

2 Understanding the Complexity of Trafficking in Human Beings

Alexis A. Aronowitz

INTRODUCTION

The US Department of State (2017) has documented trafficking in human beings and their exploitation in 187 countries around the world. Trafficking affects the most vulnerable in many of the poorest societies, often women and children. With promises of good jobs and salaries, educational opportunities, or marriage, unsuspecting victims are lured into virtual slavery that is often coupled with psychological, physical, and sexual abuse. The International Labour Organization (2017) estimated, in 2016, that 25 million people worldwide were exploited in forced labor. The trafficking industry is estimated to be worth billions of US dollars annually.

While much attention has been focused on the trafficking of women and children for sexual exploitation, trafficking can occur in any industry in which there is a demand for cheap labor. Trafficking and exploitation have been documented in the construction, brick making, domestic, and food service industries, on farms, in mines, and on fishing boats. Trafficking also occurs for the purpose of child soldiering, forced begging, and other criminal activities, and organ harvesting. New forms of human trafficking, such as selling children for adoption, forced marriage, and for forced surrogacy, have been identified. The markets and industries differ across regions and countries and within countries and cities (United Nations Office on Drugs and Crime [UNODC], 2016; US Department of State, 2017).

Human trafficking may occur:

- (1) internally, within a country's borders, either within a city or from a rural area or village to a metropolitan area in a country;
- (2) intra-regionally, with children and adults being trafficked, for example, throughout the West and Central Africa and Southeast Asia regions;
- (3) internationally, for example, from Africa to Europe, or from Russia and Southeast Asia to the USA.

DEFINITION

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (hereafter referred to as the Trafficking Protocol) defines trafficking in persons as

(acts) the recruitment, transportation, transfer, harboring or receipt of persons, by (means) means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation (goals) shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

This trafficking definition contains three separate elements: *criminal acts*, the *means* used to commit these acts, and *goals*. At least one element from each of these three groups is required before the definition applies. The consent of a victim of trafficking in persons to the intended exploitation is deemed irrelevant if consent was obtained through threat or use of force, coercion, abduction, fraud, or deception. In the case of children, trafficking can exist in the absence of abduction, coercion, fraud, or deception, and the Trafficking Protocol literally excludes the possibility of consent to trafficking by a person under the age of 18.

Human trafficking can be viewed as a process involving distinct phases: recruitment, transportation (movement within or into a country), exploitation, and victim disposal. During each of these phases, numerous crimes ranging from kidnapping, threats of violence, and theft of documents to assault, rape, or death can be perpetrated against the individual victims. Violence, both psychological and physical, occurs most often in the exploitation phase (Aronowitz, 2017).

TRENDS AND STATISTICS

Due to its clandestine nature, accurate statistics on the magnitude of the problem are elusive and unreliable. This is due to a number of reasons. Foremost is the fact that – out of fear of the police or their traffickers, shame, unwillingness to recognize their victimization, or the fact that they may be in love with or dependent upon their traffickers – victims rarely report their victimization. Further, definitions of trafficking may vary, government officials still view trafficked persons as illegal migrants and freelance sex workers, failing to recognize and register victims, and there may be no centralized agency systematically collecting such data. Between 2012 and 2014, 63,251 victims were detected in 106 countries and territories worldwide (UNODC, 2016).

There is a large discrepancy between the number of known cases of identified victims (in the tens of thousands) and estimates (in the tens of millions). In the past, estimates have been criticized as unreliable, in part, because the methodology was rarely given. The United Nations Office on Drugs and Crime has developed a methodology, the Multiple Systems Estimate, to produce more reliable estimates of undetected victims. The methodology involves a capture-recapture method used with lists of victims maintained by different local authorities (UNODC, 2016).

The United Nations Office on Drugs and Crimes (2016) reports that for the 85 countries on which data on victims were disaggregated into gender and age, 51 percent of the victims were women, 20 percent girls, 8 percent boys, and 21 percent men. This represents a changing pattern over the years, in which more men are identified as victims of trafficking.

Aggregate statistics hide regional differences and in Eastern Europe and Central Asia, for example, 53 percent of victims were men, and in Sub-Saharan Africa, 64 percent of identified victims were children (UNODC, 2016). Arrests and prosecutions are limited. In 2016, The US Department of State (2017) reported 14,897 prosecutions and only 9,071 convictions for human trafficking worldwide. These low numbers may indicate that trafficking is prosecuted under other legislation or may reflect problems in reporting or recording offenses.

FACTORS THAT CONTRIBUTE TO TRAFFICKING

The root causes of trafficking can be explained in terms of “push” and “pull” factors. Push factors include economic, political, and social conditions in the countries of origin that encourage individuals to migrate in search of a better life elsewhere. Specifically, rapid growth of population, persistent poverty, high unemployment, internal conflicts resulting in widespread violence and civil disorder, oppressive political regimes, corruption, gender discrimination, and grave violations of human rights push people from developing and poorer nations to migrate (Aronowitz, 2017, Bales, 2007).

Pull factors, or reasons why migration occurs to a particular country, can be attributed to the high demand for cheap manual labor and paid sex in destination countries. Children and women are targeted for the trade due to their powerlessness, innocence, and inability to protect themselves. They are easier to exploit and are less able to claim their rights.

Other factors that facilitate trafficking are the involvement of organized crime groups and corruption in countries of origin, transit, and destination.

TRAFFICKERS AND THEIR ORGANIZATIONS

Trafficking operations range from single individuals exploiting a single victim within a city or country, to highly sophisticated organizations that are able to move large numbers of people across numerous countries with the use of fraudulent documentation and the assistance of corrupt border guards. These organizations are then able to place their victims in various brothels, factories, construction sites, farms, or households. Somewhere in between these two extremes are loose networks of criminals (Aronowitz, 2009, 2017). Women play a major role in the crime of human trafficking and of the 6,800 persons who were convicted of trafficking during the years 2012–2014, about 40 percent were female (UNODC, 2016). Depending upon the complexity of the operation, the distance between the source and destination country, the number of people being moved, and the possible use of fraudulent documentation, trafficking units can be divided into several sub-units that specialize in a particular part or sequence of the operation. These sub-units provide various services from recruitment and escort to logistical support (Schloenhardt, 1999).

METHODS OF RECRUITMENT AND MARKETS OF EXPLOITATION

Methods of recruitment and the deceit used to lure the victim vary depending upon the source country, age, and gender of victims. False promises of marriage are used to traffic young girls from rural areas in Albania who are later forced into prostitution in Italy and other Western European countries. This *modus operandi* has been documented as the “loverboy” practice in

the Netherlands. In Western Africa, children are promised a good education, an internship, a job, or some small token such as a bicycle or radio. The children often leave willingly and are later forced into often life-threatening situations involving harsh manual labor. In Edo State, Nigeria, young female victims reportedly sign contracts promising to repay debts of up to \$50,000 prior to their departure for Western European countries where they are forced into prostitution. To ensure repayment, priests use a personal item from the victims to perform a voodoo ritual and thus bind the young women to their traffickers. In the Philippines, women have been known to travel to destinations such as Japan on formal contracts and "entertainer visas," subsequently being forced into prostitution in clubs, while men from India and Nepal are lured to the Gulf States through employment agencies and exploited in the construction industry. The USA has documented domestic sex trafficking of minors as well as a number of cases in which male migrant workers were lured to the country on false promises of good wages in agriculture and held in virtual bondage.

HARM TO VICTIMS: HUMAN RIGHTS AND PUBLIC HEALTH CONCERNS

Victims of trafficking are almost always subjected to various forms of physical, sexual, and psychological abuse. Their documents may be seized and their freedom restricted. Adult women forced into prostitution are also frequently coerced into taking drugs and alcohol. Many trafficked victims are subjected to abhorrent working, living, and sanitary conditions (Bales, 1999), during which time their movements are restricted and they are denied food, medical care, and proper shelter. If they come to the attention of immigration and enforcement officials in many destination countries, they are viewed not as victims of trafficking, but as illegal immigrants and willing accomplices in smuggling schemes. They are subsequently incarcerated and frequently deported without medical or psychological support or protection. Upon return to their countries of origin they are often vulnerable to "retrafficking" or retaliation if they cooperate with criminal justice authorities.

In addition to these human rights violations, a strong link has been established between trafficking in persons for prostitution and HIV/AIDS infection. Girls and young women are often forced to have unprotected sexual contacts with multiple partners, greatly increasing their risk of contracting sexually transmitted diseases (STDs) including HIV/AIDS. There is also a risk of unwanted pregnancy, early motherhood, and illnesses that might affect future reproductive ability (Oram et al., 2012). A study of trafficked victims in Nepal (Tsutsumi et al., 2008) found symptoms of depression, anxiety, and PTSD among victims of trafficking for both sexual and labor exploitation.

ENDING HUMAN TRAFFICKING AND VICTIMIZATION

Ending trafficking will require focusing upon the four Ps: prevention, prosecution, victim protection, and partnerships – between governmental and nongovernmental organizations, private industry, and faith-based organizations – at the grassroots, local, national, and international levels. The United Nations Office on Drugs and Crime, together with other international and local partners, has implemented various antitrafficking projects with services around the globe: providing advice on drafting and revising relevant legislation, advice and assistance on establishing and strengthening antitrafficking offices and units, training

for law enforcement officers, prosecutors, and judges, strengthening victim and witness support, and promoting awareness-raising. The International Organization for Migration, the International Labour Organization, the Organization for Security and Cooperation in Europe, and the United Nations Children's Fund have also been active in providing training to law enforcement, immigration, and judicial officers, in running awareness-raising campaigns targeting the general public and populations at risk, and in providing shelter, rehabilitation, skills training, and microcredit programs to repatriated victims.

A more permanent solution requires changes in social and economic policies, historical, gender, and cultural practices, and national-level initiatives to prevent vulnerable persons from falling prey to traffickers. Only long-term sustainable strategies, such as the eradication of poverty and corruption and the provision of education, job, and career opportunities for the most vulnerable populations in the society will truly eradicate trafficking (Aronowitz, 2017).

SUMMARY AND CONCLUSION

Human trafficking is a horrific crime covering a broad range of activities resulting in the exploitation of persons in prostitution, other forms of sexual exploitation, forced labor, slavery-like practices, or the removal of organs. It is an offense that may involve the exploitation and enslavement of a victim for a period of days to years. Trafficking is a sophisticated crime, almost always involving a degree of organization. It should be dealt with through investigation and prosecution of offenders for trafficking and any other criminal activities in which they engage.

Trafficking must be recognized as a human rights, public health, and criminal justice issue. Trafficked persons must be seen as victims of crime, and victim support and protection are important humanitarian objectives. Only by protecting victims can governments respect their human rights, restore their dignity, and hope to secure their cooperation in the prosecution of offenders. Failure to secure conviction of offenders and compensation for victims will allow traffickers to thrive on the countless number of those seeking a better future for themselves and their families.

REFERENCES

- Aronowitz, A. A. (2009). *Human trafficking, human misery: The global trade in human beings*. Westport, CT: Praeger Publishers.
- (2017). *Human trafficking: A reference handbook*. Santa Barbara, CA: ABC-CLIO.
- Bales, K. (1999). *Disposable people*. Berkeley, CA: University of California Press.
- (2007). What predicts human trafficking. *International Journal of Comparative and Applied Criminal Justice*, 31(2), 269–279.
- International Labour Organization. (2017). *Global estimates of modern slavery: Forced labour and forced marriage*. Geneva. Retrieved from www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575479.pdf.
- Oram, S., Stöckl, H., Busza, J., Howard, L., & Zimmerman, C. (2012). Prevalence and risk of violence and the physical, mental, and sexual health problems associated with human trafficking: Systematic review. *Plos Medicine*. Retrieved from <https://doi.org/10.1371/journal.pmed.1001224>.
- Schloenhardt, A. (1999). Organized crime and the business of migrant trafficking. *Crime, Law and Social Change*, 32, 203–233.

- Tsutsumi, A., Izutsu, T., Poudyal, A., Kato, S., & Marui, E. (2008). Mental health of female survivors of human trafficking in Nepal. *Social Science & Medicine*, 66, 1841-1847.
- United Nations Office on Drugs and Crime (UNODC). (2016). *Global report on trafficking in persons*. Vienna. Retrieved from www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf.
- US Department of State. (2017). *Trafficking in persons report 2017*. Washington, DC. Retrieved from www.state.gov/documents/organization/271339.pdf.

WEBSITES

- Anti-Slavery International. www.antislaveryinternational.org.
- International Labour Organization. www.ilo.org.
- International Organization for Migration (IOM). www.iom.int.
- US Department of State Office to Monitor and Combat Trafficking in Persons. www.state.gov/g/tip.
- United Nations Office on Drugs and Crime. www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html.

4 Migrant Smuggling

Paolo Campana

INTRODUCTION

Human smuggling, also referred to as “migrant smuggling” or “people smuggling,” is internationally defined by the UN Protocol against the Smuggling of Migrants by Land, Sea and Air (the Protocol). Adopted by the General Assembly in November 2000, the Protocol defines human smuggling as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident” (Article 3). As of April 2018, 112 countries have signed the Protocol and made human smuggling a criminal offense.

Based on the UN definition, the commodity at stake is the illegal entry into a country. In the jargon of law enforcement agencies this same commodity is often defined as “illegal border crossing.” This commodity is typically exchanged between a smuggler, or group of smugglers, and a prospective migrant. Human smuggling is primarily an offense against a state. When everything goes well in the smuggling process – i.e., the smuggler keeps his promise and the migrant safely reaches the chosen destination – the only victim is the state that has seen its borders and its right to exercise control over a given territory violated. This is a crucial point, as it separates human smuggling from human trafficking (see also Chapter 2). In the latter, the commodity at stake is control over a person for the purpose of exploitation. Human trafficking is, therefore, primarily an offense against an individual; the illegal entry into a country may be present, but it is an ancillary element and not a constitutive one (see Campana & Varese, 2016 for a discussion about the differences between trafficking and smuggling and the potential transitions from smuggling to trafficking). The two terms are often erroneously used interchangeably in the media coverage and public discourse, leading to confusion and thus hindering our ability to develop effective policies.

