displaying them. While there is a general consensus that the homicide rate dropped, with ebbs and flows, it has become clear that the decline since the truce was not nearly as dramatic as initially portrayed.<sup>46</sup>

Father Antonio Rodriguez, a priest who has dealt with the gangs in a pastoral capacity in neighborhoods under their control for two decades, publicly called the truce part of a “*paz mafiosa*” or “Mafia peace.” In a public letter to the leaders of the MS-13 and Calle 18 gangs who negotiated the truce, Rodriguez sarcastically congratulated them on having become the true governors of El Salvador, with the status of cabinet ministers for the departments of Justice and Public Security, adding,

You have shown the country a great truth: that you are the one[s] who are in command in the areas of security and insecurity, in

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<sup>44</sup> For an explanation of gang structures and varying relationships with drug trafficking, see Douglas Farah and Pamela Phillips Lum, *Central American Gangs and Transnational Criminal Organizations: Changing Relationships in a Time of Turmoil*, International Assessment and Strategy Center, February 2013.

<sup>45</sup> For details, see Farah and Lum, 2013.

<sup>46</sup> James Bargent, “Disappearances, Clandestine Graves on the Rise in El Salvador,” *InSight Crime*, March 8, 2013.

areas of death and in schools, in terms of extorting or not extorting. You are capable of raising or lowering the violence, and have shown how totally incompetent your predecessors have been . . . you have given us the evidence that we live in a failed state.<sup>47</sup>

In the early part of 2015, the gangs demonstrated the capacity to attack police posts and assassinate policemen with impunity, murdering seven policemen during the first two weeks of the year. This prompted an order from the police leadership that their forces could shoot to kill if they felt threatened.<sup>48</sup> As the gangs have invaded new communities and driven out local residents, the specially trained and equipped antigang police have been powerless to do more than escort the residents to safety, rather than retake the territory from the gangs.<sup>49</sup>

### Evolution of Gangs and Transnational Criminal Networks

Within this context, perhaps the prototype of the new role gang leaders will play in the cocaine trade is Moris Alexander Bercián Manchon (“El Barney”), one of the few gang leaders in the world designated by the Treasury Department as a major criminal figure.<sup>50</sup> Bercián, of El Salvador, is one of a handful of documented cases in which a senior gang leader was directly involved not only in protecting but also acquiring and moving loads of more than 100 kg of contraband. The load described in an earlier section of this chapter (“Transnational Gangs”) belonged to Bercián’s *clica*, the *Normandie Locos Salvatruchos* (NLS). The NLS and the *Fulton Locos Salvatruchos* (FLS) are allies and are among the most violent and prosperous units of MS-13. Bercián was

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<sup>47</sup> Antonio Rodríguez, “Carta del Padre Antonio Rodríguez a los Nuevos Ministros de Justicia y Seguridad Pública,” May 3, 2012.

<sup>48</sup> Daniel Valencia Caravanes, “Wanted: Police Willing to Go to War in El Salvador,” *InSight Crime*, February 10, 2015.

<sup>49</sup> Oscar Martínez, “Huir de Las Pandillas Ante la Mirada de la Policía Antipandilla,” *El Faro* (El Salvador), January 21, 2015.

<sup>50</sup> U.S. Department of the Treasury, “Treasury Sanctions Significant Members of MS-13: Designation Targets Notorious Mara Salvatrucha (MS-13),” Washington, D.C., June 5, 2013; “Moris Alexander Bercián Manchon, Alias ‘El Barney,’” *InSight Crime*, undated.

arrested in possession of 7 kg of cocaine in 2010 but freed on a technicality, cementing the legend of his growing power.<sup>51</sup>

In addition to his growing ability to move large amounts of cocaine, Bercián has set up a series of businesses to help launder the proceeds of the cocaine sales while carefully cultivating political protection and a reputation for brutality. Salvadoran police have an arrest warrant on him for some 50 murders.<sup>52</sup> Bercián got a leg up on the competition because his father, Arturo Bercián (“El Tiburón” or “the Shark”), was a colonel in the Salvadoran military and ran his own small-time smuggling business on the El Salvador–Guatemala border where his son now operates. The border region is a key node in a primary cocaine movement group under the control of the *Cartel de Taxis*,<sup>53</sup> one of the largest and most politically well-connected *transportista* groups in El Salvador.

It is clear that Bercián, as a gang leader, has achieved important working relationships with, at a minimum, significant cocaine transport groups and possibly more-direct ties with the Sinaloa cartel. If he were able to consolidate a direct relationship as a provider of goods and services to the Mexican organization, it would represent a milestone in the evolution of gangs and TCNs.<sup>54</sup>

While Bercián may be the most visible of the gang leaders with true international reach in the world of drug trafficking, he is not the only one, and others are likely to emerge. Already the FLS, NLS, and the *Hollywood Locos Salvatruchos* are engaging more and more directly in the movement of cocaine while also moving into human smuggling, protec-

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<sup>51</sup> For an excellent comprehensive overview of these groups, see Alejandra S. Inzunza and José Luis Pardo, “El Salvador Busca su Redención,” *El Universal* (Mexico), October 7, 2012.

<sup>52</sup> “Moris Alexander Bercián Manchon, Alias ‘El Barney,’” undated.

<sup>53</sup> The group is named for the Texistepeque, the town where its leaders are from. The group and its ties to both the Salvadoran political establishment and to the Sinaloa cartel have been amply discussed in the national and international media. For a comprehensive profile of the group, see “Taxis Cartel News,” *InSight Crime*, undated.

<sup>54</sup> “Moris Alexander Bercián Manchon, Alias ‘El Barney,’” undated.

tion of precursor chemicals for methamphetamine, weapon trafficking and the protection of sophisticated weapon cargos, and stolen cars.<sup>55</sup>

There are other anecdotal indications given by midlevel MS-13 leaders that the gangs are forging more-direct links with the Mexican cartels, particularly the Sinaloa cartel. MS-13 has reportedly sent emissaries to Mexico and hosted meetings in El Salvador to develop a more direct relationship with the Sinaloa traffickers in an effort to boost their regional trafficking activities.<sup>56</sup>

In recognition of these changes, the U.S. Treasury Department took the controversial step of designating the MS-13 organization as a transnational organized crime group in October 2012, then designating six members of the gang, including Bercián, as significant transnational crime figures in June 2013.<sup>57</sup> The designations were met with considerable skepticism among many in the law enforcement community who felt MS-13 did not meet the threshold for designation as a transnational group.

## Counternetwork Efforts in Central America

Numerous, fragile experiments are under way to deal with some of these issues. The United States is funding several interagency task forces (IATFs) established by regional governments in hopes of providing a platform for a “whole of government” approach to reestablishing state authority in some areas while simultaneously combating drug traffickers. The most studied has been *Tecún Umán*, near the Mexican border, an IATF that SOUTHCOM has identified as a high priority in the support of Central America’s efforts and a potential model for future IATFs. The task force was set up to have the police in the primary leadership role, with significant military support and special prosecutors who could initiate cases. The innovation of this IATF was

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<sup>55</sup> Interviews in San Salvador, El Salvador, and San Pedro Sula, Honduras, March 2014–March 2015.

<sup>56</sup> Farah and Lum, 2013.

<sup>57</sup> U.S. Department of the Treasury, 2013.

that the Ministry of Defense (military) and Ministry of Governance (police) signed a memorandum of understanding that delineated the responsibilities of each ministry, and was supported by the President. The equivalent of the Guatemalan border patrol and the attorney general's office were also part of the force.<sup>58</sup>

However, a recent RAND assessment of the project found that, despite substantial U.S. funding and training, the IATF exhibited several major weaknesses. These included the military remaining in the lead role; a lack of resolution regarding the duality-of-command issue despite the memorandum; a lack of operational planning capacity; a lack of organic training capability; noteworthy corruption problems; low operational tempo; and major logistical and resupply problems.<sup>59</sup> This example only highlights the depth of the problems facing the region. Even if a unit receives the level of support that IATF Tecún Umán has, it is still very difficult to make progress in developing an effective approach to combating drug trafficking. The resignation in September 2015 of Guatemalan President Otto Pérez Molina—a strong supporter of the IATF concept—in connection with a corruption scandal that plunged the country into a political crisis may have an impact on the viability of the IATF experiment, but as of October 2015 it was too early to tell.

The government of Honduran President Juan Orlando Hernández has pursued creative policies that, in the judgment of some analysts, have made real progress in the fight against gangs and narcotraffickers. President Hernández has given the military the lead role in the fight against criminal networks, including a special role for newly created military police units in reasserting control over urban neighborhoods in large cities, taking them back from such gangs as Barrio-18 and MS-13, and from emerging splinter groups, such as Los Chirizos. President Hernández has also given the military a lead role in interdicting drug flows and going after the leadership of family-based smuggling groups. The cornerstone of the Hernández administration's approach

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<sup>58</sup> Gillian S. Oak, *Interagency Task Force Tecún Umán: Lessons Identified*, Santa Monica, Calif.: RAND Corporation, RR-885-OSD, February 2015.

<sup>59</sup> Oak, 2015.

is the interagency task force *Fuerza Nacional de Seguridad Interinstitucional* (FUSINA), or National Interagency Task Force. FUSINA brings together elements of the Honduran military, national police, investigators, judges, intelligence, and other relevant offices across the Honduran government to better coordinate the “whole-of-government” operations against organized crime.<sup>60</sup> It operates under the oversight of Honduras’ National Security Council, which includes the elected president, the head of Congress, and the ministers of Defense and Public Security. Below the leadership level, FUSINA is organized into 18 IATFs, each of which integrate elements of the military and police and have direct access to on-call prosecutors, judges, and other resources. These task forces generally correspond to the nation’s departments, as well as additional task forces such as *Maya-Chorti*, whose mission is to control the border with Guatemala.<sup>61</sup>

These challenges are playing out against a backdrop of the desire by the region’s leaders, across political ideologies, to find a new paradigm outside the U.S.-led “war on drugs,” particularly as U.S. resources in the region have been severely curtailed. The search for a new paradigm includes calls for decriminalization. At the same time, there is a growing perception among the population that the violence generated by TCN activity is their primary concern, and that some sort of accommodation with those groups to end the bloodshed is the best and perhaps only way out of the current crisis.

“Are we going to be responsible to put up a war against the cartels if we don’t produce the drugs or consume the drugs? We’re just a corridor of illegality,” said Eduardo Stein, a former Guatemalan vice president who headed President Pérez Molina’s presidential transition

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<sup>60</sup> There is a similarity between the FUSINA effort and the campaign against the Sicilian mafia described in Leoluca Orlando’s *Fighting the Mafia and Renewing Sicilian Culture* (New York: Encounter Books, 2001). Orlando, the former mayor of Palermo who led the fight against the mafiosos, argues that not only is a whole-of-government approach essential, but that civic associations, including religious organizations, should take part. He stresses that the mafia cannot be rooted out solely with a top-down, law enforcement approach, but that a bottom-up, grassroots movement is needed as well.

<sup>61</sup> R. Evan Ellis, “Honduras—Innovation in the Fight Against Gangs and Narcotrafficking,” *Latin America Goes Global*, September 24, 2015b.

team. “The issue of drug trafficking and consumption is not on the North American political agenda. The issue of drugs in the U.S. is very marginalized, while for Guatemala and the rest of Central America it’s very central,” he added.<sup>62</sup>

There are other psychological factors that play into the changing perceptions in the region, such as the growing belief that the U.S.-led interdiction efforts are not only part of the problem, but that they cannot succeed. “There are two dynamics at work,” said one regional analyst who monitors polling data and political trends. “One is the feeling that the governments can or will do little or nothing to solve people’s basic needs. The second is the feeling that people want to be on the winning side in any conflict, and the perception now is that the narcos have won, so they will adapt to that. Crossing that threshold to acceptance of the narco-state is huge, but already under way.”<sup>63</sup>

It is unclear whether this changing attitude is driven by the growing political power of the TCNs or whether, conversely, the political process is simply recognizing a political reality and adapting to it. What is clear is that, while the internal conditions of each country are significantly different and somewhat fluid, all have seen a significant decline in the rule of law and governability in recent years.

## **Weakness in Central America’s Counternetwork Response**

With the exception of the efforts to develop institutional capacity to fight criminal networks we have described here, Central America as a whole, and the Northern Triangle in particular, have not been successful in mitigating the pernicious effects of illegal criminal activity on the rule of law, the legal economy, and state power. The government inaction and the growth of TCNs and gangs has led to “inadequate public security forces, dysfunctional judicial systems, inadequate jails which

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<sup>62</sup> Romina Ruiz-Goiriena, “Guatemala Weighs Drug Legalization,” Associated Press, February 13, 2012.

<sup>63</sup> Interviews with ARENA security officials in San Salvador in January 2015.

become training grounds for criminals and deficiencies in other dimensions of state structure such as the maintenance of infrastructure.”<sup>64</sup>

While the weaknesses we describe next are regionwide, there are two countries that stand somewhat apart and where the weaknesses are not as pervasive. Nicaragua is in a somewhat different situation because of its innovative communal police structures developed during the first Sandinista government (1979–1990) and because of historic migration patterns that are markedly different from the countries of the Northern Triangle. Costa Rica is also somewhat apart from the travails of the Northern Triangle—for historic reasons, such as its stronger tradition of democratic civilian rule and its ability to largely stay out of Central America’s wars. Perhaps the biggest difference is that neither nation has seen the emergence of significant gang structures in their countries.<sup>65</sup>

Among the significant multiple weaknesses of the Northern Triangle countries are the following:

- corruption and distrust among and within police forces that make joint actions across national boundaries virtually impossible—and even local actions difficult to carry out
- lack of political will to combat DTOs, coupled with and fed by growing government complicity in drug trafficking and money laundering
- highly politicized national intelligence structures that are often used to track the political opposition rather than strategic threats
- significant intelligence stovepipes that exist because of fears that drug corruption or political interests will thwart any real action against criminal groups
- porous borders with almost no effective control for stopping contraband, be it drugs, people, weapons, or bulk cash

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<sup>64</sup> Gabriel Marcella, *American Grand Strategy for Latin America in the Age of Resentment*, Strategic Studies Institute, U.S. Army War College, Monograph No. 10, September 2007.

<sup>65</sup> There are multiple reasons for this, the primary one being that neither Nicaragua nor Costa Rica saw a large flood of migrants to the United States during the regional wars. The Salvadoran diaspora community based in Los Angeles, California, was the incubator of what became the main gangs in the region. Hence, when gang members were deported to their countries of origin, few were sent back to Nicaragua or Costa Rica.

- a lack of revenue and tax base from which to raise the necessary income for the state to implement anything more than the dysfunctional systems currently in place
- the growing emphasis on the part of regional government on using the military to combat drug trafficking, although they do not have the training or institutional capacity to do so. (This is particularly true in Honduras, with the introduction in 2014 of the “military police,” a new branch of the military, responding to the military chain of command, but carrying out police functions. In El Salvador, tens of thousands of army troops have been deployed to support police operations but often take the lead or bypass the police completely.)<sup>66</sup>

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<sup>66</sup> Interviews with national and international police and intelligence officials in Panama, Nicaragua, El Salvador, Guatemala, and Honduras in 2014. The interviews were conducted in part to determine the precise nature of the biggest weaknesses in the systems, and these emerged as the top issues across the region. Dr. Leticia Salomón, director of the National University of Honduras’ Center for Scientific Investigation, and Victor Meza of the Center for the Documentation of Human Rights in Honduras have written extensively on the militarization of the counterdrug strategy in Honduras.

## The Trans-Atlantic Route: South America to West Africa

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Over the past decade, drug cartels based in Latin America began to route cocaine shipments to Europe through West Africa. West African criminal networks are leading players in transporting and distributing the cocaine in Europe, often allied with associates of AQIM and other Sahel-based extremist groups. Lebanese Hezbollah is a major actor on both the Latin American and West African sides of the drug trade.

The United States has traditionally been the main market for South American narcotics. Nevertheless, while levels of cocaine consumption in the United States have declined steadily since the early 1990s, increasing volumes are now being sent to Western Europe, due to higher street prices and growing consumer demand for highly addictive derivatives, such as crack cocaine.<sup>1</sup> The increased demand and profitability of the European market has resulted in the expansion of smuggling corridors from South America to Europe.<sup>2</sup> The UNODC estimated that there was a significant increase in the volume of cocaine transiting West Africa, from three tons in 2004 to 47 tons in 2007, and a subsequent decline to 21 tons in 2009 and 18 tons in 2010.<sup>3</sup> The

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<sup>1</sup> Interviews with U.S. Embassy officials, Bogotá and Mexico City, March 2009 and April 2013. Also, see Joanne Csete and Constanza Sánchez, *Telling the Story of Drugs in West Africa: The Newest Front in a Losing War?* Swansea University: Global Drug Policy Observatory, Policy Brief 1, November 2013.

<sup>2</sup> UNODC, 2011.

<sup>3</sup> UNODC, *Transnational Organized Crime in West Africa: A Threat Assessment*, February 2013, p. 4.