The UN definition also stipulates that, for the offense of human smuggling to be present, there has to be a financial or other material benefit for the smuggler. This places genuine humanitarian actions taken to help migrants in situations where such aid is needed to protect their physical integrity with no financial gain for the helper outside of the definition of human smuggling. This humanitarian provision is sometimes disregarded by states.

ASSESSING THE SCALE OF THE PHENOMENON

Reliable statistics on human smuggling are difficult to compile. As noted by McAuliffe and Laczo (2016, p. 10), “only a minority of countries in the world produce comparable national data on the scale of migrant smuggling each year, and [...] there is no global estimate of the magnitude of migrant smuggling.” There are a number of reasons why reliable evidence is difficult to obtain. First, human smuggling takes place under a condition of illegality, in which both smugglers and migrants may have an incentive not to leave traces during the smuggling process. Second, some states may lack the capacity and resources to collect data on smuggling. Furthermore, states too may have an incentive not to make such data publicly accessible, for both political and security reasons. For instance, in the case of Australia, the launch of the “military-led Operation Sovereign Borders in 2013 was accompanied by new and substantial restrictions on the release of information about smuggled migrants and SIEVs [Suspected Illegal Entry Vessels]” (Gallagher & McAuliffe, 2016, p. 223).

Some countries might report aggregate data on irregular migration rather than human smuggling. Assessing human smuggling based on such data, however, can be challenging as not all the cases of irregular migration involve the assistance of a smuggler. The number of asylum applications is sometimes used as a proxy for human smuggling. However, not all asylum seekers have necessarily used the service of a smuggler, nor have all of the smuggled individuals lodged an asylum application. Furthermore, in certain circumstances, individuals might lodge more than one asylum application.

The official data available on human smuggling tend to be produced by law enforcement agencies, for instance in the form of detected illegal border crossings. Law enforcement statistics are characterized by a number of limitations. First, numbers may be influenced by changes in the level of policing rather than changes in the actual phenomenon. Second, statistics normally refer to crossings rather than individuals; when the smuggling process extends across countries, there is a concrete risk of double-counting the same individuals. In addition, law enforcement statistics do not include migrants and crossings that are not detected. This makes it difficult to take into account instances in which the journey has resulted in deaths. According to McAuliffe and Lackzo (2016, p. 12), “very few countries around the world collect official data on the number of deaths that occur when migrants try to cross borders with the help of smugglers.” Yet, notwithstanding their limitations, law enforcement statistics often constitute the best – and sometimes the only – source of data available. The European Union, through its border and coast guard agency Frontex, produces quarterly risk analyses and annual reports that are made publicly available in a rather timely fashion. These publications include a wealth of statistics on illegal border crossings, returns, overstaying, and the use of fraudulent documents (see Figure 4.1). The International Organization for Migration (IOM) also collects and disseminates data on migration flows and missing migrants through a number of open databases (see the list of websites below). Other sources of data are the UN Refugee Agency (UNHCR) and the UN Office on Drugs and Crime (UNODC). UNODC’s Global Study on the Smuggling of Migrants (2018) offers a very good overview of the phenomenon worldwide and an insightful starting point to explore current trends in human smuggling.

THE MARKET FOR SMUGGLING SERVICES

Analytically, we can think of human smuggling as a market in which the commodity traded is the illegal entry into a country for a profit (Campana, 2017). Markets, by definition, are characterized by supply and demand. In this specific instance, migrants constitute the demand side of the market. They are willing to buy a service, i.e., illegal entry into a country, for a variety of reasons that include leaving war zones, extreme poverty, economic hardship, or persecution (although a discussion of the motivations to migrate is beyond the scope of this contribution). The demand for smuggling services is satisfied by a number of sellers. In this specific market, sellers are collectively defined as smugglers.

The market approach helps us understand how smuggling works in practice. By virtue of being a general framework, it also helps us draw comparisons across countries and smuggling routes. Bilger et al. (2006, p. 59) interpret human smuggling as a “transnational service industry linking service providers (human smugglers) with their clients.” This specific industry is characterized by asymmetric information between smugglers and migrants, e.g., on the quality of the service provided by the former, as well as high risk and uncertainty.

Interpreting smuggling as a business is not the only approach. Some scholars have applied a socio-legal approach to investigate the tension between the rights of states and the rights of individuals. Other scholars have placed human smuggling within the broader migration literature or within a global political economy framework (see Baird & van Liempt, 2016, for a discussion). Each approach sheds light on a different aspect of human smuggling, and in so doing furthers our ability to gain a comprehensive understanding of the phenomenon. It is perhaps of little surprise that such a complex and multifaceted practice as human smuggling can be fruitfully tackled from different angles.

THE STRUCTURE OF HUMAN SMUGGLING

How are smuggling activities organized? Zhang and Chin (2002) have investigated the structure of smuggling operations between China and the USA and concluded that such operations “are made up of decentralized associations of criminals of diverse backgrounds, and the relationships among core members are mostly horizontal” (Zhang & Chin, 2002, p. 759). The smugglers were found to be a rather heterogeneous set including small business owners, handymen, taxi drivers, fruit stand owners, fast food restaurant owners, housewives, massage parlor owners, police officers, and government officials (Zhang & Chin, 2002, p. 745). Zhang and Chin describe the network of smugglers as a “task force, committed to one task or one operation at a time—that is, to deliver their clients to their destiny and get paid” (Zhang & Chin, 2002, p. 750). These task forces, they add, tend to be rather small in number with a core group of generally three or four individuals brought together purely by business arrangements.

Içduygu and Toktas (2002) have explored the organizational arrangements underpinning the movement of Iraqi and Iranian irregular migrants. They described the smuggling operations as “a loosely cast network, consisting of hundreds of independent smaller units which cooperate along the way” (Içduygu & Toktas, 2002, p. 46). Smugglers would adopt a “hand-to-hand” approach, that is, handing over migrants directly to another smuggler after a border crossing (Içduygu & Toktas, 2002, p. 46). Similarly, Sanchez (2015, p. 44) investigated

smuggling operations between the USA and Mexico and found no evidence of “the existence of a single, centralized, power providing operational or logical support in any of the smuggling groups identified.” The exact opposite seems to be the case, as she notes that “there was never any kind of leadership” (Sanchez, 2015, p. 44).

Campana (2018) offers the first formal modeling of human smuggling operations. Quantitative data on interactions among smugglers operating between the Horn of Africa and Northern Europe via Libya and Italy were extracted from court files and then analyzed using a set of statistical techniques for social network analysis. This work has shown that smuggling activities on this particular route are segmented and carried out by localized and very rudimentary hierarchies. The reach of these hierarchies tends to remain local in scope. Additionally, this work has found no evidence of a single hierarchical organization, but rather a collection of independent actors. Even in networks involved in the supply of a truly transnational commodity, namely the movement of people from the Horn of Africa to Northern Europe, the local dimension still appears to play an important role. For instance, smugglers who are involved in the same stage of the journey are more than six times more likely to coordinate. Furthermore, this work has found strong indications of competition among smugglers – a “far cry from the idea that smuggling markets are characterized by the presence of kingpins who can exert monopolistic control over a certain route” (Campana, 2018, p. 16).

The same work also found no evidence of any involvement of the Sicilian Mafia in smuggling activities taking place in Sicily or elsewhere, despite the Italian island being a key stage in the smuggling route. No payment of protection money was identified in Sicily, which indicates that the roles of smugglers and of racketeers are clearly distinct. This is a crucial point. A clear distinction between smugglers and militia members (“protectors”) was also found on the African side of the operations. A statistical analysis of the interactions that took place in Libya has shown that smugglers are more likely to coordinate with fellow smugglers and militia members with other militia members. Again, the role of smuggler and that of protector appears to be clearly distinct. This does not, however, imply complete separation as cross-role interactions did take place in Libya, mostly in the form of smugglers paying bribes to militia members to be able to operate. A similar picture emerges in relation to the West African route explored by Brachet (2018, p. 29) using an ethnographic approach: “These so-called transnational networks are in fact rather fragmented and uncoordinated chains of actors [...] There are no transnational criminal networks in Agadez but rather small-scale low-investment activities.”

CONCLUSIONS

Human smuggling appears to be characterized by the presence of small-scale independent operators that show a high degree of segmentation and fragmentation in their operations. Smugglers do not tend to monopolize the market in which they operate. This is a far cry from how mafia-like organizations are structured and operate (see also Chapter 27). The polycentric nature of human smuggling and the presence of multiple independent, competing smugglers poses a formidable challenge to the authorities: following the removal of an individual smuggler, the remaining smugglers will try to seize this opportunity and

expand their “market” share. Such challenges are exacerbated by the fact that, as an industry, human smuggling is characterized by low barriers to entry and a rather low level of required resources – i.e., low skill and low capital requirements (Campana, 2017; see also Zhang & Chin, 2002, p. 747; Brachet 2018, p. 29). Crucially, given the separation between protectors and smugglers, a more effective set of policies might target the former to reduce opportunities for the latter. In addition, a different set of policies can be devised to reduce the demand for smuggling services, e.g., the adoption of schemes that resettle refugees directly from conflict zones or the provision of a higher number of work and study visas.

Tackling human smuggling poses a number of moral dilemmas. For instance, an effective naval operation to rescue migrants at sea, such as the ones launched by Italy and the European Union, may increase the number of arrivals, as smugglers incorporate the rescue efforts into their modus operandi; however, in the absence of such operations, migrants would face death under the watch of developed countries. Rescue operations are just one example of the tension between humanitarian and securitarian approaches to human smuggling.

REFERENCES

- Baird, T. & van Liempt, I. (2016). Scrutinising the double disadvantage: Knowledge production in the messy field of migrant smuggling. *Journal of Ethnic and Migration Studies*, 42(3), 400–417.
- Bilger, V., Hofmann, M., & Jandl, M. (2006). Human smuggling as a transnational service industry: Evidence from Austria. *International Migration*, 44(4), 59–93.
- Brachet, J. (2018). Manufacturing smugglers: From irregular to clandestine mobility in Sahara. *The Annals of The American Academy of Political and Social Science*, 676, 16–35.
- Campana, P. (2018). Out of Africa: The organization of migrant smuggling across the Mediterranean. *European Journal of Criminology*, 15(4), 481–502, doi.org/10.1177/1477370817749179.
- (2017). The market for human smuggling into Europe: A macro perspective. *In Policing*, 11(4), 448–456.
- & Varese, F. (2016). Exploitation in human trafficking and smuggling. *European Journal on Criminal Policy and Research*, 22(1), 89–105.
- Gallagher, A. & McAuliffe, M. L. (2016). South-East Asia and Australia. In M. L. McAuliffe and F. Laczko (Eds.), *Migrant smuggling data and research* (pp. 211–241). Geneva: International Organization for Migration.
- Içduygu, A. & Toktas, S. (2002). How do smuggling and trafficking operate via irregular border crossings in the Middle East? Evidence from fieldwork in Turkey. *International Migration*, 40(6), 25–54.
- McAuliffe, M. L. & Laczko, F. (2016). Report overview. In M. L. McAuliffe and F. Laczko (Eds.), *Migrant smuggling data and research* (pp. 1–24). Geneva: International Organization for Migration.
- Sanchez, G. E. (2015). *Human smuggling and border crossing*. Abingdon and New York: Routledge.
- United Nations Office on Drugs and Crime (UNODC). (2018). *Global study on smuggling of migrants*. Vienna: United Nations Office on Drugs and Crime.
- Zhang, S. & Chin, K. L. (2002). Enter the dragon: Inside Chinese human smuggling organisations. *Criminology*, 40(4), 737–768.

WEBSITES

- UNODC Smuggling of Migrants Knowledge Portal. www.unodc.org/cld/en/v3/som/.
- North Africa Mixed Migration Hub. www.mixedmigrationhub.org/.

13 Money Laundering

David C. Hicks and Adam Graycar

INTRODUCTION

This chapter offers a selective review of international standards and definitions, the global scope and traditional stages of money laundering, and available evidence surrounding the effectiveness of the regimes and the respective implementation in the United States of America (USA) and United Kingdom (UK).

The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna Convention, 1988) signaled the beginning of the international drive, and parallel national responses, to target money laundering. Early efforts focused on laundering linked to drugs and designated offences. From the turn of the century, international conventions and much national legislation has tended to include laundering related to all serious crimes (punishable by four or more years imprisonment) and virtually any interaction with the proceeds of crime.

The United Nations Convention against Transnational Organized Crime (Palermo Convention, 2000) established the generic and interactive categories of prevention and enforcement for international and parallel domestic responses to money laundering. Prevention activities focus on know-your-customer policies, the reporting of suspicious and other financial transactions, and the regulation and supervision of financial institutions with various sanctions for noncompliance. Enforcement activities focus on the underlying offences that generate the proceeds of crime and the associated investigation, prosecution, and punishment as well as criminal and civil asset recovery.

BACKGROUND

International Definition

There is a common-sense definition that focuses on turning "dirty money" into "clean money" or hiding the origins of the proceeds of crime. It is what people typically understand as the definition of money laundering. This general understanding should be contrasted with the Palermo Convention (2000). It established the international standard for states to criminalize when committed intentionally: (a) conversion or concealment of the proceeds of crime inclusive of the "financial" benefit; (b) acquisition, possession or use of property knowing

that it is the proceeds of crime; and (c) conspiracy or participation in facilitating or counselling the commission of offences. Although a cross-national review of efforts to implement the international standards is beyond the scope of the present chapter, a selective comparison of the USA and the UK is instructive.

US Definition

In the USA, the three core offences focus on: (a) conducting a transaction using the proceeds of crime, with the intent to disguise its origins, avoiding a transaction report, or committing another offence; (b) transporting the proceeds of crime into, out of, or through the country with the intent to disguise its origins; and (c) conducting transactions with funds represented as the proceeds of crime. Conducting transactions in illicit funds to the value of US\$10,000 or more is also criminalized using a statute commonly known as the "spending statute." The federal definition does not extend the definition of money laundering to any offence, but instead provides a focus on specified unlawful activity (SUA) as outlined under Title 18 USC § 1956(c)(7).

The list of SUA is extensive and includes crimes such as racketeering, controlled substance offences, bribery and offences against public funds, extradition or prosecution responsibilities under multi-lateral treaties, trafficking in persons, sexual exploitation of children, and any act or acts constituting a continuing criminal enterprise. It also includes computer fraud and abuse, trafficking in counterfeit goods and services, child pornography, and international terrorist acts and the financing of terrorism, among other items. The identification of each category of specified unlawful activity appears to demonstrate US legislative intent to highlight the most serious offences that should warrant the application of money laundering powers and prosecution.

UK Definition

In the UK the core money laundering offences under sections 327, 328, and 329 of the Proceeds of Crime Act 2002 include: (a) concealing, disguising, converting, transferring criminal property, and removing criminal property from the country; (b) entering into or becoming involved in an arrangement known, or suspected, to facilitate the acquisition, retention, use or control of criminal property by another person; and (c) acquiring, using, or possessing criminal property. Rather than attempting to specify offences, the UK definition is very broad and criminalizes virtually any direct or indirect interaction with the proceeds of crime or the proceeds for crime.

Under section 326 of the Proceeds of Crime Act 2002, criminal conduct is defined as "an offence" in any part of the UK or if it occurred in another jurisdiction. It is thus applicable to any offence, whether criminal, regulatory, or otherwise. It is applicable to any person who benefits in whole or in part, directly or indirectly, from criminal conduct. The targeting of criminal property is very broad and inclusive of money as well as intangible, real, and all forms of property relating to criminal conduct. This demonstrates UK legislative intent to advance a generalized crime reduction program by tackling the proceeds of crime and the proceeds for crime.

Whether the above definitions offer a specific or general focus, the consistent themes appear to be a broad approach to criminalizing virtually any interaction with the proceeds

of crime as well as the intent to convert or conceal the proceeds of crime. There also seems to be a recognition that money laundering may not be a single act in many instances but may often reflect an ongoing process of continuing criminality. The complexity of that process relates to offender circumstances, in addition to the nature of their interaction with financial and related service providers, and the regulatory and control architecture in a given jurisdiction.

DISCUSSION

Global Scope and the Stages of Money Laundering

The United Nations Office on Drugs and Crime (UNODC, 2011) offered an overall best estimate that criminal proceeds of crime are approximately 3.6 percent of international gross domestic product (GDP), which was equivalent to US\$2.1 trillion in 2009. The volume of criminal proceeds involved in money laundering were estimated at nearly 2.7 percent of worldwide GDP, which was equivalent to US\$1.6 trillion in 2009. Readers should note that these approximations exclude tax and customs-related money laundering. Their inclusion would result in meeting or exceeding the upper band of the International Monetary Fund (IMF) estimate that 2–5 percent of global GDP involves money laundering (Quirk, 1996). Once the proceeds of crime are generated through the course of committing an underlying offence(s), a common description of the (illicit drug-related) money laundering process is as follows.

- *Placement* refers to converting the proceeds of crime into financial instruments such as bank deposits or cashier's cheques.
- *Layering* refers to supplementary transactions such as wire transfers to move the funds around and obscure their criminal origins.
- *Integration* refers to the purchase or investment into legal assets such as real estate in order to enjoy the proceeds of crime and give them the appearance of legitimacy.

We should not be surprised to see similarities and differences between jurisdictions in terms of the underlying offences and volumes of money laundering. The traditional decades-long emphasis on illicit drugs may increasingly be eclipsed by other categories such as fraud, cybercrime, and tax- and customs-related offences (Hicks, 2010; Reuter & Truman, 2004; UNODC, 2011). Those involved in illicit drug offences may conform most closely to the typical stages of money laundering, but it should be clear to the reader that fraud and online offences may skip the placement stage. The layering stage may also (potentially) be skipped where it is integral to the underlying offence(s) such as malfeasance relating to corporate accounts. Readers who wish to explore money laundering examples or case studies should refer to the methods and trends section of the Financial Action Task Force (FATF) website as well as the following sources (Hicks, 2010; Reuter & Truman, 2004; UNODC, 2011).

One of the key outcomes of the availability and use of money laundering powers and controls is forfeiture or confiscation. In simple terms, the proceeds of/for crime should be recoverable assets that can be taken away from offenders. Forfeited or confiscated assets can

then revert to the state and be shared amongst government and law enforcement agencies and victims, as well as being used for crime prevention and community safety initiatives.

Forfeiture in the USA

According to the US Government Accountability Office (USGAO, 2012), in 2011 the value of US\$9.4 billion was held in the combined Assets Forfeiture Fund (AFF) of the Department of Justice and the Treasury Forfeiture Fund (TFF). The primary goals of the programs are: 1) to punish and deter criminal activity and deprive offenders of criminal property; 2) to enhance law enforcement agency cooperation and sharing of recovered assets; and 3) to generate revenue in support of enforcement and forfeiture activities. Data revealed that the development and maintenance costs of the multiple Justice and Treasury asset tracking systems amounted to US\$26.6 million in 2011. The auditors found duplication of systems and processes between the two funds in terms of physically separate holding facilities and different information communication systems for tracking.

The USGAO (2016) found that from 2009 through 2015, nearly US\$12 billion was imposed in fines, penalties, and forfeitures against financial institutions relating to bank secrecy/anti-money laundering regulations, foreign corrupt practices, and sanctions programs. The above amount was deposited into the AFF and TFF accounts respectively with less than 1 percent of the assessments not collected. The funds distributed US\$1.1 billion to law enforcement up to December 2015, about US\$2 billion was to be distributed to victims, and the remainder to support forfeiture programs or other enforcement expenses.

Confiscation in the UK

According to the UK National Audit Office (UKNAO, 2013), since 1987 a total of £1 billion was collected from confiscation orders with £1.46 billion in outstanding confiscation order debt. It was estimated that 26 pence were confiscated for every £100 of proceeds of crime, and £133 million were collected in 2012–2013 at an estimated annual cost of £102 million for the confiscation order process. The audit report concluded that the process for confiscating criminal assets was “not working well enough” with the lack of a coherent overall strategy. Further problems included a flawed incentive program for participating agencies with weak accountability for confiscation enforcement, the absence of good performance data and benchmarks, insufficient awareness of proceeds-of-crime legislation, and outdated information technology systems as well as a lack of joined-up systems.

The response to the audit report largely focused on revisits for outstanding confiscation orders. The UK Government initiated a review of all outstanding files and efforts to assess and enforce existing confiscation orders against offenders. The UKNAO (2016) revisited the issue and found only some progress against recommendations and no transformation of the confiscation system. The auditors noted that £155 million was collected in 2014–2015, demonstrating better enforcement of existing confiscation orders, but they remained concerned about the lack of awareness of proceeds-of-crime legislation and its application to restrain the proceeds of crime early in investigations toward confiscation upon conviction. The joining-up of information communication technology and process appears to remain an ongoing problem.

CONCLUSION

This chapter provided a discussion of international standards and definitions, the global scope, and the traditional stages of money laundering, and available evidence surrounding the effectiveness of the regimes and the respective implementation in two selected jurisdictions. The USA and UK have advanced systems to conform to international standards to tackle money laundering, disrupt and deter criminality, and to deny offenders from enjoying the benefits of the proceeds of crime. The two countries appear to share similar problems of the lack of joined-up approaches to information communication technologies to track asset recovery goals. This should not be understood in isolation as an end-product. The product inevitably reflects the end-to-end process of the extent to which financial investigation is an embedded component in law enforcement. This embeddedness includes (but is not limited to) investigative strategy and tactics for pre-seizure planning, post-seizure activities to restrain and maintain the value of assets, and post-conviction management of assets (USGAO, 2012, 2016; UKNAO, 2013, 2016).

The amounts subject to successful confiscation in the UK, after adjusting for population size differences, appear to be significantly lower than the US forfeiture amounts. This discrepancy needs deeper examination than is possible in the context of this brief chapter. The UK legislative intent to apply money laundering powers and controls to any offence seems not to have occurred, and often appears limited to established targets of risk and threat such as organized crime (Brown et al., 2012). Despite the introduction of the Criminal Finances Act 2017, which offers new and adapted provisions to UK law enforcement, there appear to be continuing calls for new legislation and powers. Hopefully, the present chapter has clarified to the reader that there is still much work to do to implement existing legislation and powers. The challenge is to systematically embed financial investigation and money laundering powers to disrupt and deter those who benefit from the proceeds of/for crime.

REFERENCES

- Brown, R., Evans, E., Webb S., Holdaway, S., Berry, G., Chenery, S., Gresty, B., & Jones, M. (2012). The contribution of financial investigation to tackling organised crime: A qualitative study. *Research Report 65. Key implications*. Retrieved from www.gov.uk/government/uploads/system/uploads/attachment_data/file/116518/horr65.pdf.
- Hicks, D. C. (2010). Money laundering. In F. Brookman et al. (Eds.), *Handbook of crime* (pp. 712–725). Cullompton, Devon: Willan.
- Quirk, P. J. (1996). *Macroeconomic implications of money laundering* (Working Paper 96/66). Washington, DC: International Monetary Fund (IMF).
- Reuter, P. & Truman, E. M. (2004). *Chasing dirty money: The fight against money laundering*. Washington, DC: Institute for International Economics.
- UK National Audit Office (UKNAO). (2013, December 13). *Confiscation orders*. London: Stationery Office Limited. Retrieved from www.nao.org.uk/wp-content/uploads/2013/12/10318-001-Confiscation-Book.pdf.
- (2016). *Confiscation orders: Progress review*. London: Stationery Office Limited. Retrieved from www.nao.org.uk/wp-content/uploads/2016/03/Confiscation-orders-progress-review.pdf.
- United Nations Office on Drugs and Crime. (2011). *Estimating illicit financial flows resulting from drug trafficking and other transnational organized crimes*. Retrieved from www.unodc.org/documents/data-and-analysis/Studies/Illicit_financial_flows_2011_web.pdf.

25 Terrorism

Graeme Newman and Ronald V. Clarke

Criminology and criminal justice programs were late in recognizing the relevance of terrorism to international criminology because it was thought that terrorism was completely different from crime, the province of political scientists. But it was also because the traditional approaches of criminology have remained preoccupied with root causes of crime and have been only secondarily interested in how to prevent it. The 9/11 attack demanded immediate action to make sure that nothing like it ever happened again. Applying the perspective of situational crime prevention, this chapter will demonstrate that it is possible to explain terrorism and develop a systematic way to prevent it without necessarily studying its "root causes."

DEFINING TERRORISM

There have been many attempts to define terrorism, and the definition of the FBI states that:

"Terrorism is the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives."

This definition states clearly that terrorism is unlawful, but, as might be expected in an "official" government definition, it leaves open the problem of "freedom fighters" acting against an unlawful government. Like other definitions the FBI makes force and violence central to a description of terrorism. While the majority of terrorist attacks are obviously violent (some are not, such as cyberterrorism), focusing on the violence itself ignores the conditions and behaviors that make for the successful completion of terrorist attacks. These are the opportunities of which terrorists take advantage. Research in situational crime prevention has shown that offenders develop many techniques and procedures as they carry out different kinds of crimes, from car theft to credit card fraud. It is necessary to identify these crime-specific conditions and environmental situations in which they occur in order to identify points of intervention. Generally, these conditions reveal the opportunities that make criminal behavior possible.

In applying this approach to terrorism, the precise definition of terrorism becomes of secondary importance and we may simply say that terrorism is crime with a political motive. This is also an unsatisfactory definition, not because it calls terrorism crime, but because it uses two highly abstract words, "political" and "crime," which hide vastly different kinds of

acts. For example, successfully carrying out a suicide bombing in a restaurant requires a completely different sequence of acts (in terms of preparation, planning, and operations) than hijacking an airliner and holding the passengers and crew for ransom. And each act requires that a completely different set of actions be taken to prevent them. This is the central lesson also of decades of research on situational prevention.

In sum, from a situational crime prevention point of view, there is no essential difference between crime and terrorism. As with crime, in order to design ways to prevent terrorism we need to identify the opportunities in society and the physical environment that terrorists exploit in order to carry out the specific kinds of attacks they are planning, whether these are airliner hijackings, political assassinations, suicide bombings, bombings of buildings, mass shooting of civilians, roadside bombs, etc. This approach addresses squarely the immediate and urgent need of taking steps to prevent terrorist attacks like 9/11 from happening again. It focuses on reducing opportunities by manipulating or altering the conditions that surround the immediate environment in which the terrorist operates. The path or journey taken by the offender to the completion of his or her terrorist act is blocked or even removed. In other words, we ask not why they do it, but how they do it.

THE "ROOT CAUSES" OF TERRORISM

Critics of situational prevention insist that one cannot prevent terrorism unless one eradicates its root causes. They argue terrorists are different from criminals because terrorists are motivated by a "higher cause." Terrorists are motivated by their ideology, while criminals are motivated by greed or some other base human trait. That Islamic extremists, far-right militias, or Marxist guerillas inflict violence in the service of their "higher" cause, is better seen as: a) justifications or excuses (rather than explanations) for what they do and: b) expressions of their belief that violence is the most effective means of achieving their distant goal, which is usually toppling a government, or forcing an opponent to stop what it is doing (e.g., getting the USA to leave Iraq, or getting researchers to stop using animals for experimentation, or bringing about a caliphate).

Ideology does not predict which targets will be attacked. Routine suicide bombing attacks in the Palestine territories, for example, do not primarily target synagogues or places of worship, but rather restaurants and places where many people gather. When places of worship are attacked, this is usually for tactical or strategic reasons (e.g., to inflame interethnic violence in Iraq) rather than ideological ones.