2010 figure represented about 5 percent of the amount of cocaine that was estimated to have transited Central America on the way north in the same year.<sup>4</sup> This is a small proportion of global flows. However, it is important to take into account that even a relatively small shipment of cocaine by global standards could have a very disruptive impact on governance in small West African countries where the value of the drugs being trafficked could amount to a large proportion of a country's gross domestic product.

Figures about drug trafficking in Africa should be taken with a great deal of caution, however. The knowledge base of cocaine trafficking through West Africa remains thin and there is a clear need for a much better and finer-grained empirical understanding of how transnational drug trafficking in West Africa works.<sup>5</sup> The data on drug movements through West Africa is based on documented shipments, largely seizures, but in the case of drug movements to the United States through Central America and the Caribbean, these data reflect only what we know. The United States has a robust intelligence capability in Latin America, but the relevant agencies have fewer sources and less direct awareness of the drug movements in Africa.<sup>6</sup>

Initially, consignments were sent directly via container vessels to ports in Spain (Barcelona), Portugal (Lisbon), Belgium (Antwerp), and the Netherlands (Rotterdam).<sup>7</sup> Most of the drugs by volume go to Europe via direct commercial shipping. Since the early 2000s, some of the shipments have been routed across the Atlantic, through the wider Gulf of Guinea, then overland via the Malian town of Gao to the Maghreb, with final delivery to drop-off points on the northern Mediterranean coast.<sup>8</sup>

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<sup>4</sup> UNODC, *Cocaine from South America to the United States*, undated-a.

<sup>5</sup> Markus Schultze-Kraft, *Getting Real About an Illicit 'External Stressor': Transnational Cocaine Trafficking Through West Africa*, Institute of Development Studies, IDS Evidence Report No. 72, June 2014, p. 10.

<sup>6</sup> RAND discussions with AFRICOM staff, Kelley Barracks, Stuttgart, Germany, September 2015.

<sup>7</sup> Interview with U.S. Coast Guard official, Key West, Florida, March 2009.

<sup>8</sup> Gao is thought to be the main transit hub for narcotics moving north from West Africa to the Maghreb. Nicknamed "Cocainebouyou" (cocaine town), it was the locus of the infamous

The main import hubs in West Africa run through Sierra Leone, Guinea, Ghana, Senegal, and Guinea-Bissau. All of these countries have weak judicial systems, lack the means for effective (or even basic) coastal surveillance, and are beset by endemic corruption—all features that make them ideal transshipment points for drugs. Since the height of the trans-Sahel cocaine traffic in 2006–2007, however, fewer cocaine movements have been detected through the Sahel, possibly because French military operations in Mali have disrupted the smuggling routes.<sup>9</sup>

While Venezuela constitutes the main export hub for Colombian cocaine, Brazil, Argentina, and Uruguay appear to be the principal transshipment points for narcotics originating in Peru and Bolivia. Colombian cartels working in conjunction with organized gangs in São Paulo, Rio de Janeiro, Salvador, Recife, Montevideo, and Buenos Aires are thought to control most of this activity, although there is growing evidence that both the Sinaloa Cartel and Los Zetas are similarly moving to redirect their trafficking flow via West Africa.<sup>10</sup> In both cases, maritime conveyance was the preferred means of movement, with Guinea-Bissau as the key point of entry to the continent.<sup>11</sup>

Until recently, Guinea-Bissau constituted the apex of smuggling activity. Under President João Bernardo “Nino” Vieira (1994–1999 and 2005–2009), the country was considered to be the world’s first genuine narcostate, with the value of drugs passing through the polity rivaling that of its official gross domestic product. Complicity in the cocaine trade extended to the very highest levels of the military and governing civil bureaucracy.<sup>12</sup> Before he was assassinated in 2009, Viera

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2009 crash of an aging Boeing 727 that was believed to have originated from Venezuela and which was found to have 11 MT of narcotics onboard.

<sup>9</sup> RAND discussions with U.S. intelligence community analysts, Washington, D.C., October 2015.

<sup>10</sup> Julieta Pelcastre, “Cártel de Los Zetas Trafica Drogas a Europa via África Occidental,” *Diálogo*, October 14, 2013.

<sup>11</sup> Interviews with U.S. officials, Bogotá, Colombia, and Key West, Florida, March 2009. Also, see Robert Munks, “Brazilian Police Officers Storm the Favelas,” *Jane’s Intelligence Review*, February 2009, p. 6.

<sup>12</sup> Participant comments made not for attribution during the “Securing State Recovery: Sustaining Momentum at Sea, Confronting Instability on Land,” fourth UAE Counter-Piracy

was reported to have worked closely with Lebanese narco-traffickers, taking a cut of their profits in exchange for allowing them a free hand to conduct “business” transactions unhindered.<sup>13</sup>

In 2013, the head of Guinea-Bissau’s armed forces, General Antonio Indjai, was indicted in absentia by a New York court on cocaine and weapon trafficking charges that directly tied him to the criminal enterprises of the FARC.<sup>14</sup> Two weeks earlier, the former chief of the Navy, Rear Admiral José Américo Bubo Na Tchuto, was arrested in a DEA sting operation during which he told undercover federal agents that he could arrange for the storage and transfer of Colombian cocaine at a rate of \$1 million for every 1,000 kg brought into the country.<sup>15</sup>

Analysts at AFRICOM have detected a declining trend in drug-related corruption in Guinea-Bissau. The government at senior levels is less directly involved, although there continues to be involvement at middle levels.<sup>16</sup> This is not to say that drug-related corruption does not remain widespread, particularly in the armed forces where narco-centered trafficking networks are still operating. Nevertheless, drug trafficking–related corruption is probably not greater in Guinea-Bissau than in other West African countries. The DEA sting operation was mentioned in many meetings held by members of AFRICOM J-51 directorate Counternarcotics staff with Guinea-Bissau officials in January 2015 as a significant event that notified drug traffickers operating

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Conference, Dubai, October 29–30, 2014. Also, see Adjoa Anyimadu, *Maritime Security in the Gulf of Guinea: Lessons Learned from the Indian Ocean*, Chatham House, Africa Paper 2013/02, July 2013, p. 6.

<sup>13</sup> Marco Vernaschi, “The Cocaine Coast,” *VQR Online*, Winter 2010; David O’Regan and Peter Thompson, *Advancing Stability and Reconciliation in Guinea-Bissau: Lessons from Africa’s First Narco-State*, The Africa Center for Strategic Studies, June 2013, p. 1.

<sup>14</sup> Adam Nossiter, “U.S. Indicts Guinea-Bissau’s Military Chief in Drug Case,” *New York Times*, April 18, 2013b. As of 2015, Indjai remained free in Guinea-Bissau.

<sup>15</sup> Adam Nossiter, “U.S. Sting That Snared African Ex-Admiral Shines a Light on the Drug Trade,” *New York Times*, April 15, 2013a.

<sup>16</sup> RAND discussion with AFRICOM staff, Kelley Barracks, Stuttgart, Germany, September 2015.

in the country—and their government associates—that they were no longer free to conduct business as usual.<sup>17</sup>

## Main Players

Nigerian criminal networks are at the forefront of cocaine trafficking from the Gulf of Guinea to Europe, as well as in secondary markets in sub-Saharan Africa. The involvement of individuals from the southeastern Igbo ethnic group—which has a particularly large and widespread diaspora—has been especially marked. These players have an established and prominent presence along all aspects of the supply chain from source countries (São Paulo constituting their main nerve center in Latin America), through transit hubs to main consumption countries (Britain, Spain, Italy, and Germany). They have also long dominated commercial air courier operations from Brazil, reportedly supplying 90 percent of the drug “mules” that have been arrested at the country’s international airports.<sup>18</sup>

Unlike Mexican DTOs, Nigerian groups have no specific corporate structure or defined hierarchy. Rather, they exist as “flat,” loosely configured, and largely “faceless” entities that are estimated to collectively number several thousand. Members tend to move into less-hazardous areas of business once they have accumulated a start-up stake, which makes it difficult to identify stable centralized organizations. Individuals are thus best described as nodal points in a larger web of criminal enterprise. Obviously some will be more significant than others. Those that do assume prominence generally possess specific, high-demand skill sets, are able to call on important contacts (such as a

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<sup>17</sup> Interview with AFRICOM J-51 officials, September 2015. Also, see James Cockayne and Phil Williams, *The Invisible Tide: Towards an International Strategy to Deal with Drug Trafficking Through West Africa*, New York: International Peace Institute, October 2009.

<sup>18</sup> UNODC, 2013, p. 16.

co-opted state official), or have been instrumental in bringing together a small band of people to run an illicit business operation.<sup>19</sup>

This type of organization has three major advantages. First, their opaque character impedes the ability of law enforcement to trace, predict, or penetrate them. Second, they are extremely fluid and, hence, capable of rapid adaptation and recovery from arrests. Third, they are informal—a trait that is well suited to the customary practices that define irregular economies in West Africa.<sup>20</sup>

Ghanaians also play a role in trafficking cocaine. In common with Nigerian groups, they do not have a concrete identity of the sort found in Mexico. However, they do tend to be more organizationally structured along one of two lines. First are small-knit family or ethnic town associations, which are well financed and typically operate behind a legitimate business front. Second are four-tiered entities that consist of financiers, organizers, couriers, and local distributors. In this variation, those that carry and deliver drugs are recruited and managed by the organizers, which means they have no direct contact with the main financial architects behind the trade.<sup>21</sup>

## Impact on National and Regional Stability

In West Africa, the transnational drug trade has had a profound impact, driving deep institutionalized corruption and effectively turning some countries in the region into criminalized states. Guinea-Bissau under the Vieira regime was an exemplary case, although such effects have also been clearly evident in Guinea, Ghana, Sierra Leone, and Nigeria.

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<sup>19</sup> Mark Shaw, "West African Criminal Networks in South and Southern Africa," *African Affairs*, Vol. 101, No. 404, July 2002.

<sup>20</sup> See, for instance, Kwesi Aning, "International Organised Crime: The African Experience—Responses from Regional Organisations," paper presented at the Conference on International Organised Crime: The African Experience, Mont Blanc, Italy, December 10–12, 2010.

<sup>21</sup> Kwesi Aning, "Are There Emerging West African Criminal Networks? The Case of Ghana," *Global Crime*, Vol. 8, No. 3, August 2007, p. 200.

Profits from criminal activity have also empowered nonstate militant actors, allowing them to operate on a higher, more lethal level. Much of Hezbollah's and an unknown amount of AQIM's current income is believed to derive from the cocaine trade.<sup>22</sup> U.S. officials reportedly estimated that drug trafficking profits have provided AQIM with the means to effectively monopolize the booming arms market that has sprung up in Libya since the 2011 overthrow of Muammar Qadhafi's regime. It is these arms that intelligence officials believe are sustaining a campaign of terror that now extends from Algeria to Mali.<sup>23</sup> Other analysts, however, question the degree to which AQIM is dependent on proceeds from the transnational drug trade. In this view, AQIM is most likely collecting a tax on anything that moves through its territory. It also contracts out fighters and vehicles to provide protection and guidance for drug convoys transiting areas where its influence is less marked (a practice known as "riding shotgun"). However, for the most part it funds itself through different types of criminal activity, primarily kidnapping for ransom<sup>24</sup> (see Chapter Seven for more about AQIM).

In addition, drug flows have impeded development by discouraging the types of foreign investment West African governments need to grow their economies. More specifically, the potentially huge short-term monetary gains that can be made from the cocaine trade have eclipsed the attractiveness of longer-term commitments to more-productive enterprises. Inevitably, this has resulted in a situation where a small number of people are becoming richer at the expense of a mass population base that is being rendered progressively poorer—driving already massive wealth inequalities and concomitant sources of social tension.<sup>25</sup>

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<sup>22</sup> Christopher S. Chivvis and Andrew Liepman, *North Africa's Menace: AQIM's Evolution and the U.S. Policy Response*, Santa Monica, Calif.: RAND Corporation, RR-415-OSD, 2013.

<sup>23</sup> Colin Freeman, "Revealed: How Saharan Caravans of Cocaine Help to Fund al-Qaeda Terrorists' North African Domain," *The Telegraph* (United Kingdom), September 6, 2014.

<sup>24</sup> RAND discussion with AFRICOM staff, Kelley Barracks, Stuttgart, Germany, September 2015. Also, see Csete and Sánchez, 2013, pp. 11–12.

<sup>25</sup> J. Peter Pham, "Emerging West African Terror-Drug Nexus Poses Major Security Threat," *World Defense Review*, January 28, 2010.

There is clear evidence that Gulf of Guinea transit hubs have steadily degenerated into consumption centers in their own right. Throughout the wider Gulf region, cocaine use has become increasingly endemic, fostering inner-city violence, fueling street crime, and straining already overburdened health and law enforcement systems. In this manner, the drug trade is detracting from human security, contributing to West Africa's status as one of the most socially dislocated and dysfunctional parts of the world.

As in the case of the Northern Triangle of Central American countries, the phenomenon of the criminalized states is well advanced in West Africa. According to a recent study by the Africa Center for Strategic Studies, trafficking networks co-opted key political and military leaders and transformed Guinea-Bissau into a hub for illicit commerce, particularly the international cocaine trade. This has directly contributed to instability in Senegal, Guinea, Liberia, Mali, Mauritania, Nigeria, and elsewhere in Africa. European and African organized criminal groups have likewise established a presence in Guinea-Bissau.<sup>26</sup>

During the 1990s, Guinea-Bissau was a conduit for the illegal traffic in arms, primarily for *Le Mouvement des Forces Démocratiques de Casamance*, a rebel group in neighboring Senegal. The arms traffic was a critical source of funds for political elites and military factions. Authoritarian President Vieira and his armed forces chief of staff (and sometime rival during Vieira's first term) General Asumane Mané were both dependent on arms trafficking to maintain their respective networks of supporters. The corruptive influence of illegal trafficking was intensified with the surge of cocaine through Guinea-Bissau. Vieira was a prominent actor in the cocaine trade during his second term in office, as were many political leaders and senior military officers.<sup>27</sup>

As noted earlier, the U.S. Department of the Treasury designated Rear Admiral Tchuto, twice chief of staff of the navy, and General Ibraima Papa Camará, chief of staff of the air force, as drug kingpins due to their significant roles in international narcotics traffick-

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<sup>26</sup> O'Regan and Thompson, 2013, p. 1.

<sup>27</sup> O'Regan and Thompson, 2013.

ing.<sup>28</sup> The two were linked to a notorious episode in July 2008 when a Gulfstream jet from Venezuela landed in Bissau loaded with 500 kg of cocaine. Police surrounded the plane and arrested the crew, who were reported to be members of El Chapo's criminal organization, but the cocaine vanished. A later investigation determined that hundreds of boxes of cocaine had been unloaded from the plane by soldiers in uniform. In November 2008, the International Criminal Police Organization (Interpol) and the police seized a similar plane, also originating in Venezuela. Police seized a shipment of cocaine in that incident that also mysteriously vanished.<sup>29</sup>

The double assassination of President Vieira and chief of staff General Batista Tagme Na Wai in March 2009 appears to have been linked to control of the drug trade. Apparently, Vieira was concerned that his generals were gaining ground and he decided to eliminate the opposition and regain control of the drug trade. Vieira was killed in an act of apparent revenge by forces loyal to Na Wai, who had been assassinated in a previous bomb attack.<sup>30</sup> It was later reported that the device used to kill Na Wai was made in Thailand and more sophisticated than anything previously seen in Guinea-Bissau. According to Interpol, the bomb had arrived in Guinea-Bissau in a private plane a few days before Na Wai's assassination. Private planes play a major role in the Guinea-Bissau criminal scene, leading to suggestions that Latin American drug cartels had sponsored a connection between Na Wai's rivals and high-end weapon traffickers.<sup>31</sup>

Guinea was another major drug trafficking hub until the death of President Lansana Conté in 2008. When a Guinean army captain, Moussa Dadis Camara, briefly seized power after Conté's death, some 20 regime figures were imprisoned on drug trafficking charges, including both the president's brother-in-law and the president's eldest son,

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<sup>28</sup> U.S. Department of the Treasury, "Treasury Designates Two Narcotics Traffickers in Guinea-Bissau: Treasury Targets Emerging West African Narcotics Transit Route," Washington, D.C., April 8, 2010.

<sup>29</sup> Vernaschi, 2010.

<sup>30</sup> Vernaschi, 2010.

<sup>31</sup> O'Regan and Thompson, 2013, p. 8.

Ousmane Conté, who admitted publicly that he had been the “god-father” of a network that controlled much of the country’s drug trafficking. The military junta that took over after Lansana Conté’s death arrested 45 others, including 14 police officers, ten army personnel, and six navy personnel. Guinea’s current president, Alpha Condé, who was elected in December 2011, spoke about reforming the army, but reports indicate that a network of army officers and government officials retain strong links to drug trafficking.<sup>32</sup>

## Counternetwork Efforts in West Africa

U.S. efforts to counter networked threats in Africa are the by-product of several policy initiatives in the security sector. The West Africa Cooperative Security Initiative (WACSI) is an interagency effort developed by the Department of State, the Office of National Drug Control Policy, AFRICOM, the Department of Homeland Security, the Department of Justice, and the U.S. Agency for International Development (USAID), in consultation with the Economic Community of West African States (ECOWAS) to implement a regional approach to transnational threats. It focuses on building regional capacity to combat transnational crime, particularly narcotics trafficking. WACSI’s specific goals are to address corruption within the justice and security sectors and by government elites; support development of legal frameworks to combat transnational crime; strengthen law enforcement; promote the capacity to prosecute criminal activity; and engage African stakeholders in addressing the underlying socioeconomic factors that facilitate crime. WACSI programs have included training and support to a select drug trafficking investigating unit in Ghana, and support for anticorruption investigations in Sierra Leone.<sup>33</sup>

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<sup>32</sup> Colin Freeman, “New Drug Threat to West Africa, Warns President of Guinea,” *The Telegraph* (United Kingdom), October 24, 2015; Lansana Gberie, *Crime, Violence, and Politics: Drug Trafficking and Counternarcotics Policies in Mali and Guinea*, Foreign Policy at Brookings, 2016.