One characteristic of terrorism that sets it apart from other kinds of crime is that most terrorists depend on publicity to magnify the impact of their attacks. This means that they must make their attacks a media affair but at the same time keep their organizations and actions secret. Even though the publicity of terrorist acts is usually accompanied by ideological justifications, it is essentially tactical since it makes up for terrorists' lack of firepower compared to the usual overwhelming weaponry possessed by any given government that may be its enemy (hence the concept of "asymmetrical warfare"). Unprotected targets, therefore, that produce the most media coverage are ideal.

In sum, the operational demands of terrorists to maximize the successful completion of their attacks will almost always outweigh whatever ideologies they claim are the reasons for their attacks.

INTERNATIONAL AND DOMESTIC TERRORISM

Terrorism is generally divided into two kinds: domestic and international. However, globalization continues to blur the boundaries between domestic and international because:

- globalization makes it much easier for terrorist groups, domestic or foreign, to purchase weapons;
- international drug dealing and human trafficking, which always have a domestic source and destination, is a ready source of finance to terrorists;
- terrorist groups that are well established within particular countries depend on foreign sources for financial and other kinds of support.

The IRA in Northern Ireland is a typical example. Before 9/11 it received financial support from sympathizers in the USA and was able to purchase Semtex explosives from Muammar Kaddafi of Libya. These kinds of supply chains have made it possible for groups such as the IRA and the various terrorist groups in Palestine (e.g., Hamas) to conduct frequent attacks within countries on a routine basis. The appearance of suicide bombings in Paris in November 2015 were made possible by new supply chains established by means of the uncontrolled migration from the centers of suicide bombing operations in North Africa.

In the USA, domestic terrorism has been mostly limited to acts by single-issue terrorists such as the right-to-life or environmentalist extremists, or isolated hate crimes by individuals or militia groups. Vastly more attacks carried out against the USA occur not on US soil, but at US embassies and other establishments in foreign countries. The explanation for this is simple: terrorists find it operationally much easier to carry out attacks in locations close to home (the same goes for burglars). Iraq was much closer to home for Al Qaeda than the North American continent. Thus, the presence of many US personnel and structures in the Middle East made them the most attractive and easiest targets compared to the extensive organizational demands needed to carry out similar attacks in the continental USA. This is why that to date there have been no suicide bombings in New York City's restaurants.

HOW MUCH TERRORISM IS THERE?

Counting terrorist acts is very difficult, not least because of definitional problems but also because many of these acts take place in countries that are not accustomed to keeping good statistical records. One widely used way to count terrorist acts is through newspaper and media reports. This method is used by the Global Terrorism Database (GTD), which shows that, worldwide, terrorist incidents rose from less than 200 in 1970, to some 5,000 in the 1990s and early 2000s. By 2012 a sharp rise in incidents began, driven by exceptional levels of violence attributed to the growing Islamic State and allied groups around the world. This rise peaked in 2014 followed by significant declines in 2015 and 2016. The lethality of these attacks has also increased greatly, with dramatic increases in injuries and a noticeable increase in deaths. This is no doubt because of the ready availability throughout the world of greatly enhanced conventional weapons of many kinds, including easy-to-use plastic explosives (e.g., Semtex, C2, C3, C4), add-on devices to single-shot rifles that make them repeaters, such as used in the Las Vegas mass shooting (2017), and the easily upgradable AR-15 used

in the Sandy Hook Elementary School shooting (2012) and the Marjory Stoneman Douglas High School shooting in Florida (2018).

PREVENTING TERRORISM

Given their premise of violence, terrorists will do what is, generally speaking, the easiest. This means that terrorists will survey the immediate environment in which they operate, taking advantage of opportunities that will make their job easier. These opportunities may be classified into four kinds.

1. *Targets.* Targets differ widely in their attractiveness: how easy they are to reach, how much impact their destruction will bring, whether they are occupied by many people, whether government or businesses, whether their destruction would be symbolic of victory.
2. *Weapons.* The range of weapons available and how appropriate they are for reaching the target are important considerations. Suicide bombers are used, not because of some fanatical Islamic ideology, but because they offer clear advantages such as removing the necessity of planning an escape route, increasing the chances of reaching the specific target, or even a substitute target if thwarted. Semtex explosive is used because it is small and easy to conceal under clothing. Terrorists, in fact, prefer weapons they know. Thus, they prefer conventional weapons, not weapons of mass destruction.
3. *Tools available for conducting the mission.* These are tangible products that are used in the course of an attack. Among these important and essential (depending on the mission) products for conducting terrorism are: vehicles, rented or stolen; cell phones, cash, and credit cards (it is difficult to rent a car in most places without a credit card, and buying a plane ticket with cash is viewed as suspicious); false documents such as passports, driving licenses; and information about targets such as maps, timetables, and schedules. All these tools that terrorists use are also tools that ordinary offenders use: stolen cars, stolen cell phones, false or stolen identities.
4. *Facilitating conditions.* These are the social and physical arrangements of modern society that make specific acts of terrorism possible.

Conditions that facilitate terrorist acts include:

- a local community that is sympathetic to the terrorists, or that can be used as cover by foreign terrorists
- an accessible arms market
- banking and market conditions that permit money laundering for obtaining financial support for terrorist operations
- lax or nonexistent security procedures by government agencies or businesses

Situational crime prevention research developed four principles of crime prevention that are aimed at making the successful completion of crime difficult for offenders. These are: increase the effort, increase the risks, reduce the rewards, and reduce provocations and excuses for the offender. If we put these together with the four pillars of opportunity, a quick guide to planning prevention and protection against terrorist attacks may be constructed as in Table 25.1. A prime example of the successful prevention of suicide bombings and reduction

Table 25.1. Four principles of situational prevention and the four pillars of opportunity for terrorism

	Targets	Weapons	Tools	Facilitating Conditions
Increase the Effort	Prioritize targets for protection; close streets, build walls and barriers.	Restrict sale of weapons; hold contractors liable for stolen explosives.	Eliminate high-value bank notes; make banks liable for money laundering.	High-tech passports, visas, driving licenses; national ID cards.
Increase the Risks	Strengthen surveillance through CCTV, citizen vigilance, hotlines.	RFIDs to track weapons; increase Internet surveillance of terrorist groups.	Make cars more difficult to steal, parts marking on all tools.	Tighten identity authentication procedures; tighten border controls.
Reduce the Rewards	Bomb-proof buildings, Kevlar vests; swift cleanup of attack site.	Locks and immobilizers to make weapons difficult to use.	Make cell phones and other tools unusable without ID to unlock.	Publicity to portray hypocrisy and cruelty of terrorist acts.
Reduce Provocations and Excuses	Unobtrusive public buildings at home and abroad.	Avoid use of controversial weapons such as phosphorous bombs.	Maintain positive relations with local communities.	Avoid maltreatment of prisoners; clear rules for interrogation.

of terrorist attacks generally in specific locations was the introduction of the West Bank barrier in Israel, which made it much harder (increased the effort and risk) for terrorists to reach their targets (Perry et al., 2016).

COLLECTING INTELLIGENCE

The popular view of almost all law enforcement approaches to terrorism is that intelligence is needed in order to identify, arrest, or otherwise “take out” the terrorists. While important, the take-them-out approach cannot provide all the protection that society needs because there are many other individuals ready to take the places of the terrorists arrested or killed. Instead, the collection of intelligence should be informed by the four main sources of terrorist opportunity and the four techniques of situational crime prevention as depicted in Table 25.1. Local police are in the best position to collect such intelligence. They must know their communities better than the terrorists, who depend on local knowledge to search out targets, gain access, and resources. It also follows that the interrogation of suspects should be focused on finding out how they carry out their acts rather than trying to extract names of other terrorists through coercive interrogation. The latter rests on an often-mistaken preconception that all terrorist acts are the result of some highly organized terrorist group with tentacles stretching around the world. Generally, this is not supported, even in the case of Al Qaeda.

SUMMARY AND CONCLUSION

Approaching terrorism from the point of view of situational crime prevention reveals many practical and policy choices that will help to prevent future terrorist attacks and to protect

targets within communities. Identifying the specific opportunities within the four pillars of terrorist opportunity available for terrorists is the first step, followed by identifying and protecting potential targets and collecting intelligence at the local level. Finally, responses to terrorism must be forward-looking, applying interventions that aim at making life harder for terrorists: increasing the efforts they must make, increasing their risks, reducing their rewards, and reducing provocations and excuses for their attacks.

REFERENCE

- Perry, S., Apel, R., Newman, G., & Clarke, R. (2016). The situational prevention of terrorism: An evaluation of the Israeli West Bank barrier. *Journal of Quantitative Criminology*, 33(4), 727-751.

35 Drug Cartels

Neither Holy, Nor Roman, Nor an Empire

Enrique Desmond Arias

In the 1980s, the term “cartel” became shorthand for powerful Colombian criminal syndicates that exported narcotics, as a result of the way that it dovetailed with the wider political discourse of the war on drugs (Kenney, 2007, pp. 235–234). The two most prominent groups were based in the cities of Medellín and Cali. The Colombian groups, which achieved immense notoriety and political power, became the targets of vigorous repression efforts on the part of the US and Colombian Governments that resulted in their destruction during the 1990s. These successes have had the effect of decentralizing the Colombian drug trade and shifting control of trafficking in the region to Mexican organizations. I will begin this chapter with a historical and political background of these groups, looking at how they operated, examining them from a theoretical perspective to understand why the term “cartel” is inappropriate, and will conclude with a comparison of Colombian and similarly named Mexican trafficking groups operating today.

BACKGROUND

During the nineteenth century, Colombia experienced several civil wars culminating in the Thousand Days War. Conflict again erupted in 1948 with the assassination of Jorge Gaitan, the leader of a reformist faction of the Liberal Party (Crandall, 2002, p. 55; Bowden, 2002, pp. 7–14). His supporters rioted for days and unrest spread to the countryside where an amorphous civil war known as *La Violencia* erupted. The conflict lasted until 1957 and resulted in the deaths of between 100,000 and 300,000 Colombians. A pact to end the conflict did not resolve the rancorous national tensions over social justice that motivated many combatants (Crandall, 2002, p. 57). As a result, in the 1960s a new civil war began between leftist guerrillas and the government.

The Andes Mountains are the natural home of the coca plant, which indigenous groups have long consumed to help with the back-breaking work of high-altitude farming as well as for medicinal and ritual purposes. In 1859 a German scientist developed a process to extract the active chemicals in coca to create cocaine hydrochloride. Over the next 20 years the drug became popularized for pharmaceutical and recreational purposes (Friman, 1999, p. 84). Cocaine was legal in the USA and was sold in pharmacies around the country until 1914 when the federal government passed narcotics controls (Spillane, 1999, p. 25).

North American and European demand increased in the 1960s. Until the early 1970s Chile was the leader of the international cocaine trade. In 1973, however, a military coup took place and the new government destroyed the local drug gangs (Thoumi, 1995, p. 130). Colombia became a player in the drug market in the late 1960s when US marijuana merchants encouraged small farmers to grow the plant after a crackdown on Mexican marijuana growing. While US citizens dominated trafficking during this period, Colombians saw the economic potential and developed the international connections to engage in large-scale narcotics trafficking.

Colombia's cocaine trade exploded after 1978. In that year, the television show "60 Minutes" broadcast an alarming report that the Carter Administration had internal documents proving connections between high-ranking Colombian officials, including presidential candidate Julio Cesar Turbay, and marijuana traffickers. Turbay was elected and, to shore up his relationship with the USA, unleashed the Colombian military on marijuana growers (Chepesiuk, 2003, p. 60). This pushed Colombian criminals into cocaine since it was easier to grow and harder to interdict.

COLOMBIA'S CARTELS

Colombia and its people are divided by large rivers, high mountain ridges, and dense jungles. Economically this has led to small groups of local elites dominating business through regional conglomerates. These practices ensured the diversified regional economies at the expense of national consolidation.

The cartels built the narcotics trade on the same principals. The result was the emergence of two prominent trafficking organizations based around groups of criminals from Medellin and Cali, the country's second- and third-largest cities. Colombia's approximately 100–200 trafficking organizations generally affiliated with one of these groups.

The Medellin Cartel, led by Pablo Escobar, Carlos Lehder, José Rodríguez Gacha, and the Ochoa brothers, played a major role in the early commercialization of cocaine in the USA (Anderson & Van Atta, 1988). Strategically, the Medellin traffickers enjoyed the advantage that a large proportion of the Colombian emigrants to the USA came from Medellin, providing them with a potential distribution network (Roldan, 1999, p. 166). With Carlos Lehder's purchase of Norman Cay, an island in the Bahamas, Medellin traffickers shifted the cocaine trade away from smuggling small amounts of drugs through *mulas* (mules) who carried the contraband on their persons to large-scale shipments by small airplane and boat (Thoumi, 1995, p. 143).

Medellin criminals enjoyed notoriety and sought public acceptance (Roldan, 1999, p. 169). This group was violent and freely used cash and threats to buy off state officials. Its leaders' aspirations to political power and popular acclaim led them to provide social services in areas where they had special connections. Pablo Escobar, for example, lavished money on his native town of Envigado and was elected an alternate representative to the Colombian legislature. Carlos Lehder provided social services in his home city of Armenia where he founded a right-wing nationalist political party (Thoumi, 1995, p. 141). These efforts had the effect of buying their leaders a certain amount of popular support and protection.

The Cali Cartel had a different reputation. Led by Jose "Chepe" Santacruz Londoño, Gilberto and Miguel Rodríguez-Orejuela, and Helmer "Pacho" Herrera Buitrago, this group

kept a lower profile (Clawson & Lee, 1996, p. 55). Its leaders frowned on overt violence against government officials and cooperated in state efforts to bring the Medellín Cartel to justice (Chepesiuk, 2003, p. 21). Cali traffickers put less emphasis on providing social services, instead reinvesting their money in the local economy to build support among the well-off. As Clawson and Lee (1996, pp. 58–59) write, “[i]n general, Cali’s protection strategy has relied on establishing good relations with the power elite, not in cultivating a following among the poor.”