<sup>33</sup> William R. Brownfield, Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs, U.S. Department of State, Testimony Before the Senate Caucus on International Narcotics Control, Washington, D.C., May 16, 2012.

The Security Governance Initiative (SGI), unveiled at the 2014 U.S.-Africa Leaders' Summit, commits the United States and six African partners—Ghana, Kenya, Mali, Niger, Nigeria, and Tunisia—to improve security sector governance and the capacity to address threats by terrorist groups (such as Boko Haram, al-Shabaab, AQIM and others), criminal organizations, and pirates. The SGI recognizes the need to go beyond military solutions to achieve unity of effort across different governance domains. The United States undertook to provide \$65 million in the initial year and additional funding in subsequent years to improve security sector institutional capacity.<sup>34</sup> The African Peacekeeping Rapid Response Partnership, funded at \$110 million annually for three to five years and focused on Senegal, Ghana, Ethiopia, Rwanda, Tanzania, and Uganda—is meant to build capacity for African militaries to rapidly deploy peacekeeping forces.<sup>35</sup>

West African counternarcotics responses largely fall within the wider context of efforts to address maritime crime more generally. Several steps have been taken in this regard. The region's littoral states have moved to conclude agreements for the acquisition of more-advanced and more-effective patrol vessels. Nigeria has been at the forefront of these efforts, closing deals with China, France, and Singapore, and its Navy has sought approval from the central government in Abuja to buy up to 49 ships and 42 helicopters over the next ten years that will be used to monitor both the country's territorial waterways and the wider Gulf more generally.<sup>36</sup>

In addition, there have been efforts to bolster the strength of regional coast guards. The establishment of Ghana's Marine Police

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<sup>34</sup> White House, "Fact Sheet: Security Governance Initiative," Washington, D.C., August 6, 2014a. For a critique of SGI, see James Shear, "Strengthening Africa's Security Governance: Are We Reaching Take-Off Velocity?" Africa Policy Brief, Woodrow Wilson International Center for Scholars, June 2015.

<sup>35</sup> White House, "Fact Sheet: U.S. Support for Peacekeeping in Africa," Washington, D.C., August 6, 2014b.

<sup>36</sup> Probal K. Ghosh, *Waiting to Explode: Piracy in the Gulf of Guinea*, New Delhi: Observer Research Foundation Occasional Paper #46, September 2013; Will Ross, "Nigeria Celebrates First Home Made Warship," BBC News, June 7, 2012; "Offshore Energy and Piracy in the Gulf of Guinea," *Recorded Future*, July 17, 2012.

Unit in 2013 is one case in point. Set up with the assistance of the United States, the force consists of six patrol boats and 70 officers who receive specialist instruction from a dedicated National Training Academy located in the town of Aiyinase.<sup>37</sup> At the regional level, there have been a number of collective efforts. In October 2011, the governments of Nigeria and Benin established a combined maritime patrol mechanism. Codenamed “Operation Prosperity,” the experimental bilateral cooperation was the first of its kind and has since been expanded to include the navies of Cameroon, Togo, Gabon, Equatorial Guinea, and São Tomé.<sup>38</sup>

“Operation Prosperity” was instituted in tandem with an ongoing project overseen by the International Maritime Organization and the Maritime Organization of West and Central Africa to functionally align the maritime patrol forces of West Africa. In 2010, a memorandum of understanding was signed to establish a Sub-Regional Integrated Coast Guard Network to address the following areas: piracy and armed robbery against ships; offshore energy supply security; illegal migration; the trafficking of people, drugs, and weapons; search and rescue; and protection of the marine environment. Since then, the International Maritime Organization has been conducting capacity-building activities across the region under a modest program that includes tabletop exercises and simulations, national seminars, and maritime security-related training.<sup>39</sup>

The Economic Community of Central African States (ECCAS) and ECOWAS signed a memorandum of understanding in March 2012 to establish maritime zones in which member countries are able to conduct cross-border patrols, share law enforcement intelligence, and maintain joint coordination centers. Later that same year, the Gulf

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<sup>37</sup> Anyimadu, 2013, p. 7; Embassy of the United States, “Remarks by Deputy Chief of Mission Pat Alsup on Ground Breaking Event for Ghana Marine Police Unit,” press release, Accra, Ghana, March 22, 2013; “Ghanaian Marine Police Unit Personnel Now Idle,” *Graphics Online*, March 11, 2014.

<sup>38</sup> Freedom C. Onuoha, *Piracy and Maritime Security in the Gulf of Guinea: Nigeria as a Microcosm*, Al Jazeera Center for Studies, June 12, 2012, p. 10; Anyimadu, 2013, p. 7; “Nigeria-Benin Anti-Piracy Patrols ‘Successful,’” *DefenceWeb*, October 18, 2011.

<sup>39</sup> International Maritime Organization, *Implementing Sustainable Maritime Security Measures in West and Central Africa*, London, January 2013, pp. 3–4. See also Onuoha, 2012, pp. 10, 27.

of Guinea Commission signed the Luanda Declaration on Peace and Security in the Gulf of Guinea Region. The document stresses the need for regional cooperation and interstate dialogue to stem transboundary maritime issues and enforce peace in the waters off West Africa.<sup>40</sup>

Arguably, some of the most promising results came from a two-day summit in June 2013 in Yaoundé, Cameroon. Attended by representative governments of ECOWAS, ECCAS, and the Gulf of Guinea Commission,<sup>41</sup> the meeting was instrumental in driving two major outcomes: (1) the creation of an Inter-Regional Coordination Center on Maritime Safety and Security for Central and West Africa (to be headquartered in Yaoundé); and (2) the adoption of a Code of Conduct on the Prevention and Repression of Acts of Piracy, Armed Robbery Against Vessels, and Illicit Activities in the West and Central African Domain. Combined, these initiatives could have a significant impact in fostering common action to mitigate illicit maritime activity, especially as they have strong backing from ECOWAS, ECCAS, and the Gulf of Guinea Commission—the region's key intergovernmental bodies.<sup>42</sup>

Besides these regional arrangements, various outside actors have also been instrumental in assisting West African states to better secure their regional maritime domain. Interpol has opened regional offices in Yaoundé, Cameroon (in 2009), and Abidjan, Côte d'Ivoire (in 2012), that provide support to each of the National Central Bureaus in West

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<sup>40</sup> Onuoha, 2012, pp. 5, 26, 31.

<sup>41</sup> Observers from Belgium, Brazil, China, France, Germany, Japan, Russia, Spain, the United Kingdom, the United States, the European Union, the International Maritime Organization, the Africa Center for Strategic Studies, AFRICOM, and the Maritime Organization for West and Central Africa were also in attendance.

<sup>42</sup> Patrice Sartre, *Responding to Insecurity in the Gulf of Guinea*, New York: International Peace Institute, 2014, p. 9; James Carafano, "Oil and Gas Attract Pirates to Gulf of Guinea," *The Maritime Executive*, November 15, 2013; Anyimadu, 2013, pp. 13, 15; Ghosh, 2013, pp. 25–26; Moki Edwin Kindzeka, "US, African Countries Team Up to Tackle Piracy in Gulf of Guinea," *Voice of America*, April 23, 2014; "Security Council Urges Broad Regional Approach to Counter Piracy in Gulf of Guinea," UN News Center, August 14, 2013.

Africa across a range of crime areas, including maritime piracy, human smuggling, armed robbery, and trafficking of drugs.<sup>43</sup>

The UNODC, the United Nations Office on West Africa, and Interpol jointly launched the West Africa Coast Initiative in 2009 to build national capacities and promote coordination in countering regional drug trafficking and associated illicit activity. Elite Transnational Crime Units, specially trained and equipped to combat DTOs and conduct intelligence-based investigations, sit at the heart of the system. As of the end of 2014, Transnational Crime Units were fully operational in Liberia and Sierra Leone and were in the start-up phase in Guinea-Bissau.<sup>44</sup> The European Union, which has a particular interest in securing energy supplies from West Africa, is contributing to capacity-building efforts in the region, in addition to acting as a bridge between the Anglophone and Francophone component elements of ECOWAS and ECCAS.<sup>45</sup>

## **Weaknesses in the West African Counternetwork Response**

A number of shortfalls beset the West African counternetwork response. Fragile state institutions, weak judicial systems vulnerable to manipulation, and high-level corruption impede effective action against criminal networks. The report of the West African Commission on Drugs, an independent group of West African civil-society leaders chaired by former Nigerian President Olusegun Obasanjo, stated, “Transnational criminal networks largely control the [illegal drug] trade, facilitated by the fact that they are operating in a poor region affected by political instability, unemployment and corruption.” These networks, the report continues, often operate under the guise of legitimate businesses

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<sup>43</sup> Interpol, “Regional Bureau for Central Africa Officially Opened in Cameroon,” press release, November 9, 2009; Interpol, “New INTERPOL Regional Bureau in Côte d’Ivoire Underlines Region’s Resolve Against Crime,” press release, July 7, 2012.

<sup>44</sup> UNODC, “West and Central Africa: Transnational Crime Units,” undated-b.

<sup>45</sup> Anyimadu, 2013, p. 12.

or with the protection or involvement, direct or indirect, of senior officials, and tend to be highly resourceful and extremely difficult to monitor or infiltrate.<sup>46</sup>

Most of the region's security force personnel lack adequate training and are poorly equipped and underpaid. Land borders established in colonial times are artificial and porous. Cultural affinities unite ethnic groups in various countries in West Africa, transcending nationality, providing an impetus for legal and illegal cross-border trade. Seaports and airports lack security equipment to monitor the movement of persons and goods, which facilitates the transshipment of illegal drugs. Since the 1970s, Togo and Benin have competed to serve as entry points for smuggled goods into Nigeria, as well as in transit trade with Burkina Faso and Niger.<sup>47</sup>

The maritime domain has been largely ignored by African governments. Governments typically suffer from acute "sea blindness," looking to the military as the ultimate guarantor of their power base. This bias has necessarily worked against the development of viable national naval forces and coast guards, which in most cases lack both personnel and equipment to monitor their respective shorelines. Just as significantly, sensitivities over the demarcation of sovereign jurisdiction have hindered the institution of effective protocols for coordinating joint patrol, much less anything approaching a codified right of hot pursuit.<sup>48</sup>

Extremely weak intelligence capabilities have compounded matters. Not only is information jealously guarded, national security agen-

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<sup>46</sup> West African Commission on Drugs, *Not Just in Transit: Drugs, the State, and Society in West Africa*, June 2014.

<sup>47</sup> Stephen Golub, "Entrepot Trade and Smuggling in West Africa: Benin, Togo and Nigeria," *World Economy*, Vol. 35, 2012.

<sup>48</sup> It is true that the African Union has proposed the development of a Common Exclusive Maritime Zone for Africa and that a version of this could be applied to West Africa to promote greater maritime domain awareness in the region. However, the concept is very nascent (it is part of a wider continent-wide integrated maritime strategy to be instituted by 2050) and there has, as yet, been no guidance as to how it might be implemented. Comments made during the plenary session of the fourth UAE Counter-Piracy Conference 2014, Dubai, October 2014.

cies suffer from conflicting spheres of jurisdiction, poorly understood operating mandates, and an overall inability to generate timely tactical situational reports, much less comprehensive net threat assessments and forecasts. This has undermined the prospects for effective intra- and interstate intelligence cooperation, which has, in turn, stymied the systemic institution of coordinated operations to counter drug trafficking and other forms of organized criminality in the region.<sup>49</sup>

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<sup>49</sup> Comments made during plenary session of the fourth UAE Counter-Piracy Conference 2014, Dubai, October 2014.

## Convergence of Organized Crime and Terrorism

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The nexus or linkages between terrorist and insurgent groups and crime is a critical aspect of the whole problem of international terrorism because in many cases, terrorist groups cannot sustain themselves and survive without the income and resources that they derive from criminal activity.<sup>1</sup> Crime and terrorism can be distinguished by motive. Criminals seek economic gain through illicit means, while terrorists and insurgents seek political power and use criminal means to achieve these ends. Nevertheless, the important fact is that these two sets of actors represent an intrusion on the state's monopoly over the legitimate use of force.

In numerous cases, terrorists or insurgent groups develop opportunistic alliances with criminal networks. This convergence may be facilitated by similar logistical and operational requirements, synergies produced by sharing a common infrastructure (e.g., runways), logistical corridors, safe havens, financial and money laundering networks, and a common interest in weakening or evading government action. Even where this convergence of terrorism or insurgency and crime has not occurred, there seems to be a feedback mechanism, in that the activities of criminal groups displace state and government institutions, usually weak to begin with, in the areas where they establish a foothold. This, in turn, creates greater social disorder that can be exploited by terrorists and insurgents.

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<sup>1</sup> Rather than cooperate, however, many terrorist and insurgent groups are developing skills "in house" as a move toward do-it-yourself criminal fundraising. Lack of trust remains a substantial challenge to collaboration among criminals.

Aside from the FARC and Peru's *Sendero Luminoso* (Shining Path), the main terrorist group involved in transnational crime in the Western Hemisphere (as well as West Africa) is Lebanese Hezbollah. Hezbollah has been involved in the Lebanese drug trade (largely hashish) since the 1970s and expanded into the South American drug trade in the 1980s, drawing on the Lebanese diaspora in South America. Lebanon became a transit country for cocaine and heroin, with Lebanese nationals operating in concert with South American drug traffickers.<sup>2</sup>

Hezbollah's reach in South America extends from the Tri-Border Region of South America (the border region where Paraguay, Argentina, and Brazil converge)—a region notorious for arms trafficking, smuggling, money laundering, currency fraud, and the manufacture and movement of pirated goods—to Colombia, where the group is involved in the transportation of cocaine, and more recently to Venezuela. *Iran's Strategic Penetration of Latin America*, by Humire and Berman, lists 173 individuals connected to Hezbollah and the Iranian Revolutionary Guards Corps that used Venezuelan passports to travel to other countries.<sup>3</sup>

Hezbollah is reported to have established arms trafficking and money laundering networks in Maicao, a town in Colombia near the Venezuelan border. Like the Tri-Border Region, the area is a hub of smuggling and other criminal activity. There are also reports of Hezbollah and Hamas cells on Margarita Island, a duty-free zone off the northern coast of Venezuela.

A U.S.-Colombian investigation codenamed Operation Titan unraveled a Lebanese-dominated syndicate that linked members of the Lebanese diaspora in North and South America and West Africa with partners in Lebanon. Among those arrested was Chekri Mahmoud Harb ("Taliban"), a Lebanese kingpin based in Bogotá, Colombia, and four other Lebanese nationals. They were part of a network with close ties to the Oficina de Envigado, a violent Medellín-based cartel origi-

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<sup>2</sup> Matthew Levitt, "Hizbullah Narco-Terrorism: A Growing Cross-Border Threat," *IHS Defense, Risk, and Security Consulting*, September 2012.

<sup>3</sup> Joseph Humire and Ilan Berman, eds., *Iran's Strategic Penetration of Latin America*, Lanham, Md.: Lexington Books, 2014.

nally established to carry out contract killings for drug lord Pablo Escobar. The group acted as the hub of an alliance between South American cocaine traffickers and Hezbollah figures in the Middle East.<sup>4</sup>

In December 2011, a federal grand jury in Alexandria, Virginia, indicted the Lebanese national Ayman Joumaa, ("Junior") in absentia on charges of conspiring to distribute cocaine and money laundering. Joumaa was a resident of Colombia before he shifted his residence to Lebanon because of law enforcement pressure. He was described as the hub of a sophisticated operation that smuggled cocaine to Africa and Europe and laundered profits through money exchange houses, used-car businesses, and other companies in the United States, Latin America, Africa, and Southeast Asia. Joumaa allegedly coordinated the smuggling of at least 85 tons of Colombian cocaine through Central America and Mexico in partnership with Los Zetas.<sup>5</sup>

Lebanese financial institutions and exchange houses play a key role in facilitating money laundering. In January 2011, the U.S. Treasury Department's Office of Foreign Assets Control designated two exchange houses in Lebanon and three in Benin for their role in Joumaa's laundering of drug trafficking proceeds. Not long afterward, the Treasury's Financial Crimes Enforcement Network issued a finding (called a 311 Action) that the Lebanese Canadian Bank SAL of Beirut, then Lebanon's eighth-largest bank with assets of more than \$5 billion as of 2009, was a financial institution of primary money laundering concern.<sup>6</sup> The Lebanese Canadian Bank SAL maintained a banking relationship with two

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<sup>4</sup> Chris Kraul and Sebastian Rotella, "Drug Probe Finds Hezbollah Link," *Los Angeles Times*, October 22, 2008; U.S. Department of the Treasury, "Treasury Designates Medellin Drug Lord Tied to Oficina de Envigado Organized Crime Group," Washington, D.C., July 9, 2009.