In principle the two major cartels divided control over export markets with Medellín controlling Miami and Cali controlling New York, but often found themselves during the 1980s in turf conflicts. The Medellín traffickers opposed US extradition efforts, eventually leading to the assassination of Luis Carlos Galán, a charismatic presidential candidate, and Rodrigo Lara Bonilla, a young attorney general, and, among countless other atrocities, blew up a jet with 133 passengers aboard in efforts to kill Galán. Colombian police, in collaboration with US agents, executed 208 alleged cartel members and, finally, assassinated Escobar in 1993, dismantling the group by the mid-1990s (Clawson & Lee, 1996, p. 54).

Law enforcement resources only began to focus on the Cali Cartel in earnest in 1994. During the elections that year, the US Embassy received strong evidence that traffickers had donated US\$3.5 million to Ernesto Samper’s presidential campaign. To mollify US sentiments, Samper pursued a vigorous campaign against the Cali Cartel, leading to the arrest of the most important members of the group.

In the generation since Colombian criminal organizations have taken on multiple different structures. For the most part, Colombian criminal organizations have become significantly smaller and have ceded large portions of the international cocaine trade to Mexican crime groups. For the most part the Colombian drug trade from the 1990s forward has been dominated by criminal organizations affiliated with Colombia’s right-wing paramilitaries. In 2002, the Colombian Government began a demobilization process in which these groups agreed to turn in their arms. Many of these organizations re-formed themselves into regional criminal organizations that have taken control of the drug trade in different parts of the country. Over time, most of these groups have further broken apart into still significant but nevertheless much reduced criminal organizations spread across national territory. The most significant of these post-paramilitary groups is the Autodefensas Gaitanistas de Colombia, also known as the Urabeños, Clan Usuga, and Clan del Golfo. Guerilla groups have also played an important role in the Colombian organizations in protecting cocaine growing areas. With the demobilization of some portions of the FARC in 2017 a number of FARC units have remained in the field as dissidents that have, in some cases, taken on an increasingly criminal form. The ELN and EPL remain active, especially in Choco, Norte de Santander, and Arauca. All of these organizations engage in the drug trade as well as illicit taxation, kidnapping, and extortion.

DYNAMICS OF CARTELS

From a technical perspective, a cartel is a group of economic actors who use their collective market power to fix prices. The Organization of Petroleum Exporting States (OPEC) is a classic cartel whose members set production quotas to reduce oil supply and inflate prices. DeBeers, a South African company that manages the world diamond trade on behalf of major

producers, operates as a cartel by setting production quotas, purchasing stones, and limiting wholesale distribution.

Colombian criminals never had any interest in reducing the supply of cocaine since prohibition reduced supply and ensured profits. Rather, the cartels operated more along the lines of export syndicates, bringing together criminals to collectively overcome economic and political barriers to export (Thoumi, 1995, pp. 93–108).

Operating through clandestine networks to avoid arrest (Kenney, 2007, pp. 241–242), Colombia's two major criminal groups independently pooled their resources for political lobbying through bribes and violence. In these efforts the Cali Cartel preferred bribes, whereas the Medellin group was given to high-profile violence. The Cali and Medellin Cartels also worked separately to protect the interests of their organizations. After the kidnapping of the sister of a Medellin trafficker, the cartels agreed not to pay ransom and jointly formed *Muerte a los Sequestradores* (Death to Kidnappers), which assassinated members of the guerrilla group that organized the kidnapping (Chepesiuk, 2003, p. 64). The cartels also developed the *apuntada* system, in which traffickers built relationships with legitimate entrepreneurs, allowing them to buy into shipments of cocaine through proxies, capitalizing the cocaine trade and permitting legitimate business people to profit from it (Thoumi, 2003, p. 96).

MEXICAN CARTELS

In recent years commentators have also applied the term “cartel” to Mexican drug trafficking organizations. These groups came to international attention in the 2000s as they took control of large portions of the cocaine trade from the waning Colombian organizations. With the critical exception of the Gulf Cartel, most of Mexico's criminal organizations have their roots among families of drug traffickers that emerged in the state of Sinaloa in the 1960s and 1970s, and in the late 1970s these groups became consolidated as the Guadalajara Cartel, based in Mexico's third-largest city, several hours by car from Sinaloa. The murder of DEA agent Enrique Camarena in 1985 led to the destruction of the Guadalajara group. Its members then set up the Sinaloa, Tijuana, and Juarez Cartels. Among these the Sinaloa Cartel, led by Joaquín “El Chapo” Guzmán Loera, has emerged as the most powerful criminal organization in the country (Insight Crime, 2018). On the other side of Mexico, the Gulf Cartel arose as a result of ties in the 1980s to the Cali Cartel that stemmed from its ability to move drugs into the USA along the Caribbean coast of Mexico (Insight Crime, 2017). These groups had strong connections in the Mexican political system and eventually developed specialized units such as the Zetas and La Línea to undertake military operations (Cook, 2007, pp. 4–10).

In 2006, the Calderon Administration initiated large-scale operations against these organizations, arresting or killing many of their leaders. This had the effect of fracturing these larger organizations, generating a network of smaller criminal groups that have since competed viciously for around the country turf (Guerrero Gutiérrez, 2010). This led to the formation of second- and third-generation Mexican criminal organizations that have included the Zetas (a group that eventually separated from the Gulf Cartel), La Familia Michoacana, the Caballeros Templarios, and the Jalisco Cartel New Generation. The key factor tying these groups together is that they have emerged out of the conflict between the government and criminal groups. As old leaders have been arrested or killed, new leaders have taken over groups and pursued conflicts in order to take control of criminal turf in the country.

The Mexican drug trade is focused around *plazas*, which are drug sales locations and trafficking corridors through which drugs move toward the USA. Thus, the drug trade in Mexico is focused on controlling spaces through which narcotics are smuggled. The competition between these groups over smuggling corridors makes accommodation among them quite difficult, especially in light of state efforts to eliminate these groups' leaders. Within the spaces these groups control, they do not limit their activities to drug trafficking, often becoming involved in other criminal rackets.

CONCLUSION

Given governments' efforts to repress illegal activities, criminals have little reason to act as a cartel. Around the world other types of criminal organizations operate in different political and structural environments. Nevertheless, there is almost no evidence that these organizations collude to reduce the supplies of illegal commodities to drive up prices. Rather, these groups derive profits from undermining state-imposed scarcity of illicit goods and services.

Readers of this chapter should take away two lessons. First, the word "cartel" is a misnomer. These groups are not collectives of firms that aggregate market strength to control price. Rather, they operate as networked organizations to cooperatively assist criminal activities. Second, the Colombian cartels' vertical integration attracted governmental attention, resulting in the destruction of these organizations and their replacement with a looser set of gangs that have had just as much success delivering cocaine into North America and Europe.

REFERENCES

- Anderson, J. & Van Atta, D. (1988, August 24). The kings of the Medellin Cartel. *Washington Post*. Retrieved from www.washingtonpost.com/archive/lifestyle/food/1988/08/24/the-kings-of-the-medellin-cartel/d934d1bf-887e-4fcd-8223-9673292e5199/?utm_term=.caa68f947e2c.
- Bowden, M. (2002). *Killing Pablo: The hunt for the world's greatest outlaw*. New York: Penguin Books.
- Chepesiuk, R. (2003). *The bullet or the bribe: Taking down Colombia's Cali Drug Cartel*. Westport, CT: Praeger Publishers.
- Clawson, P. & Lee III, R. (1996). *The Andean cocaine industry*. New York: St. Martin's Gryphon.
- Cook, C. W. (2007, October 16). Mexico's drug cartels, CRS report for Congress: Foreign Affairs, Defence and Trade Division. Retrieved from www.fas.org/srg/crs/row/RL34215.pdf.
- Crandall, R. (2002). *Driven by drugs: US policy toward Colombia*. Boulder, CO: Lynne Rienner Publishers.
- Friman, H. R. (1999). Germany and the transformations of cocaine, 1960–1920. In P. Gootenberg (Ed.), *Cocaine: Global histories* (pp. 83–104). London: Routledge.
- Guerrero Gutiérrez, E. (2010, November 1). Cómo reducir la violencia en México. *Nexos*. Retrieved from www.nexos.com.mx/?p=13997.
- Insight Crime. (2018, January 24). Sinaloa Cartel. Retrieved from www.insightcrime.org/mexico-organized-crime-news/sinaloa-cartel-profile/.
- (2017, March 10). Gulf Cartel. Retrieved from www.insightcrime.org/mexico-organized-crime-news/gulf-cartel-profile/.
- Kenney, M. (2007). The architecture of drug trafficking: Network forms of organization in the Colombian cocaine trade. *Global Crime*, 8(3), 233–259.

53 Genocide, War Crimes, and Crimes against Humanity

George Andreopoulos

INTRODUCTION

The atrocities that have been associated with genocide, war crimes, and crimes against humanity have been witnessed throughout human history. Whether in times of war, or in times of peace, human wrongs have been committed against fellow human beings, often in a systematic or widespread manner, irrespective of existing moral and legal restraints. While each of these concepts has followed its own trajectory, there are considerable overlaps among them.

WAR CRIMES

"War crimes" refer to serious violations of treaty and customary rules applicable in situations of international and non-international armed conflict. The body of rules and customs that address issues pertaining to armed conflict situations are known as the laws of war, or international humanitarian law (IHL).

The changing nature of many modern-day conflicts (Kaldor, 2007) and the evolving jurisprudence of international tribunals have contributed to some interesting developments in IHL. Due to space limitations, two of these will be highlighted here: 1) the erosion of the distinction between international and non-international armed conflicts; and 2) the reinterpretation and further development of certain basic IHL concepts. Concerning the former, traditionally the rules and regulations covering international armed conflicts (that is, conflicts between two or more states, or between one or more states and a national liberation movement) were more fully developed, and perpetrators of abusive conduct could, and sometimes would, incur criminal responsibility. By contrast, the rules and regulations covering non-international armed conflicts were much less developed and violations committed during such conflicts were not criminalized. Part of the reason for this reconsideration was the sheer brutality exhibited in many modern-day conflicts, in which the primary targets of combatants were the civilian population, as opposed to their armed opponents (Kaldor, 2007). In this context, the international criminalization of internal atrocities, as exemplified in the 1995 appeals chamber decision of the International Criminal Tribunal for the Former Yugoslavia (ICTY) in the *Tadic* case, constituted an important development (Meron, 1998). The decade-long ICRC study on customary international humanitarian law concluded "that

War crimes are violations of a special body of criminal law triggered by an armed conflict. They were comprehensively addressed in the Geneva Conventions of 1949, which are still considered the cornerstone of contemporary international humanitarian law. They define as war crimes a wide variety of inhumane acts, including the following examples: a Congolese warlord fighting for control of diamond mines in Ituri forces local children into his army as cannon fodder; Al Qaeda operatives crash airplanes into buildings in New York City with the intention of killing innocent civilians; and American guards sexually humiliate detainees in Iraq. Weisbord and Reyes, in Chapter 56, discuss why these acts fall under the Geneva Conventions and, at least on their face, qualify as war crimes.

According to the Rome Statute, crimes against humanity involve degradation of human dignity and the infliction of violence, in the course of a widespread or systematic attack intentionally directed against a civilian population. In 1976, UN General Assembly recognized the South African Government's policy of Apartheid as a crime against humanity. In Chapter 57, Helen Capstein describes the systematic persecution of black South Africans under Apartheid and shows that this fits the definition of a crime against humanity.

What constitutes the crime of aggression, the "supreme international crime," is still under discussion. In Chapter 58, Stefan Barriga seeks to clarify the definition by considering questions such as: which instances of the use of force would qualify, by their character, gravity, and scale, as "manifest" violations of the UN Charter? Does criminal responsibility for the crime of aggression rest with leaders only? Why should it be possible to hold an individual soldier accountable for war crimes, but not the state for which he is fighting? Anamika Twyman-Ghoshal provides a contemporary criminological perspective of the crimes of the powerful on four key areas (see Chapter 59), including state crimes that constitute some elements of the Rome Statute.

many rules of customary international law apply in both international and non-international armed conflicts" (Henckaerts & Doswald-Beck, 2005). Concerning the latter, the evolving jurisprudence of the *ad hoc* tribunals on key concepts like that of protected persons has demonstrated the ability of international courts to maintain conceptual relevance in light of the changing context of warfare. In particular, in the *Celebici* case, the appeals chamber of the ICTY relied on a broad and purposive interpretation of the Geneva Conventions to rule that, given the nature of the conflict, nationality should not be the defining criterion for the protected status of persons; thus Bosnian Serbs, detained in a camp by Bosnian Muslims, should be regarded as "having been in the hands of a party to the conflict [...] of which they were not nationals," and, therefore, as protected persons (*Prosecutor v. Zejnil Delalic, Zdravko Mucic, Hazim Delic, and Esad Landzo*, 2001).

In addition to key conceptual developments, international criminal tribunals have highlighted the importance of relatively neglected offenses committed in conflict situations. A prominent example here relates to the obligation of parties to a conflict to safeguard and protect cultural property as stipulated in several legal instruments, including the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict. Individuals responsible for such violations incur international criminal responsibility under treaty and customary international law, irrespective of the nature of the conflict (international or non-international) (O' Keefe, 2006). In the *Strugar* case, the ICTY found the defendant guilty of "destruction and willful damage of cultural property," "caused by the JNA artillery attack against the Old Town of Dubrovnik" (*Prosecutor v. Pavle Strugar*, 2005), a position endorsed by the Appeals Chamber. Moreover, in the *Al Mahdi* case, the International Criminal Court (ICC) found the defendant, a member of Ansar Eddine, guilty of intentionally directing attacks against historic monuments and buildings, including nine mausoleums and one mosque in Timbuktu, Mali (*Prosecutor v. Ahmad Al Faqi Al Mahdi*, 2016).

Crimes against Humanity

Crimes against humanity refer to acts that violate fundamental tenets of human dignity (e.g., murder, extermination, enslavement, deportation); are committed as part of a widespread or systematic attack against (primarily, but not exclusively) any civilian population, which is instigated, condoned, or tolerated by a state or non-state authority; and can be committed during war or peace (Cassese, 2003). Crimes against humanity are usually divided into two categories: "murder-type" offenses, which can be perpetrated against any civilian population, and more targeted "persecution-type" offenses, which can be perpetrated against any collectivity on "political, racial, national, ethnic, cultural, religious, gender [...] or other grounds that are universally recognized as impermissible under international law," as stipulated in the statute of the ICC. The crime of genocide is an offspring of "persecution-type" offenses.

Since its appearance in the charter of the Nuremberg Tribunal, the concept has undergone a considerable evolution. In the charter, the concept was anchored to the other two crimes in the indictment, namely crimes against the peace and war crimes. This meant that only those crimes against humanity that resulted from interstate aggression would be punishable – what came to be known as the "war nexus requirement" (Van Schaack, 1999). Genocide, as noted below, was the first crime against humanity to be de-linked from the war nexus requirement. Recent jurisprudential developments indicate that such de-linking

now applies to all crimes against humanity. As the ICTY appeals chamber noted in the *Tadic* case, "it is by now a settled rule of customary international law that crimes against humanity do not require a connection to international armed conflict [...] customary international law may not require a connection between crimes against humanity and any conflict at all" (*Prosecutor v. Tadic*, 1995). Moreover, the term "any" in reference to civilian population means that crimes against humanity could be committed against any civilians irrespective of their defining characteristics. As the ICTY trial chamber noted in the *Vasiljevic* and *Kunarac* cases, a crime against humanity could "in principle be committed against a state's own population if that state participates in the attack" (Mettraux, 2006). In addition, in discussing the policy element in the commission of crimes against humanity, the ICTY ruled in the *Tadic* case that state policy does not constitute any more a requirement for their commission: "In this regard the law in relation to crimes against humanity has developed to take into account forces which, although not those of the legitimate government, have de facto control over, or are able to move freely within, defined territory" (*Prosecutor v. Tadic*, 1995). Thus, crimes against humanity could be committed by non-state entities. Last, but not least, particularly noteworthy is the designation, in the Statute of the ICC, of different forms of sexual violence as crimes against humanity.

GENOCIDE

Genocide is the most heinous crime against humanity. According to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, genocide refers to "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group." In addition to the commission of genocide, the convention also made conspiracy, incitement, attempt, and complicity in genocide punishable under international law.

What primarily distinguishes genocide from other crimes against humanity is intentionality (Andreopoulos, 1994). Intentionality indicates, in addition to the criminal intent that accompanies the underlying offence (e.g., killing), the existence of an aggravated criminal intention (*dolus specialis*) to commit this offence in order to destroy the targeted group as such (Cassese, 2003). This definition was included, without changes, in the statute of the ICC (Schabas, 2004).

The Genocide Convention has certain noticeable strengths and weaknesses. Among its strengths (this list is by no means exhaustive) are: the delinking of this crime against humanity from the war nexus requirement. In its very first article, the Convention characterizes genocide as a crime under international law, "whether committed in time of peace or in time of war." Second, the provision for the international criminal responsibility of all individuals for the commission of this crime, irrespective of their status (i.e., whether rulers, public officials, or private individuals); third, the prospect for the use of force under international auspices for the prevention and suppression of acts of genocide. Concerning the last issue, it is worth noting that, with Article VIII of the Convention, member states

"may call upon the competent organs of the United Nations to take such action under the Charter [...] as they consider appropriate" to deal with situations involving genocide. Since one of these "competent organs" is the Security Council, the international community had at its disposal, ever since the entering into force of the Convention, the option of authorizing coercive measures, including, if necessary, the use of force for humanitarian purposes (prevention and suppression of genocide) (Andreopoulos, 2002). Among its weaknesses (again, the list is not exhaustive) are: 1) the exclusion of certain groups from the list of those groups whose persecution would constitute the crime of genocide (in particular, social and political groups); and 2) its enforcement provisions. Concerning the latter, according to Article VI of the Convention, those responsible for the commission of genocide "shall be tried by a competent tribunal of the State in the territory of which the act was committed," or by an international penal tribunal. This meant that, for a long period of time, there was no credible forum for judicial enforcement. Until the creation of the ICC, the only possible legal venue would have been the courts of the country in which the crime was committed; thus, unless a regime responsible for the commission of genocide were to be overthrown and the successor regime were to embark on legal proceedings against the perpetrators of the predecessor regime (a remote possibility indeed) nothing could be done to punish those responsible for the commission of such acts.

The Genocide Convention was first used in international proceedings in 1993, when the Republic of Bosnia and Herzegovina (RBH) instituted proceedings against the then-Federal Republic of Yugoslavia (FRY) before the International Court of Justice (ICJ). The Republic of Bosnia and Herzegovina argued that former members of the Yugoslav Peoples' Army, together with Serb military and paramilitary forces, had engaged, with the assistance of FRY, in acts that amounted to breaches of the Genocide Convention. This petition was followed by RBH requests for provisional measures that would enable RBH to exercise its inherent right of individual or collective self-defense. After almost 14 years of proceedings, the ICJ eventually rendered its judgment in February 2007. In a decision that stirred great controversy, the Court found that Serbia had not committed genocide, had not conspired to commit genocide, and had not been complicit in genocide, in violation of its obligations under the Convention; however, it also ruled that Serbia had violated the obligation to prevent genocide in respect of the genocide that had occurred in Srebrenica, and had violated its obligations under the Convention by having failed to fully cooperate with the International Criminal Tribunal for the Former Yugoslavia (ICTY) (*Bosnia and Herzegovina v. Serbia and Montenegro* case; ICJ, 2007).

There was a second proceeding before the ICJ concerning the Genocide Convention. The second proceeding was initiated by Croatia in 1999 against the FRY for the alleged acts of JNA and Serb forces in the regions of Eastern Slavonia, Western Slavonia, Banovina/Banija, Kordun, Lika, and Dalmatia. This was followed by a Counter-Memorial submitted by the Republic of Serbia against Croatia for the alleged actions of Croatian forces during Operation "Storm." In a judgment delivered in February 2015, the ICJ rejected both countries' claims, having concluded that, in both cases, genocidal intent had not been demonstrated (*Croatia v. Serbia* case; ICJ, 2015).

With the establishment of the two *ad hoc* tribunals for the Former Yugoslavia (ICTY) and Rwanda (ICTR), the Genocide Convention was finally invoked before international criminal proceedings. The evolving jurisprudence of these two tribunals has been instrumental in the

clarification of key elements of the crime of genocide. Concerning “the intent to destroy,” for example, the ICTY ruled in the *Krstic* case that the targeting of Bosnian men of military age in Srebrenica constituted such intent, since “this selective destruction of the group would have a lasting impact upon the entire group” (*Prosecutor v. Krstic*, 2001). Moreover, the issue of “direct and public incitement to commit genocide” has received considerable attention in both tribunals due to the role of the media. The media were instrumental in creating and perpetuating a criminal mindset that legitimized the carrying out of mass killings (Mettraux, 2006). In particular, the trial chamber (ICTR) in the *Nahimana* case noted the power of the media to both create and destroy important human values; this power, the Court stated, “comes with great responsibility. Those who control such media are accountable for its consequences” (Mettraux, 2006).

While the ICC has yet to try a defendant for the crime of genocide, there is one case in which such charges are included: that of Omar Hassan Ahmad Al Bashir, president of the Republic of Sudan. The two ICC-issued arrest warrants against him include three counts of genocide allegedly committed against the ethnic groups of Fur, Masalit, and Zaghawa in Darfur. Al Bashir has remained defiant in the face of these warrants and his stance has been supported by the African Union, whose Peace and Security Council claimed that the ICC action was jeopardizing the peace process in Sudan (Rudolph, 2017).

CONCLUSION

There is no doubt that the concepts of genocide, war crimes, and crimes against humanity have undergone considerable transformation since the end of World War II. Whether one examines our understanding of the main elements of each crime, or of the context in which they occur (whether in times of international or non-international war or peace), there is a noticeable trend toward strengthening the protection of individuals and groups at the expense of state-centric interpretations of legal obligations (Andreopoulos, 2014). However, these normative developments also pose the challenge of relevance – namely, the extent to which state practice as manifested during the conduct of hostilities, as opposed to declarations before international fora or during treaty deliberations and the signing of agreements, corresponds to the relevant treaty provisions and the interpretation of these provisions by judicial organs. What is urgently needed at this stage is not further standard setting (although this remains an important task), but better implementation of already-existing standards.

REFERENCES

- Andreopoulos, G. J. (Ed.). (1994). *Genocide: Conceptual and historical dimensions*. Philadelphia, PA: University of Pennsylvania Press.
- (2002). On the prevention of genocide: Humanitarian intervention and the role of the United Nations. In G. J. Andreopoulos (Ed.), *Concepts and strategies in international human rights*. New York: Peter Lang.
- (2014). The turn to “protection”: International human rights law/international humanitarian law and the implications of their convergence. In H. F. Carey & S. M. Mitchell (Eds.), *Understanding international law through moot courts*. Lanham, MD: Lexington Books.
- Cassese, A. (2003). *International criminal law*. New York: Oxford University Press.

- Henckaerts, J.-M. & Doswald-Beck, L. (2005). *Customary international humanitarian law*. Volume I: Rules. Cambridge: Cambridge University Press.
- International Court of Justice (ICJ). (2007). *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)* Judgment. (2015). *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)* Judgment.
- Kaldor, M. (2007). *New & old wars: Organized violence in a global era*. Second Edition. Stanford, CA: Stanford University Press.
- Meron, T. (1998). *War crimes law comes of age*. New York: Oxford University Press.
- Mettraux, G. (2006). *International crimes and the ad hoc tribunals*. New York: Oxford University Press.
- O' Keefe, R. (2006). *The protection of cultural property in armed conflict*. New York: Cambridge University Press.
- Prosecutor v. Tadic*, IT-94-1, Appeals Chamber. (1995). Decision on the defense motion for interlocutory appeal on jurisdiction.
- Prosecutor v. Krstic*, IT-98-33-T. (2001). Judgment.
- Prosecutor v. Dragoljub Kunarac, Radomir Kovac, and Zoran Vukovic*, IT-96-23-T & IT-96-23/1-T. (2001). Judgment.
- Prosecutor v. Zejnil Delalic, Zdravko Mucic (aka. "Pavo"), Hazim Delic, and Esad Landzo (aka. "Zenga")*. Celebici Case. IT-96-21-A. (2001).
- Prosecutor v. Mitar Vasiljevic*, IT-98-32-T. (2002). Judgment.
- Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, and Hassan Ngeze*, ICTR-99-52-T. (2003). Judgment and Sentence.
- Prosecutor v. Pavle Strugar*, IT-01-42-T. (2005, January 31). Judgment.
- Prosecutor v. Pavle Strugar*, IT-01-42-A. (2008, July 17). Public Judgment.
- Rudolph, C. (2017). *Power and principle: The politics of international criminal courts*. Ithaca, NY: Cornell University Press.
- Schabas, W. (2004). *An introduction to the international criminal court*. Second Edition. New York: Cambridge University Press.
- Situation In The Republic Of Mali. In The Case Of Prosecutor v Ahmad Al Faqi Al Mahdi*, ICC-01/12-01/15. (2016, September 27). Public Judgment and Sentence.
- Situation in Darfur, Sudan. The Prosecutor v. Omar Hassan Ahmad Al Bashir*, ICC-02/05-01/09. Case Information Sheet. (2018, April).
- Van Schaack, B. (1999). The definition of crimes against humanity: Resolving the incoherence. *Columbia Journal of Transnational Law*, 37(3), 787-850.

9 Wildlife Trafficking

The Problem, Patterns, and a Promising Path Toward Prevention

Justin Kurland

INTRODUCTION

Over the past decade wildlife trafficking has become increasingly recognized as both a specialized area of transnational organized crime as well as a significant threat to numerous species of flora and fauna. The severity of this problem is undeniable, with recent UN estimates suggesting wildlife trafficking ranks among the five most lucrative illegal trades in the world – costing approximately US\$23 billion annually. However, the economic implications associated with the illicit trade in wildlife only begin to scratch the surface of this incredibly complex problem, which is markedly different to other forms of transnational crime.

For starters, the local wildlife in many places throughout the developing world is an essential community resource. More specifically, wild animals often provide the only viable source of protein required for nourishment, native trees provide a source of fuel, and some combination of these two are used as natural remedies for common ailments. Consequently, the removal of these plants and animals from many of these rural societies alters livelihoods and ultimately undermines security.

Further, the effect associated with the illegal exchange of animals and plants (or their constituent parts) has consequences that extend beyond merely robbing present and future generations from enjoying the majesty and wonder of the natural world; it also negatively impacts biodiversity and ecosystems. That is, the overexploitation of species in combination with the introduction of non-native species through illegal trade causes imbalances that can (and have already) led to the introduction of pathogens that threaten both public health and agricultural productivity (Smith et al., 2009).

Despite the severity of the wildlife trafficking problem described above, some from the conservation community, and certainly those from the criminological community interested in wildlife crime, would likely agree that a proportion of research relating to the illicit trade often offers little insight into how the immediate situation in which these crimes take place can be altered to reduce and prevent crime. Notwithstanding the dearth of empirical evidence, the prevailing wisdom amongst a large portion of the conservation community suggests that – not unlike the other forms of transnational crime in Part I of this volume – *demand* in combination with high profit margins is the primary cause of wildlife trafficking.

Thus, it should come as no surprise that this same group favors a market demand reduction approach for curbing wildlife trafficking. However, given the breadth and complexity of the wildlife trade, such an approach may be of limited practical value. It should be noted that not all in the conservation community are in agreement with those advocating for bans on legal trade, law enforcement, and interdiction-based approaches; others prefer interventions that allow legal supply from hunting or farming; still others recommend alternative livelihood methods and even money-laundering efforts for wildlife trafficking prevention (for a review, see Brown, 2017).