<sup>5</sup> U.S. Attorney's Office Eastern District of Virginia, "U.S. Charges Alleged Lebanese Drug Kingpin with Laundering Drug Proceeds for Mexican and Colombian Drug Cartels," December 13, 2011; Sebastian Rotella, "Government Says Hezbollah Profits from U.S. Cocaine Market via Link with Mexican Cartel," *ProPublica*, December 13, 2011.

<sup>6</sup> As the result of this action, the Lebanese Canadian Bank was no longer able to operate in the United States or to maintain correspondent relationships with U.S. financial institutions. The bank's assets were subsequently put up for sale and acquired by the Lebanese subsidiary of France's *Société Générale*.

other Lebanese entities, Yousser Company for Finance and Investment and Bayt al-Mal (House of Finance). The Office of Foreign Assets Control described these last two entities as “Hizballah’s unofficial treasury, holding and investing its assets and serving as intermediaries between the terrorist group and mainstream banks.”<sup>7</sup>

As mentioned in the preceding chapter, there is some controversy as to the extent of AQIM’s complicity in narcotrafficking. AQIM’s emir, Abdel Droukdel, has explicitly disavowed any such activity as *haram* (forbidden in Islam) and contrary to al-Qaeda’s ideological and religious principles.<sup>8</sup> However, U.S. officials cite a New York trial of three men from Mali in 2013 to back their claim that the group is heavily involved in the trade. The defendants, Oumar Issa, Harouna Touré, and Idris Abdelrahman, had been arrested and extradited from Ghana in 2009 following a four-month undercover investigation by the FBI. During this period, they admitted to being associated with al-Qaeda and were secretly videotaped agreeing to facilitate the movement of cocaine shipments from the Gulf of Guinea to the Maghreb and then onward to Spain. After initially quoting a transportation fee of US\$2,000/kg, the trio apparently increased their price to US\$10,000 for all consignments of more than 500 kg.<sup>9</sup> The DEA has taken the case as providing “definitive evidence that a direct link exists between AQIM and its affiliate terrorist organizations and international drug trafficking.”<sup>10</sup>

It is estimated that AQIM spends upward of US\$2 million per month on weapons, vehicles, and militant payments to support its ter-

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<sup>7</sup> U.S. Department of Justice, *United States v. Lebanese Canadian Bank SAL, et al.*, Amended Complaint, 11 Civ. 9186 (PAE), October 26, 2012.

<sup>8</sup> Droukdel relieved Mokhtar Belmokhtar of his position as commander of the *Katibat al-Moulathimin* (the “Veiled Brigade”) in October 2012, charging that he was personally profiteering from the drug trade as opposed to using these funds to further AQIM’s “legitimate” religious agenda.

<sup>9</sup> Pham, 2010.

<sup>10</sup> Cited in Freeman, 2015. However, whether the trio were in fact al-Qaeda associates has been questioned. See Csete and Sánchez, 2013, p. 11.

rorist campaign across the Sahel and North Africa.<sup>11</sup> Since losing its traditional stronghold in the Berber region of Kabyle along the Mediterranean coast (largely as a result of pressure from Algerian security forces), the group has increasingly come to rely on illegal activities to meet its financial demands, including the trafficking of Latin American cocaine. According to U.S. and United Nations officials, AQIM imposes an “import” fee for all drug consignments that pass through territory it controls (such as northern Mali) and contracts out fighters and vehicles to provide protection and guidance for drug convoys transiting areas where its influence is less marked.<sup>12</sup>

The ex-commander of AQIM’s *Katibat al-Moulathimin*, Belmokhtar (Kahled Abou al-Abbas, Laaouar, or “One-Eyed”), is thought to be a key player in coordinating drug-running operations from West to North Africa. Belmokhtar was a leading candidate to replace Nabil Sahraoui as emir of AQIM’s predecessor organization, the Salafist Group for Preaching and Combat. He headed AQIM’s Saharan command until he was dismissed in 2007, but had tense relations with the organization’s leadership, which sought to curtail his freedom of action. By late 2012, AQIM expelled Belmokhtar or he left the organization, and he established his own group called *Les Signataires par le Sang* (“Those Who Sign in Blood”), which he later merged with the Movement for Unity and Justice in West Africa, an AQIM splinter group.<sup>13</sup> Belmokhtar was reported to have been killed in an air strike in Ajdabiya, Libya, in June 2015, but his death has not been confirmed, and a statement released in jihadi forums in August 2015 claimed that Belmokhtar is the new leader of a group renamed al-Qaeda in West Africa.<sup>14</sup>

Nicknamed the “Marlboro Man” on account of his lucrative cigarette smuggling empire, Belmokhtar is believed to have diversified into

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<sup>11</sup> “Mali: Al Qaeda in the Islamic Maghreb’s Ransom Revenue,” STRATFOR, October 15, 2012.

<sup>12</sup> See, for instance, Pham, 2010; Freeman, 2015.

<sup>13</sup> Dario Cristiani, “Is He Really Dead This Time? The Nine Lives of Mokhtar Belmokhtar,” *Militant Leadership Monitor*, The Jamestown Foundation, August 2015.

<sup>14</sup> Cristiani, 2015.

the cocaine trade a few years ago, earning himself the moniker of *Le Narco-Islamiste* on the trafficking routes between Mali and his native Algeria. The DEA believes profits derived from Latin American drug shipments bankrolled the Islamist takeover of northern Mali in 2014 as well as the subsequent abduction and murder of 54 western workers from an Algerian gas facility that same year (an action for which Belmokhtar claimed credit in al-Qaeda's name).<sup>15</sup> Further indications of the connection between Latin American drug networks and AQIM emerged in 2010 with reports of a "drug summit" held in Guinea-Bissau in late October at which AQIM was represented by the newly emerging figure Abdelkrim Targui ("The Tuareg").<sup>16</sup>

Hezbollah is a major actor in the West African drug trade. The organization relies on criminal specialists in West Africa with close ties to the drug trade for money laundering, document forgery, and other criminal activities. The group played a significant role in the blood diamond trade and collects substantial amounts in contributions from the Lebanese diaspora in West Africa. The magnitude of these contributions was revealed when a charter flight bound for Beirut from Cotonou, Benin, crashed on takeoff on December 25, 2003. On board was a Hezbollah "foreign relations" official carrying \$2 million in contributions raised in the region.<sup>17</sup>

According to numerous sources, cocaine traded through West Africa accounts for a large part of Hezbollah's income. A witness at a U.S. House of Representatives hearing stated that there is documentary evidence that an average of US\$180 million in cash per quarter was being transported from Togo to Ghana, where it was placed on commercial aircraft and flown directly to Beirut.<sup>18</sup> Interpol and UNODC

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<sup>15</sup> Freeman, 2015.

<sup>16</sup> Mohammad-Mahmoud Ould Mohamedou, "The Many Faces of Al Qaeda in the Islamic Maghreb," Geneva Center for Security Policy (GCSP), GCSP Policy Paper No. 15, May 2011.

<sup>17</sup> David E. Brown, *The Challenge of Drug Trafficking to Democratic Governance and Human Security in West Africa*, Carlisle, Pa.: Strategic Studies Institute, U.S. Army War College, The Letort Papers, 2013, p. 24.

<sup>18</sup> Michael A. Braun, Cofounder and Managing Partner, Spectre Group International, testimony before a joint hearing of the Subcommittee on Middle East and North Africa and

reports say Hezbollah uses the Lebanese Shiite expatriate population in South America and West Africa to guarantee an efficient connection between the two continents. Hezbollah facilitates, for a fee, trafficking for other drug trafficking networks, such as the FARC.

The investigation of the Lebanese Canadian Bank discovered nearly 200 accounts linked to Hezbollah. The accounts were held mainly by Lebanese businessmen, many of them known Hezbollah supporters, who owned or controlled a network of businesses in The Gambia, Sierra Leone, the Democratic Republic of the Congo, Angola, and the British Virgin Islands and with individuals and entities involved in the African diamond smuggling trade. The businessmen's companies appeared to be serving as fronts for Hezbollah to move all sorts of questionable funds, and the system allowed Hezbollah to hide not only the sources of its wealth, but also its involvement in a range of business enterprises.<sup>19</sup>

Interpol has confirmed that cocaine trafficking in West Africa has supported several Hezbollah operations in Lebanon since at least 2006. Profits from cocaine trafficking have allowed the Lebanese network to diversify its portfolio of illegal activities in West Africa. In Nigeria, for example, 80,000 barrels of oil a day are siphoned from illegally tapped pipelines.<sup>20</sup> Guinea-Bissau is a strategic hub for the Hezbollah-facilitated drug trafficking from South America to West Africa. The Lebanese network based in Guinea-Bissau does business directly with the FARC. Before he was assassinated in March 2009, Guinea-Bissau's President Vieira was reported to have had a hand in distributing drugs, but mostly he allowed the Lebanese to do their business.<sup>21</sup>

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the Subcommittee on the Western Hemisphere of the U.S. House Committee on Foreign Affairs, U.S. Congress, Washington, D.C., August 1, 2013.

<sup>19</sup> U.S. Department of Justice, 2012; Levitt, 2012; Jo Becker, "Beirut Bank Seen as a Hub of Hezbollah Financing," *New York Times*, December 13, 2011.

<sup>20</sup> At a price of approximately \$45/barrel in September 2015, this oil would have an estimated value of \$1.3 billion a year, but traffickers would not get world market prices and would have to sell the oil at a discount.

<sup>21</sup> Vernaschi, 2010.



## **Combatant Command, Joint Task Force, and Army Service Component Command Counternetwork Activities**

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In this chapter, we provide an overview of the CTOC activities of three geographic combatant commands (CCMDs), two Joint Task Forces (JTFs), and one Army Service Component Command (ASCC). These headquarters were selected based upon a review of information about military counterdrug and/or CTOC activities within their areas of responsibility, descriptions of activities and priorities within CCMD annual posture statements, and the availability of personnel for interviews by RAND researchers.

### **United States Northern Command**

In his 2015 Posture Statement, Admiral William Gortney—commander of NORTHCOM—said, “Enduring threats to the nation emanate from traditional state actors, as well as rogue states, extremist organizations, homegrown violent extremists, and transnational criminal organizations.” Additionally, he reported that:

USNORTHCOM defends the homeland across the threat spectrum and partners with lead federal agencies against non-traditional threats. The DOD has been the lead agency for detecting and monitoring the transport of illegal drugs into the United States via air or sea since the inclusion of Title 10, Section 124 into United States Code in 1989. Section 1004 of the FY 1991

NDAA provides authority for the DOD to support counterdrug missions of both domestic and foreign law enforcement agencies.

We execute Title 10 counterdrug support through our subordinate command, Joint Task Force North (JTF-N) based at Fort Bliss, Texas. JTF-N also coordinates with National Guard Title 32 forces on an annual planning basis for DOD support to local, state, and federal law enforcement agencies. In 2014, JTF-N supported 23 missions involving over 500 personnel. These missions not only provided lead agencies along the southwest border DOD support, but also valuable training for active duty Army and Army National Guard Ground Sensor Platoons, Engineers, Mobile Training Teams and Aviation units.

We continue to execute our interdiction counterdrug mission in support of national strategies such as the President's 2011 Strategy to Combat Transnational Organized Crime. Our law enforcement partners have reported the seizure of \$3.5 billion in assets from TCOs [transnational criminal organizations] in 2013. Using global footholds and myriad communication tools, TCO networks now span across all GCC AORs [geographic combatant command areas of responsibility].

TCO networks do not limit themselves to narcotics trafficking. They are global logistics enterprises with the ability to move any type of commodity into and out of the United States. We greatly appreciate the Committee's efforts to expand Section 1004 in the FY 2015 NDAA to allow increased DOD CTOC support to law enforcement agencies. We look forward to continuing our efforts, in collaboration with our mission partners, to close gaps and seams, disrupt and dismantle threats, build capacities, and work with interagency partners to provide national leaders with options to counter the TCO threat to our homeland.<sup>1</sup>

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<sup>1</sup> William E. Gortney, "Statement of Admiral William E. Gortney, United States Navy, Commander, United States Northern Command and North American Aerospace Command Before the Senate Armed Services Committee," U.S. Congress, Washington, D.C., March 12, 2015, p. 4.

### Joint Task Force-North

The ASCC for NORTHCOM is U.S. Army North (ARNORTH). However, ARNORTH does not play a direct role in CTOC and has only a tangential or minimal involvement in such efforts.<sup>2</sup> Instead, JTF-N executes the majority of CTOC activities. These are focused along the southwest U.S. border. According to its mission statement, “Joint Task Force North supports Drug Law Enforcement Agencies in the conduct of Counter Drug/Counter Narco-Terrorism operations in the NORTHCOM theater of operation to disrupt trans-national criminal organizations and deter their freedom of action in order to protect the homeland.”<sup>3</sup>

JTF-N activities include:<sup>4</sup>

- coordinating and employing DoD support to federal law enforcement agencies (LEAs), including
  - providing military capabilities to enhance LEA activities
  - supporting initiatives with domestic and partner nation militaries
- providing DoD volunteer units with training opportunities and benefits
- sharing information with
  - LEAs (federal, state, local)
  - NORTHCOM
- analyzing transnational threats in the “approaches”
- coordinating with the National Guard regarding counterdrug missions performed under state rather than federal control.<sup>5</sup>

Although the FY 2015 NDAA removed the requirement for a counterdrug nexus,<sup>6</sup> funding for JTF-N is provided through accounts

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<sup>2</sup> ARNORTH Chief of Staff, email with RAND authors, August 17, 2015.

<sup>3</sup> JTF-N, “Mission Statement,” undated-c.

<sup>4</sup> Interviews with JTF-N Command Group G-2, and G-5 personnel, El Paso, Texas, September 25, 2015; JTF-N, “Homeland Security Support,” undated-a.

<sup>5</sup> These are activities authorized under U.S. Code 32, Section 112.

<sup>6</sup> Public Law 113-291, 2014.

managed by the DASD/CN&GT—under which, to date, JTF-N has only been provided funds to conduct counterdrug support operations, not CTOC. In theory, missions within the broader set of CTOC that have no counterdrug connection may be approved by the DASD/CN&GT but the process for getting such approval means that “it is easier to tie missions to counterdrug” and thus continue with counterdrug mission sets that have become routine and for which approval authority has been delegated to the commander of NORTHCOM.<sup>7</sup> In practice, virtually all of JTF-N’s activities are counterdrug efforts, rather than initiatives within the broader set of CTOC.

Even with approval and funding to perform CTOC missions beyond counterdrug activities, JTF-N has limited capacity for increasing its range and number of missions. The size of the headquarters currently authorized constrains the ability to perform additional planning and coordination. Additionally, JTF-N has no assigned forces and relies upon recruiting units to conduct missions for their training value in exchange for having some of their operational costs partially offset.<sup>8</sup>

### ***Summary of Army CTOC Activities in Support of NORTHCOM***

While a few soldiers perform duty under the command of NORTHCOM, such as serving as members of Tactical Analysis Teams and planners within the headquarters, the bulk of Army support is provided through JTF-N. Headquarters JTF-N has a small number of soldiers tasked to provide planning assistance to several federal law enforcement agencies aligned according to the major drug trafficking corridors. However, most of its counterdrug activities consist of units conducting

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<sup>7</sup> Interviews with JTF-N Command Group G-2 and G-5 personnel, El Paso, Texas, September 25, 2015. Similarly, JTF-N rarely requests approval to conduct listening and observation post or mobile patrol missions because these require approval by the Secretary of Defense. See Chairman of the Joint Chiefs of Staff, DoD Counterdrug Support, Instruction 3710.01B, June 12, 2014. Concern about the risks of such missions may have been raised after the shooting of an 18-year-old shepherd in 1997. See Thomas Ricks, “Pentagon Lifts Border Troops After May Killing of Shepherd,” *Wall Street Journal*, July 29, 1997.

<sup>8</sup> JTF-N covers the costs of temporary duty assignments and some other marginal expenses, but units must pay for their own operations tempo expenses—just as they would if training at another location (interviews with JTF-N Command Group G-2 and G-5 personnel, El Paso, Texas, September 25, 2015). Also, see JTF-N, “Military Training Opportunities,” undated-b.

training by performing counterdrug support missions within the JTF-N area of operations. Such units are assigned Exercise Tactical Control to JTF-N and only perform counterdrug activities that provide training directly related to the unit's Mission Essential Task List (all JTF-N missions are conducted within the United States).<sup>9</sup> Examples include:

- Air Defense Artillery radar section
  - detect and monitor aircraft approaching from south of the U.S.-Mexico border
- Army Aviation unit
  - conduct aerial reconnaissance<sup>10</sup>
  - conduct unmanned aircraft system (UAS) reconnaissance
  - provide medical evacuation
  - provide transportation/insertion/extraction operations
- Army Engineer unit
  - provide mobility support to facilitate law enforcement agency movement
  - provide countermobility support to install and maintain personnel and vehicle barriers
- Army Infantry unit
  - conduct ground reconnaissance
- Army Combat Arms unit
  - provide mobile training team to teach basic military skills to federal law enforcement agents
- Army Military Intelligence unit
  - provide intelligence preparation of the operating environment, including collaborative threat assessments, geospatial intelligence support, modified threat vulnerability assessments, and threat link analysis products.<sup>11</sup>

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<sup>9</sup> See Chairman of the Joint Chiefs of Staff, 2014.