Lessons gleaned from criminological research that focuses on opportunity reduction may be better suited to addressing wildlife trafficking; this will require 1) greater attention by criminologists interested in crime prevention and 2) buy-in from conservationists towards action-based research that favors a situational approach toward increasing the associated *effort* and *risk* of engaging in some aspect of the illicit wildlife trade, and/or reducing the *reward* and *provocations*, and removing *excuses* for engaging in it.

BACKGROUND

Wildlife trafficking has been broadly defined by Reuter and O'Regan (2016) "to include all international transactions involving the movement of species that are protected by law in either the source or destination country, whether dead or alive." Wildlife trafficking can range in scale from a solitary item exchanged locally to multi-ton shipments transported to locations around the world. Contraband could include: live pets, pelts and skins, meat for human consumption, fashion accessories, cultural artifacts, ingredients for traditional medicines, and various other products. Timber and fisheries are typically not included in the measurement of wildlife trafficking, but it could be argued that they should be.

Both domestic and international laws attempt to prevent: 1) the extinction of species that have been identified as threatened; 2) the importation of non-native species that may damage local environments; 3) the introduction of species that have the potential to spread diseases harmful to humans, animals, or plants; 4) the inhumane transportation of wildlife; and 5) the disruption of legal trade in wildlife products (Wyler & Sheikh, 2008).

In response to the problem defined above, the International Consortium on Combating Wildlife Crime (ICWC) in collaboration with the United Nations Office on Drug and Crimes (UNODC) constructed the World Wildlife Seizure database (World WISE) in 2015. Patterns of identified illicit wildlife trafficking were utilized to generate the first ever World Wildlife Crime Report on the Trafficking in Protected Species.

A brief accounting of trends from this report suggests that there were nearly 7,000 different species accounted for in over 164,000 seizures that took place in 120 countries (for the full report, see the link at the end of the chapter). The following are a few other statistics worth mentioning.

- No single species represents more than 6 percent of seizure incidents.
- No single country is a source of more than 15 percent of the seized shipments.
- Traffickers were identified from 80 different countries.
- All regions of the world play a role as a source, transit hub, or destination for wildlife contraband.

DISCUSSION

Current Wildlife Trafficking Research Gaps

What is clear from the extant literature on wildlife trafficking is that governments from across the world, nongovernmental organizations (NGOs) devoted to conservation, researchers from a multitude of disciplines, and practitioners alike all recognize the growing severity of this problem. Yet what is equally clear is that the work within this field is relatively uncoordinated, and robust monitoring and systematic evaluation is limited (Kurland et al., 2017).

Indeed, scant scientific evidence exists that: 1) assesses both domestic and international market characteristics and teases apart how they operate for a particular species or group of species; 2) investigates the role (if any) they serve in tangentially related illegal commodity markets such as human, arms, and drug trafficking, as has been suggested in countless reports and declarations by the media and politicians; 3) measures the relative success of domestic and/or international legislation set out to prevent trafficking; and 4) analyzes micro- and macro-level trends about those places, times, type of species or products, routes, and facilities where wildlife trafficking clusters (Schneider, 2008).

Recent Criminological Research on Wildlife Trafficking

Thankfully, over the past several years, what appears to be a growing body of research conducted primarily by criminologists interested in the prevention of wildlife crime has begun to partially fill these existing knowledge gaps. For example, Pires and Clarke (2011) conducted a study that assessed domestic markets in Bolivia involved in the illicit trade of parrots and found that risk is not evenly distributed across species of parrots native to Bolivia. Instead, those parrots considered more enjoyable as pets, more abundant in the wild, and having a range within 50 miles of the markets were at greater risk.

Reuter and O'Regan (2016) conducted a review of academic literature, popular accounts, and government reports on wildlife trafficking in an attempt to identify the scope and methods associated with the problem in the Americas and any potential links to "organized crime." Findings suggested no connections to organized crime and what appears to be small-scale activity associated with legitimate business that operates in a low-risk and technologically narrow environment.

A study by Lemieux and Clarke (2009) measured the relative success of the 1989 ban on the international trade of elephant ivory among members of the Convention on International Trade in Endangered Species (CITES), intended to reverse the sharp decline in the African elephant population that resulted from widespread poaching in the previous decade. Results from the analysis were mixed with some evidence demonstrating an overall increase in elephant population across the African continent, but also found that some of the 37 countries in Africa with elephants continued to lose substantial numbers due to the presence of unregulated domestic markets in and near countries with declines were ultimately to blame for the loss.

In a study that sought to uncover wildlife trafficking patterns, Kurland and Pires (2017) took advantage of the Law Enforcement Management Information System (LEMIS) database,

which tracks all wildlife seizures made in the USA with detailed information on each incident. Findings indicated that a disproportionate share of export countries, ports of entry, times, and species accounted for a majority of incidents. Similar research conducted by Sina et al. (2016) that took advantage of the EU-TWIX database (the EU analog to LEMIS) found similar trends. Most notably for the period between 2007 and 2014, the UK, Germany, and the Netherlands were responsible for more than 70 percent of seizures.

A New Way Forward for Tackling Wildlife Trafficking

Critically, these studies also set a new precedent for research in this area and spawned a growing number of similar empirical studies. For example, prior to Pires and Clarke's (2011) formative analysis of the illicit parrot trade in Bolivia, the majority of market-based studies were conducted by NGOs such as TRAFFIC and typically captured basic details on the type and volume of particular species in a given market, which are of limited value to those interested in prevention. However, since then related research on the illicit trade of parrots in Mexico and Peru have been conducted, in addition to a number of studies on what is driving the illicit trade in fish and timber, which provide valuable insight into what might be done to reduce harm.

The work of Lemieux and Clarke (2009) highlighted to criminologists, conservationists, and policy makers alike the potential shortcomings associated with prevention-intended legislation that only acts on a single level. Moving forward, those involved in advocating (or crafting) legislation to curb the illicit trade in wildlife would be wise to consider more fully the mechanisms, costs-benefits, context, and outcomes of implementing comparable regulations.

Similarly, Reuter and O'Regan (2016) have laid to rest (at least in the Americas) the mischaracterization of wildlife trafficking as being tied to "organized crime" syndicates who also deal in human, drug, and arms trafficking. This is an important distinction to have made because the techniques utilized for preventing wildlife trafficking for organized crime syndicates and a series of "crimes that are organized" by largely legitimate businesses that take advantage of opportunities that arise in day-to-day operations to make some additional money will differ.

Last, but certainly not least, the work of Kurland and Pires (2017) highlighted the need for more rigorous analysis of data accessible to criminologists interested in wildlife trafficking. Databases such as LEMIS and EU-TWIX provide an opportunity for researchers and analysts to tease apart patterns about the where, when, who, what, and how of the illicit wildlife trade that can: 1) aid law enforcement and customs officials in the allocation of their often very limited resources; 2) provide useful intelligence to international counterparts who may be in the dark about export problems; and 3) help devise interventions that will stifle wildlife trafficking in the future.

These studies represent a few of the recent, but seminal, criminological studies on wildlife trafficking that have begun to fill knowledge gaps about the problem. They are important precisely because they address the kind of research questions required to craft interventions meant to curb specific crime problems, formulate more comprehensive legislation, and better allocate the limited resources available to help combat the wildlife trafficking problem.

CONCLUSION

While the scourge of wildlife trafficking is a growing problem, so too is the interest of those who share the common aim of helping prevent it. That said, if there is going to be genuine progress made in dealing with the illicit trade in wildlife, then those concerned must consider a multitude of interventions that operate at the local, national, and international levels. One of the primary challenges we face relates to convincing those in the conservation community, who do genuinely want to stop the problem, that greater specificity is required when examining a particular wildlife trafficking problem so that a more empirically grounded approach – namely situational crime prevention – can be adopted. It provides a more comprehensive framework that assists with the identification, implementation, and development of techniques for the reduction of specific forms of crime.

At the local, national, or international levels, if such an approach is going to be adopted, greater specificity regarding the dynamics of the particular illicit wildlife trade is required – where does the illicit trade occur, when does it occur, who is involved, what did they do, why did they do it, and how did they go about doing it? Further questions regarding specific aspects of a particular species of interest and associated patterns will also help shape measures to deal with the problem at different levels.

In theory this might work at the local level by identifying the location in a legal market where illicit wildlife trading occurs, when it occurs most frequently, if there is a particular seller or group of sellers who are involved, and so on. In this instance one could envisage a subtle but forcible change in the location of a particular vendor's (or group of sellers') stall in a market, at specific times, leading to a reduction because the proposition of making an illicit transaction would become riskier as a result of a reduced ability to conceal illicit items. Such an approach is not limited to local markets, but instead can be done at greater levels of aggregations such as at the domestic or international level if the above-mentioned questions are properly addressed.

In practice, at any of these levels, implementing interventions can be challenging. One potentially fruitful strategy might be the development of a "What Works" repository for wildlife trafficking. Such a resource, used in combination with rapid-appraisal techniques, could provide a more expedient method for seeking out what has been successful at reducing a particular type of wildlife trafficking problem in the past in order to quickly address specific wildlife trafficking problems before it is too late (Natarajan, 2016)!

REFERENCES

- Brown, V. F. (2017). *The extinction market: Wildlife trafficking and how to counter it*. Oxford: Oxford University Press.
- Kurland, J. & Pires, S. F. (2017). Assessing US wildlife trafficking patterns: How criminology and conservation science can guide strategies to reduce the illegal wildlife trade. *Deviant Behavior*, 38(4), 375–391.
- Kurland, J., Pires, S. F., McFann, S. C., & Moreto, W. D. (2017). Wildlife crime: A conceptual integration, literature review, and methodological critique. *Crime Science*, 6(1), 4.
- Lemieux, A. M. & Clarke, R. V. (2009). The international ban on ivory sales and its effects on elephant poaching in Africa. *The British Journal of Criminology*, 49(4), 451–471.
- Natarajan, M. (2016) Crime in developing countries: The contribution of crime science. *Crime Science*, 5(8), 1–5.

1 Drug Trafficking

Mangai Natarajan

INTRODUCTION

Ever since the Shanghai Opium Commission in 1909, many countries around the world have found themselves grappling with problems of drug abuse and many conventions have formulated proposals to reduce the international trade in illicit substances. International collaborative efforts and policies have mostly been geared to obstructing the supply of drugs, while efforts to control demand have been left to national governments. Judged by world seizures, various forms of illicit drugs continue to be sold and used at unacceptably high levels in many parts of the world. Moreover, with the advent of globalization, drugs are traveling across borders much more commonly than they once did. Many countries without histories of drug use, particularly developing countries, are now reporting problems of abuse because they have become transit points for international drug trafficking. This has not only become a threat to public health but also to public safety and security.

Because of lucrative profits, drug traffickers will always find a way to meet the demand for drugs. Traffickers are opportunistic and can be expected to: market new drugs; seek out new routes to smuggle drugs; seek new partners among organized crime groups in different countries; exploit new manufacturing and communication technologies; recruit vulnerable individuals into the work of trafficking; and find ways to launder the proceedings. This chapter provides a descriptive account of international drug trafficking intended to assist understanding of its complex nature and of the challenges involved in its control.

DEFINITION

Drug trafficking is a crucial link in the chain between illicit drug production and consumption (World Drug Report, 1997, p. 131) and involves the following sequential stages of distribution:

- growing or producing
- manufacturing
- importing or smuggling
- wholesale distribution
- regional distribution
- street-level distribution

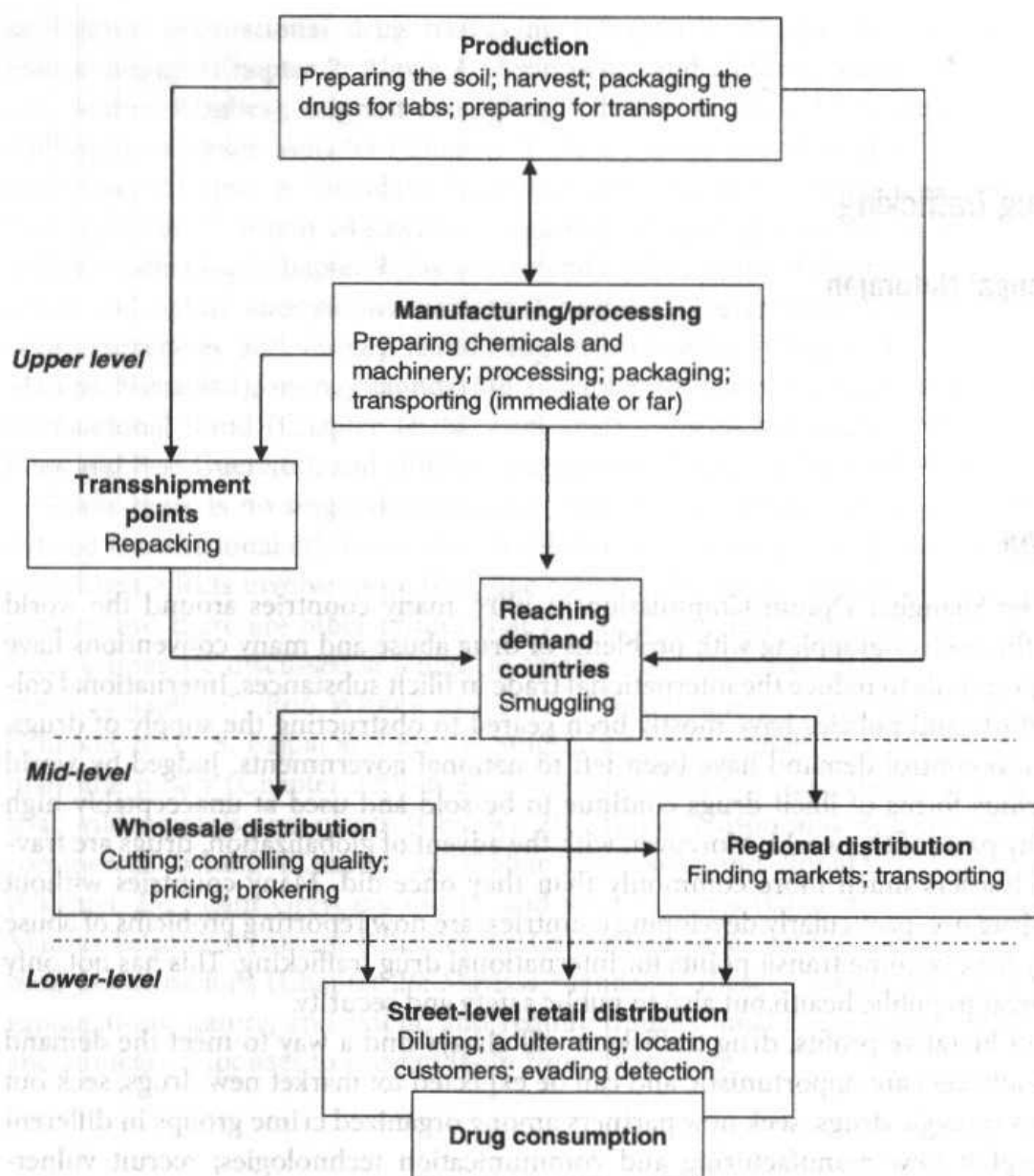


Figure 1.1. Sequential steps in international drug trafficking.

As usually defined, it does not encompass retail operations and street-level drug dealing but involves all the earlier stages in the drug distribution chain, including the tasks of production, manufacturing, smuggling, and wholesale and regional distribution that involve multi-kilo operation. Figure 1.1 distinguishes three levels of distribution as follows: upper-level drug trafficking denotes the movement of drugs in bulk from the producing countries to the demand countries; mid-level operations involve the wholesale distribution of the smuggled drugs to different regions; and lower-level distribution involves retail level sales to the consumer markets within the demand countries.

These distinctions provide the framework for understanding the mechanics of drug trafficking operations and for undertaking international, national, and local-level supply reduction strategies.

DRUG SUPPLY

According to the 2018 World Drug Report, the production of opium and the manufacture of cocaine has increased. In 2017, a total of 10,500 metric tons of opium was produced around the world. The major producers are Afghanistan, Myanmar, and the Lao People's Democratic Republic – countries that are part of the Golden Triangle and Golden Crescent. The Andes region (Colombia, Peru, and Bolivia) is the major source of supply of cocaine to world markets.

There is an emerging trend of the misuse of non-medical opioids (hydrocodone, oxycodone, codeine, and tramadol) and medical/pharmaceutical opioids (methadone, buprenorphine, and fentanyl). Hundreds of new psychoactive substances (NPSs) are also now available on the market worldwide. Amphetamine has dominated synthetic drug markets in the Near and Middle East and Western and Central Europe, but recently its manufacture has increased in North Africa and North America. The methamphetamine market is growing in East and Southeast Asia and North America and in Oceania, and now accounts for the largest share of global quantities of amphetamine-type stimulants (ATSs) seized.

According to the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA, 2018) and the European Union Agency for Law Enforcement Cooperation (EUROPOL), Belgium and the Netherlands are key countries for the manufacture of ecstasy (MDMA) in Europe. These substances are also produced in many other European countries, including Belgium, Germany, the United Kingdom, Greece, Portugal, the Nordic states, Poland, Estonia, Lithuania, and the Czech Republic. They are also produced in Australia, North America, South Africa, China, and Southeast Asian countries (where they are much cheaper to produce than in Europe), and more recently in South and Central America.

Finally, cannabis is the most widely used drug around the world. Colombia and Jamaica are now the main source of cannabis for the United Kingdom and the USA, while Morocco and Albania are the main sources for continental Europe.

Complexities of International Drug Trafficking

As can be seen from Figure 1.1, drug trafficking involves many stages of operation from production to consumption. Unlike legal international businesses, the illegal drug trade requires clandestine strategies and techniques to move the drugs from producing countries to the consumers. Understanding the ways in which drugs are trafficked (e.g., methods, techniques, and routes) and how the drug trade is organized (e.g., distribution strategies, structure of organizations, and organized crime networks) is important in finding ways to control the flow of drugs.

Variety of Methods, Techniques, and Routes Used to Transport Drugs

Globalization has greatly increased the volume of containerized trade, the frequency of international flights, the availability of international delivery services, and global access to the Internet. Depending upon the quantity and proximity of locations, illegal drugs are now finding their ways to consumer nations by air, sea, land, and postal services in the same

way as legal commodities. E-trafficking of drugs has also been reported. High-powered motorboats, bulk cargo freighters, and containerized cargo ships remain the most common methods of moving multikilo-level quantities of cocaine and heroin. However, any available method may be used. For example, small submersibles are sometimes used in Central America for transporting cocaine, and cannabis resin is transported from Morocco to Spain using goods vehicles, in cars (by ferry), or using small boats. The drugs are then transported over land to France, the United Kingdom, the Netherlands, and other European countries.

Drugs have been swallowed or hidden in body cavities; hidden on the person; packed into luggage or belongings; stashed in cars, boats, or aircraft; and hidden in seemingly legitimate freight. The US Customs and Border Control has listed some of the more unusual methods of concealment.

- Drugs surgically implanted in a man's thigh.
- Contraband hidden in a woman's wig.
- Cocaine surgically implanted in a living dog.
- Marijuana concealed in the hollowed-out boards of wooden pallets.
- Cocaine masked in the soles of shoes.
- Marijuana bundles in manmade landscaping stones.
- Drugs stashed in the manifold of an engine.
- A variety of drugs in body cavities and ingested.
- A marijuana load in the floorboard of a trailer hauling two live bears.
- Drugs concealed in new furniture.
- Marijuana hidden in metal cans disguised as food products.

The World Customs Organization (2017) reports a seizure of 142 bricks of cocaine (156 kg) in two electric generators from Chile to the seaport of Limassol, Cyprus. In March 2016, 468 kg of heroin was found in 114 out of 1800 boxes containing raisins from Iran.

VARIED ROUTES

Drug traffickers are constantly looking for new routes that are convenient and safe from interdiction. In order to increase their profits, traffickers have also developed markets for drugs in the transshipping points or countries. Consequently, there has been a surge in drug use among the general population in Nigeria and other African countries as well as in the Indian subcontinent.

Drug traffickers are undoubtedly rational actors who weigh the pros and cons of different routes to move drugs from supply to demand countries. Reuter (2014) describes three criteria they use: 1. They generally prefer countries where corruption is rife and where there are fewer law enforcement resources. 2. They prefer routes that are near to the supply or demand countries, saving them time and money. 3. They prefer countries with ready supplies of local manpower to help with the transport and distribution of drugs.

A possible fourth attractive criterion, made possible by the advent of the darknet or cryptonet, is the availability of the virtual delivery of drugs, which helps to conceal the identity of all involved parties. A recent study by Rhumorbarbe et al. (2016) found that 2700 vendors from 70 countries claimed to sell illicit drug products by this method. The drugs sold included cannabis-related products, ecstasy (MDMA), and stimulants (cocaine,

speed). According to Dolliver (2015), of the 19 countries that were identified as distinct source countries for drugs, the USA is both the number-one country of origin for drug sales on Silk Road 2 (a small darknet site that was merged after the shutdown of the larger Silk Road) and the number-one destination country.

Varieties of Trafficking Organizations and Distribution Strategies

Traffickers must develop routine ways of transacting business and the distribution systems that have been developed in some cases are highly complex. Large drug networks are organized with extensive human "trust" contacts between supply and destination points (Decker & Townsend, 2008) and with a distinct hierarchical structure similar to some business corporations. They may be controlled by so-called "kingpins" who negotiate transactions with other drug organizations. Within the networks, middle managers oversee operations on behalf of the kingpins; couriers transport drugs within and between the demand countries; and wholesalers distribute the drugs to retailers (or street dealers) who in turn supply the users. They use all available technology, including personal computers, public telephones, cell phones, pagers, and facsimile machines, in their daily operations.

The enormous profits available from drug trafficking attract a wide spectrum of participants. These range from individuals working alone to major organized crime syndicates involving a variety of ethnic groups that undertake a variety of tasks. The organized crime groups include: the Italian and Sicilian Mafia; the Neapolitan Camorra and Calabrian 'Ndrangheta; Asian Triads and Tongs; the Japanese Yakuza; Mexican cartels; the Cuban and Russian Mafias; and many other criminal groups from the Middle East, the Caribbean, and Europe. They take part in all stages of distribution (from setting up connections with the producers, to transshipping and distributing to the retailers) by networking with one another. Colombian and Italian groups supply cocaine in cooperation with other groups (e.g., Dutch, British, and Spanish) and West African, especially Nigerian, groups are also active in transporting cocaine from Africa to Europe; Balkan organized crime groups (OCGs) are emerging actors. The activities of these groups have become a major challenge for law enforcement. Analyses of 78 drug trafficking organizations prosecuted in New York City from 1985 to 2007 found four main kinds of organization – "freelance," "family-based businesses," "communal businesses," and "corporations" (Natarajan & Belnager, 1998; Natarajan, Zanella, & Yu, 2015). A high degree of specialization exists in the tasks performed by some of the trafficking enterprises in order to minimize the risks of detection and arrest (Desroches, 2005).

Not only have the changes discussed above expanded the opportunities for drug trafficking, but they have diversified these opportunities through divergence of supplies, proliferation of substances, and expansion of trafficking routes and methods. These forces have created niche markets that large established drug trafficking organizations might not be sufficiently nimble to exploit. Instead, the markets become the preserve of *ad hoc* networks of sometimes hastily formed groups of criminal entrepreneurs, who might forge business deals with first one entity and then another as opportunity dictates (Natarajan, 2006). Consistent with this view, recent research has argued that drug trafficking organizations are now more likely to consist of networks of a relatively small number of criminal entrepreneurs, with informal links between their members and a flattened hierarchy, than in the past, when they primarily

comprised large, hierarchical criminal syndicates characterized by the use of violence, threat, or intimidation.

Global Strategies to Combat the Supply and Demand of Illegal Drugs

Various international organizations have important roles in controlling drug supplies and the demand for drugs around the world. These include the United Nations International Drug Control Programme, the United Nations Educational Scientific and Cultural Organization (UNESCO), the International Narcotics Control Board (INCB), the World Health Organization, INTERPOL, EUROPOL, and the World Customs Organization (WCO). The United Nations Office on Drugs and Crime (UNODC), which functions as a global leader in this field, has extensive liaison arrangements with these agencies and with regional enforcement authorities in order to develop and strengthen cross-border and regional cooperation in apprehending traffickers and seizing drugs. Despite these global efforts and despite stringent enforcement at the street level, illegal drugs still reach the hands of millions of users.

It is difficult to set in place a unified mechanism to combat the illicit supply of drugs due to variations in legal systems, law enforcement tactics, cultures (languages and cultural practices), financial institutions and banking systems, political and economic conditions, and tolerance levels of drugs and ideologies. However, it is imperative to develop increased international cooperation in apprehending the traffickers and disrupting supplies. There is also an urgent need to develop international regulatory controls with high standards for entry in banking and financial institutions to control the money laundering of the proceeds from drug trafficking.

SUMMARY

The 2018 World Drug Report shows no evidence that the global drug problem has been reduced; instead, there has been an increase in drug production, in the range of drugs produced, and in the diversity of drug markets. Without interdiction efforts, drug supplies might have skyrocketed and so might have the numbers of users. The fundamental economic point is that so long as there is the demand, and the rewards of meeting this demand are sufficiently great, there will be criminal groups willing to supply the drugs. Globalization has increased the crime opportunities through divergence of supplies, proliferation of substances, and expansion of trafficking routes, including virtual routes. Recent research has argued that drug trafficking organizations are now more likely to consist of networks of a relatively small number of criminal entrepreneurs, with informal links between their members (Natarajan, 2006). A handful of evaluations show some positive impact of crackdowns on street-level local markets, but hardly any empirical evaluations exist of supply reduction efforts aimed at higher-level markets. This lack of scientific research is due largely to the difficulty of collecting data on the complex, constantly changing nature of drug trafficking. Finding a solution to this difficulty presents an urgent challenge to the community of researchers concerned with combating drug trafficking.

REFERENCES

- Decker, S. H. & Townsend, M. (2008). *Drug smugglers on drug smuggling: Lessons from the inside*. Philadelphia, PA: Temple University Press.
- Desroches, F. (2005). *The crime that pays: Drug trafficking and organized crime in Canada*. Toronto: Canadian Scholar's Press.
- Dolliver, D. S. (2015). Evaluating drug trafficking on the Tor Network: Silk Road 2, the sequel. *International Journal of Drug Policy*, 26(11), 1113–1123.
- European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). (2018). European Drug Report 2018: Trends and Developments. Retrieved from www.emcdda.europa.eu/system/files/publications/8585/20181816_TDAT18001ENN_PDF.pdf.
- Natarajan, M. (2006). Understanding the structure of a large heroin distribution network: A quantitative analysis of qualitative data. *Quantitative Journal of Criminology*, 22(2), 171–192.
- Natarajan, M. & Belanger, M. (1998). Varieties of upper-level drug dealing organizations: A typology of cases prosecuted in New York City. *Journal of Drug Issues*, 28(4), 1005–1026.
- Natarajan, M., Zanella, M., & Yu, C. (2015). Classifying the variety of drug trafficking organizations. *Journal of Drug Issues*, 45(4), 409–430.
- Reuter, P. H. (2014). The mobility of drug trafficking. In J. Collins (Ed.), *Ending the drug wars* (pp. 33–40). London: The London School of Economics and Political Science.
- Rhumorbarbe, D., Staehli, L., Broséus, J., Rossy, Q., & Esseiva, P. (2016). Buying drugs on a Darknet market: A better deal? Studying the online illicit drug market through the analysis of digital, physical and chemical data. *Forensic Science International*, 267, 173–182.
- United Nations International Drug Control Programme. (1997). *World drug report*. New York: Oxford University Press.
- United Nations Office on Drugs and Crime (UNODC). (2018) *World drug report 2018*. New York: United Nations.
- World Customs Organization. (2017). *Illicit trade*. Brussels: World Customs Organization.