<sup>10</sup> The most frequently requested capability is aviation forward-looking infrared radar. Engineer support is the second-most requested capability. Interviews with JTF-N Command Group G-2 and G-5 personnel, El Paso, Texas, September 25, 2015.

<sup>11</sup> Interviews with JTF-N Command Group G-2 and G-5 personnel, El Paso, Texas, September 25, 2015; JTF-N, undated-b.

## United States Southern Command

In his 2015 Posture Statement, SOUTHCOM Commander General Kelly informed the Senate Armed Services Committee:

Our efforts to counter transnational organized crime focus on two complementary missions: defending the southern approaches of the United States and supporting partner nation efforts, in coordination with our U.S. interagency partners, to stem the flow of illicit trafficking. In both missions, we rely heavily on support from the DHS [Department of Homeland Security], especially the U.S. Coast Guard. Along with DHS, we work with the FBI, DEA, and the Departments of State and the Treasury to do exactly that.

While these partnerships are superb at the tactical level, I am frustrated by the lack of a comprehensive U.S. government effort to counter the TOC [transnational organized crime] threat. Nearly four years after the release of the President's *National Strategy to Combat Transnational Organized Crime*, interagency CTOC activities in the region—especially in Central America—remain poorly coordinated and minimally funded. Fortunately, there is growing recognition that the magnitude, scope, and complexity of this threat demand an integrated counternetwork approach. I thank the Congress for recognizing this threat and expanding Section 1004 authorities to include CTOC operations, and I fully support efforts to improve interagency coordination on this critical national security issue.<sup>12</sup>

During interviews with RAND researchers, SOUTHCOM planners stated that among the challenges they face in CTOC activities are changes in budgetary priorities.<sup>13</sup> The environment is dynamic and the threat changes quickly, yet DoD budgets take much longer to adapt. Security cooperation activities are funded by the Department of State and managed by DoD. Planning for security cooperation is accom-

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<sup>12</sup> John F. Kelly, Commander, U.S. Southern Command, "Posture Statement Before the Senate Armed Services Committee," U.S. Congress, Washington, D.C., March 12, 2015.

<sup>13</sup> Interviews with SOUTHCOM J-5 personnel, Doral, Florida, May 27, 2015.

plished through the Security Cooperation Office and the country team. The use of Section 1004 funds requires a law enforcement request. This could be sent through the U.S. Embassy within the relevant country. Together, these processes slow down the ability of SOUTHCOM to respond to changes in the way that transnational criminal organizations conduct their business.

Three other limiting factors are: (1) the statutory mission of SOUTHCOM; (2) statutory priorities—for example, SOUTHCOM can use Section 1033 funding only in countries approved by Congress; and (3) restrictions due to political considerations—e.g., Honduras has a lethal shoot-down program; therefore, the United States does not provide Honduras access to JIATFS air flight data despite the fact that approximately 90 percent of the air drug traffic through Central America (15 percent of the overall drug traffic) flies over Honduras. In addition, there are jurisdictional issues within Honduras' national security structure that hamper U.S. support. The President of Honduras requested SOUTHCOM to provide assistance but the Honduran military is reluctant to work with the Honduran police, and policy and legal restrictions prevent SOUTHCOM from assisting when the military is responsible for police functions. Interviewees reported that they perceived the State Department as being sensitive about militarization of police, especially in Honduras with regard to the *Policia Militar del Orden Público*, or Military Police, which is not a U.S.-vetted force.

Nonetheless, there have been several success stories; for example, building partner capacity in Guatemala to establish IATFs set up to control borders. SOUTHCOM and U.S. Army South (ARSOUTH) identified Guatemala's IATF *Tecún Umán* for the interdiction of drug flow across the Mexican border as one of the top priorities for U.S. support in Central America. More than \$20 million in U.S. government funding has been provided to IATF *Tecún Umán* to date. The Department of State's Bureau of International Narcotics and Law Enforcement is providing training while SOUTHCOM provides infrastructure, maintenance, and equipment. IATF *Tecún Umán* was designed to unify the efforts of air, maritime, and land interdiction operations along the Guatemala-Mexico border. SOUTHCOM has also expressed the intent to apply the IATF as a model to other, similarly porous border

regions in the area, if it proves successful and the political will exists in other countries. Indeed, the Guatemalans have already begun planning for additional IATF units along the Honduras (IATF *Chortí*) and El Salvador (IATF *Xinca*) borders. A RAND study of IATF *Tecún Umán* identified many of the challenges in making this concept work and provided recommendations to improve the prospects of success and to apply the IATF model to additional task forces.<sup>14</sup>

The Guatemalan IATF concept's strongest supporter, President Molina, resigned and was subsequently arrested in September 2015 in the wake of a corruption scandal, which raises questions as to whether the successor government will have the political will to continue with IATF development. Nevertheless, this initiative to assist the Guatemalans in strengthening their border security represents an important milestone in developing practical strategies to impede the movement of TCNs across national boundaries.

### **Joint Interagency Task Force South**

JATFS has the lead for DoD's detection and monitoring mission in the SOUTHCOM area of responsibility and covers part of the NORTHCOM area of responsibility, as well. During interviews with RAND researchers, JATFS personnel reported that a major goal was to reduce 40 percent of the product coming in on both sides of the Central American isthmus, thus breaking the transnational organized crime business model.<sup>15</sup> The expectation is that reducing supply this much would cause prices to rise, quality to decline, and users to turn to other products. However, this goal is problematic because of inadequate understanding about the size of the illicit trafficking flows: If we don't know the overall flow, how do we calculate 40 percent of it? The interagency assessment of cocaine movement gives high, medium, and low ranges for drug flow, but these are estimates based on what we know—documented movements of drugs. Furthermore, when there are cocaine seizures, the drugs might not be from the current year—they might have been moved only after sitting in a stash house for

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<sup>14</sup> Oak, 2015.

<sup>15</sup> RAND interviews with JATFS personnel, Key West, Florida, May 28, 2015.

18 months. In terms of transportation, storage, and sales timing, the TCN business model is not well understood.

An appendix to the SOUTHCOM Posture Statement reports JIATFS accomplishments, which include the following:

- Illegal drug flow to the United States has been disrupted. In FY 2014, the JIATFS contributed to the disruption of 158 MT of cocaine worth nearly \$3.2 billion wholesale. This represented 76 percent of the estimated cocaine flow directed toward the U.S. market. JIATFS executed an integrated defense forward strategy that complemented the ongoing efforts at the U.S. Southwest Border. JIATFS exercised tactical control of U.S. and allied ships and Maritime Patrol Aircraft, along with the Forces Surveillance Support Center's relocatable over-the-horizon radar to detect, monitor, and support interdiction of illicit traffic.
- Operation Martillo, intended to deny the Central American littoral routes to illicit traffickers, led to the majority of JIATFS interdictions. Begun in January 2012, Operation Martillo has resulted in the disruption of 400 MT of cocaine and the seizure of \$14.4 million in bulk cash and 325 vessels and aircraft. This has driven increased activity in the Eastern Pacific nonlittoral route, which, as a result of longer distances, provides additional time for U.S. and allied and partner nation forces to respond once an illicit trafficking event is detected.
- The bilateral Air Bridge Denial Program with Colombia contributed to a significant reduction in illicit air traffic. JIATFS documented a 68-percent decrease in illicit air traffic from South America to Central America (primarily Honduras) and Haiti. JIATFS also documented a significant decrease in trafficking via "go fast" boats using the littoral routes, which is consistent with the intent of Operation Martillo. Eastern Pacific trafficking showed similar trends, with a 48-percent decrease in the littorals and a 38-percent increase in the nonlittorals, including a recent increase in the use of routes south of the Galapagos.
- Operation Unified Resolve, the counter-illicit trafficking operation supporting Puerto Rico, has improved interoperability

between JIATFS, Coast Guard District 7, Coast Guard Sector San Juan, and the Customs and Border Protection Office of Air and Marine's Caribbean Air and Marine Branch in Counter-Illicit Trafficking Operations. Real-time information-sharing improved Operation Unified Resolve's effectiveness against movements of cocaine to Puerto Rico from the primary Hispaniola vector.<sup>16</sup>

Fifty-six percent of JIATFS disruptions happened as a result of Latin American partner nation participation. Additionally, 75 of the 204 (37 percent) illicit trafficking events disrupted by JIATFS were a direct result of the participation of our international allies. The maritime contributions by the United Kingdom, France, the Netherlands, and Canada will be critical to future operations as U.S. Navy resources remain limited.

While focused on its primary mission of detection and monitoring of illicit traffic, JIATFS established counternetwork and counter-threat finance analysis cells to assist law enforcement agencies in dismantling the transnational criminal organizations responsible for the production and shipment of narcotics and for undermining the stability and security of the region.

### ***Summary of Army CTOC Activities in Support of JIATFS***

Almost all JIATFS missions consist of aerial and maritime detection and monitoring. Thus, while there are Army personnel within the headquarters staff, the operational units are rarely, if ever, from the Army. Nonetheless, potential areas in which the Army might provide additional support include UASs, riverine training for partner nation military units, and logistics training and assistance from Rapid Port Opening units.<sup>17</sup>

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<sup>16</sup> Kelly, 2015.

<sup>17</sup> Interviews with ARSOUTH G-3 and G-5 personnel, San Antonio, Texas, July 22–23, 2015.

### **United States Army South**

ARSOUTH focuses CTOC activities on building partner capacity in four partner nations: Honduras, Guatemala, El Salvador, and Belize. The goals are to improve the capability and capacity of partner nations. Activities include police counterdrug labs training, basic riverine operations mobile training teams, small boat operations mobile training teams, intelligence officer courses, command and control and assessment, tactical response training teams, rotary-wing maintenance, ground interdiction support, fixed- and rotary-wing pilot training courses, maritime interdiction, intelligence against drug trafficking, CTOC operations, and planning for counternarcotics operations.

### ***Summary of Army CTOC Activities in Support of ARSOUTH***

Of the ASCCs we assessed, ARSOUTH presented the greatest frequency and scope of Army units conducting CTOC activities. Headquarters ARSOUTH provides assistance teams to partner nations to help with the planning for Regionally Aligned Force (RAF) units to rotate in and out of those countries and conduct training for partner nation militaries. These are typically reservists from the Army National Guard of the states providing the RAF, but sometimes include U.S. Army Reserve soldiers, placed on Active Duty for Operational Support orders for nine months.<sup>18</sup>

The bulk of ARSOUTH CTOC missions are performed by the designated RAF brigade, which changes each year.<sup>19</sup> In FY 2014, this was the 48th Infantry Brigade Combat Team of the Georgia Army National Guard. In FY 2015, the RAF consisted of two infantry battalions and a Brigade Combat Team Special Troops Battalion from the 72nd Infantry Brigade Combat Team of the Texas Army National Guard. For FY 2016, the RAF is the 53rd Infantry Brigade Combat Team of the Florida Army National Guard.

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<sup>18</sup> Interviews with ARSOUTH G3 and G5 personnel, San Antonio, Texas, July 22–23, 2015.

<sup>19</sup> Our interlocutors at Army South indicated that they would prefer continuation of the same RAF rather than rotating to a different brigade each year. It is beyond the scope of this study, but we observe that annual rotation of the RAF may not be optimal. Noting that State Partnership Program relationships do not change, we suggest that greater consistency in RAF alignments might be more effective if they are feasible.

Tasks conducted in FY 2014 and FY 2015, and planned for FY 2016, include:

- Task forces/teams deploy and conduct individual soldier skill training to build partner nation military unit capacity in the following areas:
  - small arms
  - military decisionmaking process
  - tactical combat lifesaver course
  - traffic control point procedures
  - room clearing procedures
  - military intelligence tasks.
- Task forces deploy and conduct security force assistance operations to build border control/border security and intelligence capabilities of selected partner nation army units in order to build partner nation capabilities and capacities to meet their CTOC mission. Mission Essential Training Tasks are:
  - border control operations
  - command post operations
  - intelligence support operations
  - sustainment operations.

## **United States Africa Command**

In his 2015 Posture Statement, AFRICOM's commander, General David Rodriguez, stated that AFRICOM's top two priorities were countering violent extremism and enhancing stability in East Africa and West Africa, respectively. The fourth priority, after protecting U.S. personnel and facilities, was enhancing stability in the Gulf of Guinea. Although countering TCNs was not listed as a priority, this mission is inherent in the promotion of stability as General Rodriguez made clear in his statement, saying, "We built capacity and enabled our allies and partners to disrupt transnational terrorist and criminal networks, strengthen border security, and contribute to multinational peacekeeping operations." Moreover, "The nexus between crime and terror is growing on the continent as terrorists and criminals increasingly utilize

the same illicit pathways to move people, money, weapons, and other resources.”<sup>20</sup>

General Rodriguez also highlighted the problem of corruption:

Corruption is a universal challenge that encourages the complicity of public servants in criminal and terrorist activities and destroys public trust in decision-making systems. To help our African partners address corruption, we must carefully tailor the conditions for military assistance. Where corruption permeates military institutions, its consequences can be deadly. When resources are diverted from military pay and sustainment, forces are less capable and more vulnerable on the battlefield. They are less effective at protecting civilians and may resort to predatory behavior. Corruption is corrosive to the foundation of trust and mutual responsibility on which enduring partnerships must be built.<sup>21</sup>

The AFRICOM draft Theater Campaign Plan postulates the following end state: “Illicit activity suppressed by African partners. Criminal activity, including piracy and illicit trafficking of arms, drugs, money, mineral resources, and people, that pose a clear threat of regional instability to U.S. allies, or resources violent extremism, is suppressed by African partners across the air, land and maritime domains.”<sup>22</sup>

AFRICOM staff members confirmed in interviews that the command’s priorities were degrading VEOs and promoting general stability. Drug trafficking through West Africa is nowhere near the level observed in Central America and Mexico, although it is very difficult to get a handle on the scope of the problem. There are no intelligence,

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<sup>20</sup> Rodriguez, 2015.

<sup>21</sup> Rodriguez, 2015.

<sup>22</sup> AFRICOM, “Decision Brief: Counternarcotics and Global Threats (CN&GT)—Fiscal Year 2017–2021 Program Objective Memorandum (POM) Brief,” provided to RAND interviewer, September 23, 2015.

surveillance, and reconnaissance assets deployed against drug trafficking in Africa.<sup>23</sup>

Although not explicitly for counternetwork purposes, U.S. capacity-building in Africa contributes to this mission. Through the Trans-Sahara Counterterrorism Partnership Program, the United States provides training and equipment to ten countries in the Sahel and Maghreb: Algeria, Burkina Faso, Chad, Mauritania, Mali, Morocco, Niger, Nigeria, Senegal, and Tunisia. The partnership is a multiyear, interagency program (involving the Departments of Defense, State, and Justice and USAID) to counter violent extremism and terrorism across this region. The program seeks to operate outside of bureaucratic stovepipes by engaging partner nation stakeholders in capacity-building in the areas of military, law enforcement, and justice sector counterterrorism; public diplomacy and information operations; community engagement; and vocational training for youths at risk of radicalization.<sup>24</sup>

The United States also provides support to French counterterrorism operations in the Sahel. The U.S. Army Africa coordinates the provision of U.S. Air Force transportation assets (C-130s and C-17s) to move French forces in and out of the theater, as well as aerial refueling of aircraft conducting nonstandard air surveillance and reconnaissance.<sup>25</sup> The United States also operated MQ-1 Predator and MQ-9 Reaper UASs for surveillance and reconnaissance missions in support of French operations in the Sahel from operating sites in Mali.<sup>26</sup> (The United States only has one permanent military facility in Africa, the

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<sup>23</sup> Interviews with AFRICOM staff, Kelley Barracks, Stuttgart, Germany, September 2015.

<sup>24</sup> Lesley Warner, "Nine Questions About the Trans-Sahara Counter Terrorism Partnership You Were Too Embarrassed to Ask," *War on the Rocks*, April 8, 2014.

<sup>25</sup> Interviews with AFRICOM staff, Kelley Barracks, Stuttgart, Germany, September 2015.

<sup>26</sup> U.S. UASs operated from Niamey, Mali. In September 2014, the United States announced that, at the request of the government of Mali, it was assessing setting up a second operating site in Agadez. See Eric Schmitt, "Drones in Niger Reflect New U.S. Tack on Terrorism," *New York Times*, July 10, 2013; U.S. Embassy Niamey, "Regarding American Drones in Agadez," September 3, 2014.

Combined Joint Task Force–Horn of Africa at Camp Lemonnier, Djibouti).

For the fight against Boko Haram, the United States and France have supported the Multinational Joint Task Force (MJTF), an initiative agreed to by the countries around Lake Chad and Benin in March 2014 to coordinate operations against Boko Haram and other threats. The MJTF was headquartered in Baga, in Borno State, Nigeria, until the town was overrun by Boko Haram fighters in January 2015. Following this disaster, the MJTF was enlarged and the headquarters moved to N'Djamena, Chad. The MJTF is composed of troops from Nigeria, Cameroon, Chad, Niger, and Benin, and is a central part of Nigerian President Muhammadu Buhari's strategy to defeat Boko Haram. Buhari has moved the military central command from the capital, Abuja, to Maiduguri, the capital and largest city of Borno State, in an effort to energize operations against Boko Haram.<sup>27</sup> As of October 2015, there were still unresolved issues that impeded the effectiveness of the MJTF, including constraints in intelligence-sharing and decisionmaking; for the most part, the representatives of African nations in the MJTF have to go back to their governments for clearance before they can execute missions.<sup>28</sup> In October 2015, the United States announced that it would deploy up to 300 military personnel to Cameroon to support MQ-1 Predator surveillance and reconnaissance operations against Boko Haram.<sup>29</sup>

One obstacle to the employment of drones for the CTOC mission in Africa is the relatively lower priority of the AFRICOM theater vis-à-vis other theaters. Within AFRICOM, the first priority for this scarce resource is the violent Islamist militant groups, al-Shabaab, AQIM, and Boko Haram. Thus, it would seem unlikely that UASs would be made available for the CTOC mission in Africa.

AFRICOM has developed a subordinate campaign plan that centers on strengthening the legal systems of West African states, training

<sup>27</sup> "Multinational Forces to Cross Border to Fight Boko Haram," BBC News, July 29, 2015.

<sup>28</sup> Interview with AFRICOM staff, Kelley Barracks, Stuttgart, Germany, September 2015.

<sup>29</sup> Julian E. Barnes and Gordon Lubold, "U.S. to Send Drones, Troops to Help Cameroon's Campaign Against Boko Haram," *Wall Street Journal*, October 14, 2015.

their law-enforcement authorities in the conduct of operations such as ship boardings and searches, and working with ECCAS and ECOWAS to promote both leadership and regional cooperation in the area of maritime safety and security. AFRICOM provides further support in these areas through sponsorship of the African Maritime Law Enforcement Partnership. This program involves a U.S. Coast Guard detachment working in tandem with an African host nation's own boarding team from an American vessel to buttress that state's enforcement of its maritime laws and treaties.<sup>30</sup>

### ***Summary of Army CTOC Activities in Support of AFRICOM***

The Army does not have activities specifically in support of the CTOC mission in the AFRICOM area of responsibility. However, there are operational and capacity-building activities that indirectly support this mission. Operation Juniper Micron supports French operations against VEOs in Mali. The activities include coordinating the provision of U.S. Air Force transportation assets (C-130s and C-17s) to move French personnel in and out of the theater, aerial refueling of one to four aircraft once a week (mostly fighter aircraft doing non-standard surveillance and reconnaissance—the refuelers are Air Force assets), and, in 2015, provision of UAS direct video feeds. The Army also supports Operation Onward Liberty, a five-year program intended to provide uniformed U.S. military mentors and advisers to the Armed Forces of Liberia to develop the Liberians' ability to independently sustain and train the force, contribute to the development of a professional officer and noncommissioned officers' corps, and institute a unit training and evaluation system.<sup>31</sup>

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<sup>30</sup> *Maritime Security in the Gulf of Guinea*, conference report, Chatham House, London, December 6, 2012, pp. 30–32.

<sup>31</sup> Interviews with AFRICOM staff, Kelley Barracks, Stuttgart, Germany, September 2015; "Operation Onward Liberty: Liberian Defense Sector Reform," GlobalSecurity.org, last updated April 23, 2012.

## Conclusions and Recommendations

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In the introduction to this report, we documented the increased recognition on the part of the Obama administration, Congress, and U.S. military leaders of the importance of addressing the growing security threat posed by the expansion of TCNs. Yet, this raises the question: What are the roles of DoD, the military commands, and the U.S. Army? To answer, we begin by reconsidering the ways in which nontraditional national security threats are classified; then, we discuss the adequacy of statutory authorities, budgets, and interagency coordination. We conclude with a review of current and potential activities the Army could carry out given additional authorities, guidance, and resources.

### U.S. Governmentwide–Level Conclusions and Recommendations

#### Challenge the Conventional Thinking

At a conceptual level, a major challenge in formulating adequate policy responses to the challenge posed by the emergent threat of TCNs and hybrid illicit actors that combine aspects of criminal organizations, terrorist groups, and insurgencies is the way in which the U.S. government and most analysts classify threats to national security—and the way in which this classification is reflected in national security legislation, department and agency missions, and budgetary decisions. We conceptualize these threats as terrorism, drug trafficking, transnational organized crime, and so on, and groups that engage in these activities

are classified accordingly. But some criminal organizations—as shown in the case of Mexico—combine elements of insurgency, and certainly terrorism. Entities such as the FARC, AQIM, Hezbollah, and many others combine terrorism, insurgency, and criminal activities. Prioritizing the threats that they pose to U.S. interests requires taking all of these facets of the groups’ activities into consideration. For instance, al-Qaeda is considered to present the highest level of threat to the United States and U.S. interests, but how does the threat of al-Shabaab or AQIM compare with that of the Sinaloa Cartel? One solution might be to regard *all* of these groups as networks. We could then assess the threat level that they pose, regardless of how the group is classified, and deploy the tools and resources available to the U.S. government against them based on that threat assessment.

### **Bring Authorities and Policy Guidance in Line with the Strategy to Combat Transnational Organized Crime**

It takes time for authorities and laws to “play catch up” with emerging trends. By and large, authorities to implement CTOC are nascent and the agencies charged with this mission draw on existing counternarcotics authorities. To facilitate the execution of the CTOC mission, there is a need for Congress to amend the relevant parts of existing legislation and make it consistent with the FY 2015 NDAA. Some relevant statutes are outdated as written. U.S. Code, Title 10, Section 124 addresses detection and monitoring of aerial and maritime transit of illegal drugs;<sup>1</sup> the scope of the statute could be expanded by including the land as well as the air and maritime domains. For the time being, the agencies engaged in CTOC can leverage each other’s authorities and competencies to execute a whole-of-government approach to CTOC—the only approach that can realistically work in responding to the cross-cutting challenges posed by networked threats.<sup>2</sup>

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<sup>1</sup> U.S. Code, Title 10, Section 124.

<sup>2</sup> For an example of a counternetwork effort, see Chad Serena, *It Takes More than a Network: The Iraqi Insurgency and Organizational Adaptation*, Palo Alto, Calif.: Stanford University Press, 2014.

### Improve Interagency Coordination

A major structural obstacle to waging an effective counternetwork campaign is the lack of unified effort and command. Unlike in the counterterrorism area, where extensive interagency coordinating mechanisms were created after the terrorist attacks of 9/11, a mechanism for addressing the threat of TCNs is only now in the process of being developed. The National Security Council issued the Strategy to Combat Transnational Organized Crime and implementation guidance, including the intended establishment of an Interagency Threat Mitigation Group to identify those networks that present a sufficiently high national security risk and ensure the coordination of all elements of national power to combat them.<sup>3</sup>

Nevertheless, the problem of aligning the interests of the different government agencies remains. The 9/11 attacks generated a sense of urgency and incentives to coordinate efforts against the threat of international terrorism, but no similar consensus has developed on the importance of countering TCNs. The agencies with the most-relevant capabilities for attacking illicit networks have other missions and are reluctant to focus their resources on taking down the networks. One way of making the CTOC structure work might be for the White House to give the National Security Council responsibility for coordinating the activities of agencies involved in the campaign against TCNs. Alternatively, an arrangement similar to the Treasury-led Committee on Foreign Investment in the United States (CFIUS), an interagency committee authorized to review transactions that could result in control of a U.S. business by a foreign person or entity, could be set up with a Cabinet department taking the lead.<sup>4</sup> Caution should be

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<sup>3</sup> White House, *Strategy to Combat Transnational Organized Crime: Addressing Converging Threats to National Security*, July 19, 2011a.

<sup>4</sup> Membership of the CFIUS includes the Secretaries of Treasury, Justice, Homeland Security, Commerce, Defense, State, and Energy; the U.S. Trade Representative; and the head of the Office of Science and Technology Policy. The Office of Management and Budget, the Council of Economic Advisors, National Security Council, National Economic Council, Homeland Security Council, the Director of National Intelligence, and the Secretary of Labor also have roles in the committee. We note that after serving as the first National Counterintelligence Executive, Michelle van Cleave reported the position as being largely

taken to foster unity of command and effort and to avoid creating an additional stovepipe.

### **Define Defense Department Roles in Countering Transnational Organized Crime**

Within DoD, OSD is in the process of defining the Department's role in countering transnational criminal networks. As noted earlier, DASD/CN&GT, the lead office in DoD, is in the process of updating DoD's Counternarcotics and Global Threats Strategy. The new strategy has the potential to have an impact within DoD in energizing efforts to counter TCNs if accompanied by adequate allocations of resources.

### **Support Countering Transnational Network Strategies and Programs with Adequate Dedicated Budgetary Allocations**

The FY 2015 NDAA widened counternarcotics enforcement support to include countering transnational criminal organizations, but no additional funds were appropriated for this mission.<sup>5</sup> In a period of sequestration and budgetary austerity, it may be difficult to secure a level of funding adequate to the task of seriously degrading TCNs, particularly since it is harder to show strategic effect in the fight against TCNs, in contrast to counternarcotics, where success can be measured in drug seizures. As discussed already, adequately resourcing the CTOC mission will require redefining national security priorities.

### **Develop Joint Doctrine for Countering Transnational Organized Crime**

The existing guidance for JTF commanders and staffs is the U.S. Joint Forces Command's handbook,<sup>6</sup> but there is no approved joint doc-

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ineffective because it lacked a dedicated budget and possessed inadequate authority to direct the relevant agencies to follow an integrated strategy. (Michelle van Cleave, "The NCIX and the National Counterintelligence Mission: What Has Worked, What Has Not, and Why," in R. Weitz, ed., *Project on National Security Reform: Case Studies*, Vol. 1, Washington, D.C.: Center for the Study of the Presidency, 2008)

<sup>5</sup> Public Law 113-291, 2014.

<sup>6</sup> U.S. Joint Forces Command, *Commander's Handbook for Attack the Network*, Suffolk, Va.: Joint Warfighting Center Joint Doctrine Support Division, May 20, 2011.

trine for CTOC or counternetwork more broadly defined. The existing guidance is informed by the lessons learned from Operation Iraqi Freedom. The Coalition forces in Iraq were facing a particular type of networked threat that would rapidly adapt its operations to offset Coalition and Iraqi forces' advantages in numbers and technology. Over time, the Coalition realized that attacking a networked threat was more than just a counterinsurgency challenge or effort to counter improvised explosive devices, and that networked threats were a worldwide phenomenon operating across a range of military operations.<sup>7</sup> Given the rising profile of CTOC as a U.S. government and military priority, this guidance should be updated and supplemented with a doctrinal document.

### **Address Deep Corruption and Criminalized States**

Criminalized states are hubs of transnational criminal activity, and deep, multilayered corruption vitiates efforts by the United States to engage partner nations constructively in efforts against TCNs, strengthen governance in weak states, and promote regional stability. The United States has tried to work around the problem of corruption in a partner country's security agencies by working with vetted units within larger organizations. However, there are severe limitations to what can be achieved by working with these units (even if they could be kept corruption-free), if they operate in an environment of deeply entrenched corruption.

The experience of some countries formerly considered criminalized states, such as Guinea-Bissau, shows that the removal of leadership compromised in criminal activity can have a salutary effect.<sup>8</sup> As discussed in Chapter Six, the DEA sting operation that snared Admiral Bubo Na Tchuto had a dampening effect on drug trafficking-related high-level corruption in Guinea-Bissau. Similarly, in Guinea, the arrest of drug trafficking kingpin Ousmane Conté and other members of his

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<sup>7</sup> U.S. Joint Forces Command, 2011, p. I-1.

<sup>8</sup> See Brian J. Phillips, "How Does Leadership Decapitation Affect Violence? The Case of Drug Trafficking Organizations in Mexico," *Journal of Politics*, Vol. 77, No. 2, April 2015, pp. 324–336.

network after the death of his father, President Lansana Conté, led to a reduction in the involvement of high-level government figures in drug trafficking. This suggests that in countries where drug trafficking–related corruption is endemic, the most promising avenue to reducing corruption to a level that might permit the United States to work with these countries’ governments and militaries may be to sanction and isolate the high-level political and military elites involved in drug trafficking and target them with law enforcement tools. At a minimum, the United States should exercise caution to ensure that any political or military engagement with these countries does not help to legitimize deeply corrupt regimes or prolong their grasp on power.

## **U.S. Army Roles in Countering Transnational Criminal Networks**

As noted in the discussion in Chapter Eight, the Army is already doing a great deal in the domains of engagement with partner militaries and support for counterterrorism and counternarcotics that contribute indirectly to the CTOC mission. Army personnel currently:

- coordinate and employ DoD support to domestic and foreign LEAs
- analyze transnational threats
- conduct UAS reconnaissance
- provide mobility support to LEA and partner nation military forces
- build partner nation capacity and conduct other related security cooperation activities (counterdrug training, military intelligence training, participation in multinational exercises)
- conduct intelligence preparation of the operating environment, including collaborative threat assessments, geospatial intelligence support, modified threat vulnerability assessments, and threat link analysis products

- conduct security force assistance operations to build border control and border security and intelligence capabilities of selected partner nation army units.

Beyond these activities, the Army has competencies and capabilities that can advance the U.S. government's CTOC objectives without significantly drawing resources from its core missions. CTOC-specific activities would constitute a valuable expansion of the Army's current efforts to build partner capacity, perform network analysis, and support detection and monitoring, as well as provide training opportunities for Army personnel. Should it choose to do so, the Army could:<sup>9</sup>

1. **Help develop interagency and multinational strategies to more effectively counter TCNs and assist with planning to implement those strategies.**

The Army Vision states that one of the Army's unique roles is its ability to integrate operations: "Army commanders and staffs expertly synchronize all instruments of national power to affect and sustain strategic outcomes."<sup>10</sup>

2. **Consider increasing the efforts of senior Army leaders to encourage a greater number of units to take advantage of training opportunities with joint interagency task forces engaged in CTOC missions.**
3. **Facilitate the use of RAFs in CTOC or CTOC-related missions.**

Those interviewed for this report said ARSOUTH has requested that mobilization costs for RAFs be included in the annual Program Objective Memorandum, but this has not occurred to date.<sup>11</sup> ARSOUTH headquarters personnel per-

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<sup>9</sup> Some of these initiatives may require combatant command direction and/or congressional authorization or appropriation, in which case the Army should support such changes.

<sup>10</sup> U.S. Army, undated.

<sup>11</sup> Interviews with ARSOUTH G3 and G5 personnel, San Antonio, Texas, July 22–23, 2015. We were unable to determine the reasons that mobilization costs for this mission have not been included in the Program Objective Memorandum, but note that it might result in

form the planning, including budgeting, for the rotation of RAF units to provide training to partner nations.<sup>12</sup> Since the RAF typically consists of Army National Guard personnel, they are placed on overseas deployment training orders to perform these missions. Orders are restricted to not more than 21 days for most soldiers, with up to 29 days permitted for advance and rear detachments.<sup>13</sup> Pay and most allowances are funded by the Army National Guard pay and allowances account, but ARSOUTH funds the travel, lodging, and subsistence costs. Travel is usually the most expensive cost, by far. Due to the limit on the number of overseas deployment training days allowed, units must rotate every three weeks to cover the duration of the mission, typically lasting nine months. This constraint results in substantial travel costs to ARSOUTH. This expense would be significantly reduced if RAF soldiers were mobilized under Section 12304b as authorized by the FY 2014 NDAA and thus presented transportation costs only at the beginning and end of the mission.<sup>14</sup>

4. **Consider developing an Army Doctrinal Reference Publication for CTOC.**

As discussed, there is no approved joint doctrine on CTOC or even on countering networks more broadly. The Army could

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a marginal increase in pay and allowances cost to the Army to cover the salaries of reserve soldiers for nine to 12 months a year versus 21 days.

<sup>12</sup> ARSOUTH personnel also provide logistical and other support to facilitate CTOC training conducted by the Colombian Army to other partner nations in the region.

<sup>13</sup> See U.S. Department of the Army, "Army Regulation 350-9: Overseas Deployment Training," Washington, D.C., November 8, 2004.

<sup>14</sup> Units may only be mobilized for active duty under Section 12304b if the manpower and associated costs are specifically included in the defense budget materials for the fiscal year in which the period of active duty will begin. Mobilization orders under 12304b may not be approved and issued until after the defense budget materials are formally submitted to Congress. See Office of the Assistant Secretary of Defense, "Guidance on Service Implementation of 10 U.S.C. Section 12304b: Order to Active Duty for Preplanned Missions in Support of Combatant Commands," memorandum to Assistant Secretaries of the Military Departments (Manpower and Reserve Affairs), May 1, 2014.

make a significant contribution by taking the lead in developing CTOC doctrine.

5. **Add CTOC to the Chief of Staff Army Strategic Studies Group research agenda, make it a priority for solution development by the Asymmetric Warfare Group, and add it to the U.S. Army War College Key Strategic Issues List.**
6. **Advocate for CTOC activities conducted by the ASCCs to be expanded from counterdrug operations to the full range of CTOC activities that address critical threats to U.S. national security.**
7. **Increase support to network analysis efforts within each of the ASCCs.**
8. **Increase Signals Intelligence and cyber support to each of the ASCCs.**
9. **Assist partner countries with intelligence collection and coordination.**

For the most part, small countries in Central America and Africa have rudimentary intelligence-gathering and fusion capabilities. The Army could help by advocating foreign military sales of UASs to partner militaries for CTOC purposes, including training partner military units to use them. The Army also could train partner countries to develop integrated intelligence assessments supporting CTOC operations.

10. **Increase support to ASCCs to improve rapid mobility of partner country militaries.**

Mobility is difficult in many of the countries where criminal networks operate because of harsh terrain, lack of roads, and inadequate infrastructure. The Army can help remedy mobility deficiencies by providing engineering support and assisting in developing rotary-wing capabilities and training personnel, as has been done in Colombia.

11. **Provide an unclassified version of Blue Force Tracker to partner militaries, as appropriate.**

The Blue Force Tracker, a GPS-enabled system that provides military commanders with information about the loca-

tion of friendly and hostile forces, would significantly improve situational awareness in countries where the system is deployed.

**12. Work with partner nations and militaries to help them strengthen border control.**

By definition, TCNs operate across national borders, often of countries with little capacity to effectively control those borders. By assisting with border control, the Army can not only help impede the activities of TCNs but also of terrorist, insurgent, and other violent illicit actors. Moreover, assistance with border control will be positively received by partners that might not be on board with other U.S. security priorities, but are concerned about the security of their own borders. The capabilities needed for this mission are not particularly technologically advanced. Capacity building and sustainability should be the main priorities. The Army has valuable experience in supporting partner nation task forces entrusted with a border control mission—for instance, in support of Guatemala’s efforts to establish interagency task forces with a border control mission, described in Chapter Eight. This experience could be exported to other countries and regions.

**13. Partner with gendarmerie organizations.**

Many countries in Latin America and Africa—including practically all Francophone nations—have gendarmerie-type organizations. These are units that combine police functions with paramilitary capabilities and are able to engage in high-end conflict with insurgent forces, terrorists, or heavily armed criminal groups. Gendarmeries can respond to armed challenges by violent illicit actors that the police are too weak to handle, short of involving the military. Since gendarmeries are generally under the Ministry of Defense, legislative and policy constraints on U.S. military support for police forces do not apply. This makes gendarmeries a suitable partner for the U.S. Army in hybrid conflict environments.

## **Authorities and Policies for Countering Transnational Organized Crime**

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### **Statutory Authorizations and Executive Branch Guidance**

In this section, we provide an overview of legislation and executive branch guidance that authorized or directed the Army and the other armed services to conduct counterdrug operations, initially and CTOC activities later. An appreciation of how legislation evolved to produce a rapid expansion of military counterdrug support in the late 1980s and early 1990s is important to understanding the persistence of counterdrug efforts today and how, in some ways, they inhibit conduct of the broader range of CTOC missions.

First, we cover the amendment to the Posse Comitatus Act in 1981 that enabled a significant increase in military support to law enforcement for counternarcotics operations. Next, we summarize three presidential directives that may have shaped subsequent legislation and describe the legislation that increased DoD involvement in counterdrug activities. Finally, we review the current legal authorities for CTOC.

### **Drug Interdiction and Counterdrug Activities**

#### ***Statutory Authorization, 1981***

The late 1970s saw the beginning of what would become a rapid expansion of the role played by the U.S. military in countering the trafficking of illicit drugs. According to the U.S. Comptroller General, DoD approved 140 out of the 156 requests for support by law enforcement agencies between 1971 and 1981. These consisted of 57 equipment loans, the use of facilities 18 times, provision of training 17 times, and

48 miscellaneous requests, such as transportation and the purchase of equipment on behalf of a law enforcement agency.<sup>1</sup> The Posse Comitatus Act was amended in 1981 to enable a larger military effort to assist law enforcement agencies with the prevention of the smuggling of illicit drugs into the United States.<sup>2</sup> The change was intended to reduce restrictions, clarify authorities, and improve civil-military cooperation in the war on drugs. However, one section made clear that “direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law” was prohibited.<sup>3</sup>

Although the U.S. General Accounting Office (now the Government Accountability Office) reported that help to law enforcement provided by DoD increased in the 18 months following amendment of the Posse Comitatus Act, requests for support were still limited by the requirement for reimbursement unless such support was provided incidental to training.<sup>4</sup> This provision constrained military counternarcotics support until legislation to authorize nonreimbursed support was enacted in 1989. This legislation will be discussed later: First, we will address three presidential directives that influenced military support to law enforcement in the interim.

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<sup>1</sup> Charles A. Bowsher, U.S. Comptroller General, *Federal Drug Interdiction Efforts Need Strong Central Oversight*, Washington, D.C.: U.S. General Accounting Office, Report to Congress, June 13, 1983, p. 76.

<sup>2</sup> This law, which was passed by Congress and signed by President Ronald Reagan, added Chapter 18 to Title 10 of the U.S. Code. Public Law 97–86, Military Cooperation with Civilian Law Enforcement Agencies Act, December 1, 1981; U.S. Code, Title 10, Armed Forces, Subtitle A, General Military Law, Part I, Organization and General Military Powers, Chapter 18, Military Cooperation with Civilian Law Enforcement Officials, Sections 371–378; Joint Chiefs of Staff, *Counterdrug Operations*, Joint Publication 3–07.4, August 14, 2013, p. I-3.

<sup>3</sup> U.S. Code, Title 10, Section 375, Restriction on Direct Participation by Military Personnel.

<sup>4</sup> Ronald F. Lauve, Senior Associate Director, General Government Division, “Military Cooperation with Civilian Law Enforcement Agencies,” statement before the Subcommittee on Crime of the House Committee on the Judiciary, U.S. Congress, Washington, D.C., July 28, 1983.

### ***Executive Branch Guidance, 1986–1989***

The purpose and scope of overseas counterdrug activities have changed remarkably little since 1986,<sup>5</sup> when President Reagan signed a directive asserting that “a combination of international criminal organizations, rural insurgents, and urban terrorists can undermine the stability of the local government . . . The narcotics trade threatens the integrity of democratic governments by corrupting political and judicial institutions.”

Therefore, among tasks assigned to other Cabinet officers and agencies, the 1986 directive mandated that the Secretary of Defense and the Attorney General, in coordination with the Secretary of State, “develop and implement any necessary modifications to applicable statutes, regulations, procedures, and guidelines to enable U.S. military forces to support counter-narcotics efforts more actively, consistent with the maintenance of force readiness and training.”<sup>6</sup> Further, it stated that

U.S. military activities in support of counter-narcotics activities should include, but are not limited to:

- Assistance to other U.S. government agencies in the planning and execution of large counter-narcotics operations.
- Collection, analysis, and dissemination of intelligence.
- Participation in coordinated interdiction programs.
- Small-scale combined exercises to enhance planning, intelligence, mobility, and communications.
- Training to assist foreign military forces in planning and conduction [of] counter-narcotics operations.
- Technical and material support to enhance the ability of a foreign government to combat drug production and trafficking.

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<sup>5</sup> White House, “Narcotics and National Security,” National Security Decision Directive Number 221, April 8, 1986, declassified June 10, 2011. Also, see Nina M. Serafino, *The Department of Defense Role in Foreign Assistance: Background, Major Issues, and Options for Congress*, Washington, D.C.: Congressional Research Service, CRS RL34639, December 9, 2008.

<sup>6</sup> White House, 1986.

Additionally, the Secretary of Defense was directed to “coordinate with appropriate agencies and departments to ensure that a secure and interoperable interagency telecommunications capability is available for drug-related operations and intelligence collection in support of interdiction and other counter-narcotics activities.”<sup>7</sup>

This guidance was later supplemented by two National Security Directives signed by President George H.W. Bush: one in June 1989 that stated, “The United States has as a major foreign policy objective preventing the flow of cocaine into the U.S.,”<sup>8</sup> and one in August of the same year that stipulated

One of the principal foreign policy objectives of this Administration is to reduce, and if possible eliminate, the flow of illegal narcotic substances to the United States . . . the violence and corruption of the drug traffickers and their alliance with insurgence groups has had a destabilizing effect on friendly governments. It is thus imperative for our own well-being and the development of democratic and economically stable governments around the world that this problem be dealt with aggressively.<sup>9</sup>

The August directive stated that the President had “decided that the first priority of our international drug control strategy will be to enhance greatly our counternarcotics program in the Andean region.” Among tasks to other agencies, the President directed:

The Secretary of Defense, in conjunction with the Secretary of State, shall revise Department of Defense (DOD) policy directives and procedures to expand DOD support of U.S. counternarcotics efforts and to permit DOD personnel to conduct training for host government personnel and operational support activities

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<sup>7</sup> White House, 1986.

<sup>8</sup> White House, “Cocaine Trafficking,” National Security Directive 13, June 7, 1989a, declassified September 15, 1997.

<sup>9</sup> White House, “International Counternarcotics Strategy,” National Security Directive 18, August 21, 1989b, declassified August 23, 2001.

anywhere in the Andean region. DOD personnel will not accompany host government forces on actual field operations.<sup>10</sup>

These presidential directives established the framework that largely remains in place for today's counternarcotics operations:

- Illicit drug trafficking poses a threat to U.S. national security.
- Drug traffickers, especially in conjunction with insurgent groups, are a menace to the stability of foreign governments.
- U.S. military forces will not themselves conduct nor accompany host nation personnel on counternarcotics missions.
- Most support will be in the form of providing training, equipment, sustainment support, and information or intelligence.
- DoD activities in foreign countries must be coordinated with the State Department.

### ***Statutory Authorization, 1982–2014***

The FY 1982 NDAA contained several provisions authorizing DoD to cooperate with civilian law enforcement officials for a wide range of activities that included provision of information collected during military operations, use of military equipment and facilities, and provision of training and advice. Additionally, the Secretary of Defense could provide personnel to operate and maintain equipment if requested “by the head of an agency with jurisdiction to enforce” the Controlled Substances Act, the Immigration and Nationality Act, or the Tariff Act. However, the NDAA also contained a provision that would effectively limit the amount of support requested by law enforcement officials for almost a decade: Section 377 of the FY 1982 NDAA stated that “The Secretary of Defense shall issue regulations providing that reimbursement may be a condition of assistance to a civilian law enforcement official under this chapter.”<sup>11</sup> This effectively meant that support by the military either had to be conducted incidental to military training or

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<sup>10</sup> White House, 1989b.

<sup>11</sup> Public Law 100-180, National Defense Authorization Act for Fiscal Years 1988 and 1989, Section 377, December 4, 1987.

that the requesting law enforcement agency would have to reimburse DoD for the costs of support.

However, the first specific mention of DoD counterdrug efforts appeared in the FY 1986 NDAA, which mandated that “at least one member of the Coast Guard who is trained in law enforcement and has the power to arrest, search, and seize property and persons suspected of violations of the law” be present on all naval surface ships, and authorized DoD to establish a directorate-level Task Force on Drug Law Enforcement.<sup>12</sup> Furthermore, DoD was required to submit a report to Congress on plans for enhancing cooperation with civilian drug law enforcement agencies.

The FY 1987 NDAA added further authorizations and requirements, including that the President to submit to Congress “a comprehensive program designed to interdict aircraft, vessels, and vehicles carrying illegal drugs into the United States.” Among other requirements, the program was to include “a comprehensive plan to maximize, to the extent it does not adversely affect military preparedness and consistent with the provisions of Chapter 18 of Title 10, United States Code, assistance by the Department of Defense to other agencies in the drug enforcement and interdiction effort.”<sup>13</sup> The FY 1988–1989 NDAA required the General Accounting Office to study U.S. capabilities to control drug smuggling into the United States. Among other things, the act stipulated that study topics must include an assessment of “the national security implications of the smuggling of illegal drugs into the U.S.” and “the effects on military readiness, the costs that would

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<sup>12</sup> Public Law 99-145, U.S. Department of Defense Authorization Act for Fiscal Year 1986, Section 1421, Enhanced Drug Interdiction Assistance, and Section 1422, Establishment, Operation and Maintenance of Drug Law Enforcement Assistance Organizations of the Department of Defense, November 8, 1985.

<sup>13</sup> Public Law 99-661, National Defense Authorization Act for Fiscal Year 1987, Section 1373, Drug Interdiction, November 14, 1986. U.S. Code, Title 10, Section 375, states:

The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that any activity (including the provision of any equipment or facility or the assignment or detail of any personnel) under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law.

be incurred, the operational effects on military and civilian agencies, the potential for improving drug interdiction operations, and methods for implementing increased drug law enforcement assistance by the Department of Defense.”<sup>14</sup> Additionally, the FY 1988–1989 NDAA directed that the President’s budget submissions for FYs 1991 and 1992 had to include a separate request for funding related to “drug interdiction and counter-drug activities in support of civilian agencies.”

The DoD appropriations legislation for FY 1989 provided \$300 million for DoD drug interdiction.<sup>15</sup> At least \$40 million of this amount was to “be available only for drug interdiction activities of the Army National Guard and the Air National Guard.” The remainder was for “operating costs of the Department of Defense related to the detection and monitoring of aerial and maritime transit of illegal drugs into the U.S.”

Congress passed and the President signed the FY 1990–1991 NDAA in November 1989.<sup>16</sup> Among other things, it expanded the types and range of activities that the military could legally perform and authorized an appropriation of \$450 million to DoD to conduct drug interdiction and counterdrug activities. It also designated DoD as the lead agency for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States.<sup>17</sup>

The FY 1991 NDAA would arguably have the greatest impact on military support to counterdrug law enforcement agencies since the 1981 revisions to the Posse Comitatus Act: In some instances, it enabled law enforcement agencies to request significant levels of support without having to reimburse DoD for the costs.<sup>18</sup> It also authorized appro-

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<sup>14</sup> Public Law 100-180, Section 1241, GAO Study of the Capabilities of the United States to Control Drug Smuggling into the United States, December 4, 1987.

<sup>15</sup> Public Law 100-463, Department of Defense Appropriations Act, October 1, 1988.

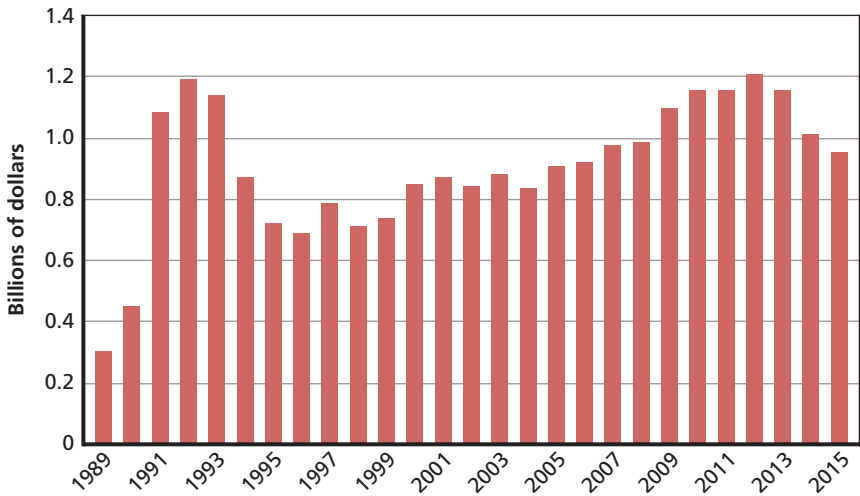
<sup>16</sup> Public Law 101-189, National Defense Authorization Act for Fiscal Years 1990–1991, November 29, 1989.

<sup>17</sup> Public Law 101-189, Title XII—Military Drug Interdiction and Counter-Drug Activities, Section 1201, Funding for Military Drug Interdiction and Counter-Drug Activities, 1989.

<sup>18</sup> Public Law 101-510, National Defense Authorization Act for Fiscal Year 1991, November 5, 1990. For reasons of brevity, we do not summarize the additional authorities provided

priations exceeding \$1 billion for DoD counterdrug efforts. These became known as “1004 Funds,” named after the section of the statute that authorized them. The high watermark for DoD counterdrug funding in real dollars was when almost \$1.2 billion was appropriated for FY 1992. The DoD counterdrug budget reached another high point of more than \$1.2 billion (nominal dollars) in FY 2012, then began to decline. Figure A.1 depicts the appropriations from FY 1989 through FY 2015.<sup>19</sup>

**Figure A.1**  
**Defense Department Counterdrug Budget (FYs 1989–2015)**



SOURCES: Annual appropriations acts for FY 1998 through FY 2015: Library of Congress, “Appropriations for Fiscal Year 2016,” Congress.gov, undated. For years prior to FY 1998, see GovTrack, “Bills and Resolutions,” undated.

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to DoD through the NDAA for every year. However, such changes included authorizations for specific assistance to certain foreign nations. For a list of major congressional authorities related to DoD counterdrug support see Serafino, 2008, Table F-1.

<sup>19</sup> As of October 2015, defense appropriations for FY 2016 had not yet been enacted. However, the administration’s budget request was \$850,598,000. See DoD, *Financial Summary Tables: Department of Defense Budget for Fiscal Year 2016*, Washington, D.C., February 2015.

## **Expanding Authorities to Include Countering Transnational Organized Crime**

### ***Statutory Authorization 2015***

In terms of legislative authorities for DoD activities, “countering transnational organized crime” (CTOC) first appeared in the NDAA for FY 2015.<sup>20</sup> This statute modified DoD authorities established by the FY 1991 NDAA regarding the use of Section 1004 funding by inserting the phrase “or activities to counter transnational organized crime” after each appearance of the phrase “counter-drug activities” funds.<sup>21</sup> The FY 2015 NDAA also provided the following definition:

DEFINITION OF TRANSNATIONAL ORGANIZED CRIME.—In this section, the term ‘transnational organized crime’ means self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary, or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption or violence or through a transnational organization structure and the exploitation of transnational commerce or communication mechanisms.<sup>22</sup>

The additional authority to use Section 1004 funding for CTOC presented leaders and planners within the CCMDs and ASCCs with a conundrum. On the one hand, if the intent is to promote U.S. national security by countering the destabilizing effects of criminal organizations, it is logical to expand the effort beyond drug traffickers and combat the broader set of transnational organized crime. On the other hand, the additional authority was provided within the context of declining defense appropriations. This situation raises concerns that DoD is being asked to “do more with less” when it comes to CTOC activities. However—as will be discussed later—Congress may have authorized DoD to expand from counterdrug to CTOC,

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<sup>20</sup> Public Law 113-291, 2014.

<sup>21</sup> Public Law 113-291, 2014. Section 1012 modified Section 1004 of the FY 1991 NDAA (Public Law 101-510, 1990) and U.S. Code, Title 10, Section 374.

<sup>22</sup> Public Law 113-291, 2014.

but DoD policy has effectively constrained CCMD and ASCC activities to counterdrug operations. Further complicating the issue, DoD appropriations for FY 2015 were enacted through a consolidated and further continuing appropriations act, rather than regular appropriations. The language of the appropriation related to counterdrug activities included the following:

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, \$950,687,000, of which \$669,631,000 shall be for counter-narcotics support; \$105,591,000 shall be for the drug demand reduction program; and \$175,465,000 shall be for the National Guard counter-drug program: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred. . . .<sup>23</sup>

The staff in some headquarters reported legal opinions concluding that despite the language in the authorization act, the language in the appropriations act did not permit the use of these funds for CTOC activities that did not include a counterdrug nexus. Other staff reported that use of these appropriations could legally be used for “pure CTOC” activities (i.e., without a counterdrug nexus) but OSD policy discouraged such missions.<sup>24</sup>

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<sup>23</sup> Public Law 113–235, Consolidated and Further Continuing Appropriations Act, 2015, 128 STAT. 2250, Drug Interdiction and Counter-Drug Activities, Defense, December 16, 2014.

<sup>24</sup> Interviews, May 2015; October 2015; July 2015; September 2015. It was beyond the scope of this study to determine which legal interpretation regarding use of FY 2015 defense appropriations is correct. Whether due to statute, policy, or issues with approval processes, we did not find evidence that any activities under these provisions were being conducted without a counterdrug nexus.

### Summary of Current Statutory Authorities

The following are the key counterdrug and CTOC authorities under which DoD currently operates:<sup>25</sup>

- U.S. Code, Title 10, Chapter 18, Military Support for Civilian Law Enforcement Agencies, Sections 371–382
- U.S. Code, Title 10, Subtitle A, General Military Law, Part I, Organization and General Military Powers, Chapter 3, General Powers and Functions, Section 124, Detection and Monitoring of Aerial and Maritime Transit of Illegal Drugs
- Public Law 101–510, NDAA for FY 1991, Section 1004, (as amended), Additional Support for Counter-Drug Activities
- NDAA for FY 2005 (as amended), Section 1021, Use of Funds for Unified Counterdrug and Counterterrorism Campaign in Colombia
- NDAA for FY 2004, Section 1022, Joint Task Forces (allowing DoD to support law enforcement agencies conducting counterdrug and counterterrorism activities)
- NDAA for FY 1998 (as amended), Section 1033, Authority to Provide Additional Support for Counter-Drug Activities of Other Countries
- U.S. Code, Title 32, Section 112, Drug Interdiction and Counter-Drug Activities (involvement of National Guard)
- Public Law 113–291, NDAA for FY 2015, Section 1012, Extension and Modification of Authority of Department of Defense to Provide Support for Counterdrug Activities of Other Governmental Agencies (inserts “or activities to counter transnational organized crime” after “counter-drug activities” each place it appears)
- Public Law 113–291, NDAA for FY 2015, Section 1014, Extension and Modification of Authority for Joint Task Forces Supporting Law Enforcement Agencies Conducting Activities to Counter Transnational Organized Crime to Support Law Enforcement Agencies Conducting Counter-Terrorism Activities (inserts “for

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<sup>25</sup> DoD, “Counternarcotics & Global Threats Strategy,” April 27, 2011, p. 21; Public Law 113–291, Sections 1012 and 1014, 2014.

drug interdiction and counter-drug activities” and “funds” and “or activities to counter transnational organized crime” after “counter-terrorism activities” each place it appears).

## **Recent White House and DoD Strategies**

### ***The 2010 National Security Strategy***

The 2010 National Security Strategy extensively describes the threat posed by transnational organized crime and the steps necessary to combat it:<sup>26</sup>

#### **Transnational Criminal Threats and Threats to Governance:**

Transnational criminal threats and illicit trafficking networks continue to expand dramatically in size, scope, and influence—posing significant national security challenges for the United States and our partner countries. These threats cross borders and continents and undermine the stability of nations, subverting government institutions through corruption and harming citizens worldwide. Transnational criminal organizations have accumulated unprecedented wealth and power through trafficking and other illicit activities, penetrating legitimate financial systems and destabilizing commercial markets. They extend their reach by forming alliances with government officials and some state security services. The crime-terror nexus is a serious concern as terrorists use criminal networks for logistical support and funding . . .

Combating transnational criminal and trafficking networks requires a multidimensional strategy that safeguards citizens, breaks the financial strength of criminal and terrorist networks, disrupts illicit trafficking networks, defeats transnational criminal organizations, fights government corruption, strengthens the rule of law, bolsters judicial systems, and improves transparency.

The 2010 National Security Strategy describes the threat from transnational criminal organizations. However, the suggested way to defeat this threat is somewhat fuzzy. It appears to be: “Sustain Broad Cooperation on Key Global Challenges.” The language is even less clear about the means that will be applied to defeating transnational

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<sup>26</sup> White House, *National Security Strategy*, Washington, D.C., May 2010, p. 49.

organized crime. The roles and requirements for DoD, law enforcement, and other agencies are not explained, nor are the departments given specific tasks.

### ***DoD Counternarcotics & Global Threats Strategy***

The 2011 DoD Counternarcotics & Global Threats Strategy states:<sup>27</sup>

Transnational organized crime represents a significant, multi-layered, and asymmetric threat to our national security. It often directly and indirectly enables, supports, and facilitates insurgencies and terrorism; undermines state stability, security, and sovereignty; and corrupts legitimate global financial and trade networks. Transnational criminal organizations can shift among a wide range of illicit activities as the situation dictates and profit motives arise: they traffic in specific commodities from drugs to weapons, and are involved in illegal financial transactions and trade-based money laundering, often blurring the lines between licit and illicit activity. It is not viable for DoD to continue to examine this complex threat through the single lens of the drug trade. We need a wider understanding of the challenges transnational organized crime represents to mitigate the national security threats posed by these groups and their illicit trafficking activities.

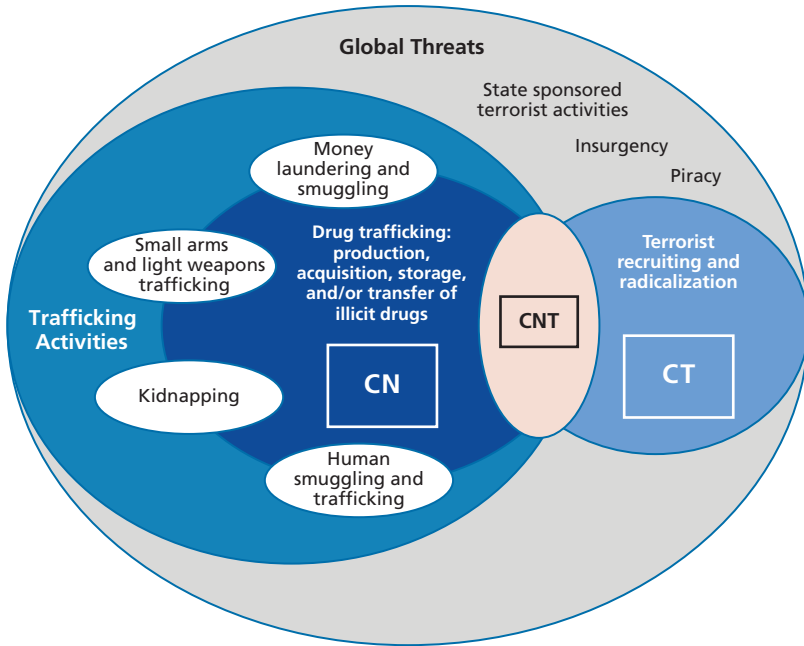
One of the most important impacts of this strategy, highlighted in the section quoted above, was the recognition that focusing solely upon illicit drug trafficking was not a sufficient approach to defend against the related threats to U.S. national security. Figure A.2 illustrates the interconnections among several of those threats.

This strategy also performed a useful service by describing the shortfalls in statutory authority that resulted in stovepiping DoD operations according to appropriations limited to either counterdrug activities or counterterrorism activities. However, it noted: “While remaining cognizant of current authorities, we must take a broader view of an adversary and mission area that is growing in complexity.”<sup>28</sup> In the annex list-

<sup>27</sup> DASD/CN&GT, *Counternarcotics & Global Threats Strategy*, U.S. Department of Defense, April 27, 2011.

<sup>28</sup> DASD/CN&GT, 2011, p. 5.

**Figure A.2**  
**Intersection of Threats to U.S. National Security**



SOURCE: DASD/CN&GT, 2011, p. 6.

NOTE: CN=counternarcotics; CNT=counternarcotics and terrorism;  
CT=counterterrorism.

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ing the authorities for DoD counternarcotics activities as of April 2011, the strategy subtly notes: “As we hone our understanding of the threats to U.S. national security posed by transnational criminal organizations, DoD authorities may require supplementation or amendment.”<sup>29</sup>

Although this strategy establishes three strategic goals and 27 objectives, it “does not include specific actions and activities.” However, it also states that:

The Geographic Combatant Commands, National Guard Bureau, and Defense Agencies will generate specific functional

<sup>29</sup> DASD/CN&GT, 2011, p. 21.

and regional sub-strategies, or integrate their planned counternarcotics and global threats activities into the Combatant Command Theater Campaign Plans. They will be required to deliver their prioritized actions and activities, underpinned by metrics, for DASD CN&GT's review and to provide a basis for resource allocation. These prioritized actions and activities will be appended to future iterations of the DoD CN&GT Strategy. DASD CN&GT will ensure that all activities and actions funded by the Drug Interdiction and Counterdrug Activities Appropriation support at least one strategic goal or objective in the DoD CN&GT Strategy.<sup>30</sup>

### ***Strategy to Combat Transnational Organized Crime, 2011***

In 2011, President Obama wrote:

Criminal networks are not only expanding their operations, but they are also diversifying their activities, resulting in a convergence of transnational threats that has evolved to become more complex, volatile, and destabilizing. These networks also threaten U.S. interests by forging alliances with corrupt elements of national governments and using the power and influence of those elements to further their criminal activities. In some cases, national governments exploit these relationships to further their interests to the detriment of the United States.<sup>31</sup>

The lists of priorities and actions to be taken within this strategy include the following tasks:

- strengthen ties among U.S. intelligence and counterintelligence, law enforcement, and military entities, while strengthening cooperation with international intelligence and law enforcement partners

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<sup>30</sup> DoD, 2011, p. 17.

<sup>31</sup> White House, *Strategy to Combat Transnational Organized Crime: Addressing Converging Threats to National Security*, July 19, 2011a, preface.

- leverage assets to enhance foreign capabilities, including counterterrorism capacity-building, foreign law enforcement cooperation, military cooperation, and the strengthening of justice and interior ministries
- enhance DoD support to U.S. law enforcement through the Narcotics and Transnational Crime Support Center.

As was the case with the 2010 National Security Strategy, this strategy identifies TCNs as a threat to U.S. interests but does not give much detail on what the agencies of the U.S. government are supposed to do in response. Other than giving direction to enhance support to the Narcotics and Transnational Crime Support Center, the 2011 CTOC provides little in the way of specific guidance to DoD.

### ***The 2015 National Security Strategy***

The 2015 National Security Strategy contains less detail on CTOC compared with the 2010 edition, but nonetheless states that the risks facing the United States include:<sup>32</sup>

- Fragile and conflict-affected states [that] incubate and spawn infectious disease, illicit weapons and drug smugglers, and destabilizing refugee flows. (p. 1)
- Significant security consequences associated with weak or failing states (including mass atrocities, regional spillover, and transnational organized crime). (p. 2)
- Drug smuggling in the Caribbean Sea and across Southeast Asia. (p. 13)
- [In the Americas] These gains, however, are put at risk by weak institutions, high crime rates, powerful organized crime groups, an illicit drug trade, lingering economic disparity, and inadequate education and health systems. (p. 27).

Once again, this strategy does not specify what DoD should do about transnational organized crime. Perhaps more importantly, it

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<sup>32</sup> White House, 2015.

does not address how CTOC fits in with the dozens of other national security priorities DoD must address.

### **2015 National Military Strategy**

The 2015 National Military Strategy states that “the need to counter revisionist states that are challenging international norms as well as violent extremist organizations (VEOs) that are undermining trans-regional security” is the most important aspect of the current strategic environment.<sup>33</sup> It is within the context of VEOs that the strategy addresses the requirement for CTOC:

- In many locations, VEOs coexist with transnational criminal organizations, where they conduct illicit trade and spread corruption, further undermining security and stability. (p. 3)
- Defeating VEOs also requires an appreciation of the nexus between such groups and transnational criminal organizations. A fuller understanding of that relationship will allow us to disrupt illicit funds, weapons, and fighters that are flowing into conflict-ridden regions. Such knowledge also will allow us to work with law enforcement officials to more effectively protect our homeland from terrorists. (p. 8)

Much of the strategy is focused upon the threat of state conflict, which would result in a higher consequence to the United States than the threat posed by VEOs. However, to combat VEOs (and by extension, transnational criminal organizations) the strategy states that the U.S. military will:

- Lead multiple coalition efforts to disrupt, degrade, and defeat VEOs. (p. 1)
- Strengthen our global network of allies and partners. (p. 1)
- Conduct synchronized operations around the globe, implement institutional reforms at home, and sustain the capabili-

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<sup>33</sup> Joint Chiefs of Staff, *National Military Strategy of the United States of America, The United States Military's Contribution To National Security*, Washington, D.C., June 2015, p. 1.

ties, capacity, and readiness required to prevail in conflicts that may differ significantly in scope, scale, and duration. (p. 1)

- Contribute select combat forces, enabling technologies, and training in support of local partners that provide the majority of forces necessary to restore and secure their homelands. (p. 8)
- In close coordination with other U.S. agencies and international organizations, assist local governments in addressing the root causes of conflict. (p. 8)
- Regularly contribute to humanitarian assistance and disaster relief endeavors aimed at alleviating suffering and restoring hope. (p. 8)
- Apply sustained pressure using local forces augmented by specialized U.S. and coalition military strengths such as ISR [intelligence, surveillance, and reconnaissance], precision strike, training, and logistical support. (p. 11)

Nonetheless, it may be worth noting that combating terrorism is listed as one of the 12 Joint Force Prioritized Missions; CTOC is not.

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In July 2011, President Barack Obama promulgated the Strategy to Combat Transnational Organized Crime. In the letter presenting the strategy, the president stated that the expanding size, scope, and influence of transnational organized crime and its impact on U.S. and international security and governance represent one of the most significant challenges of the 21st century. Through an analysis of transnational criminal networks originating in South America, this report develops a more refined understanding of the operational characteristics of these networks; the strategic alliances that they have established with state and other nonstate actors; and the multiple threats that they pose to U.S. interests and to the stability of the countries where they operate. It identifies U.S. government policies and programs to counter these networks; the roles of the Department of Defense, the geographic combatant commands, component commands, and task forces; and examines how U.S. Army assets and capabilities can contribute to U.S. government efforts to counter these networks. The report also recommends reconsidering the way in which nontraditional national security threats are classified; updating statutory authorities; providing adequate budgets for the counternetwork mission; and improving interagency coordination.



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