

# Organized Crime in Iraq

## Strategic Surprise and Lessons for Future Contingencies

BY PHIL WILLIAMS

After the invasion of Iraq in March 2003, the United States encountered a series of strategic surprises, including the hostility to the occupation, the fragility of Iraq's infrastructure, and the fractious nature of Iraqi politics. One of the least spectacular but most significant of these surprises was the rise of organized crime and its emergence as a postconflict spoiler. This development was simply not anticipated. Organized crime in Iraq in the months and years after March 2003 emerged as a major destabilizing influence, increasing the sense of lawlessness and public insecurity, undermining the efforts to regenerate the economy, and financing the violent opposition to the occupation forces. In 2003, the theft of copper from downed electric pylons made the restoration of power to the national grid much more difficult. In 2008, the capacity to generate funds through criminal activities enabled al Qaeda in Iraq (AQI) to continue resisting both the U.S. military and the Iraqi government. Moreover, with the planned U.S. withdrawal from Iraq, organized crime in the country will continue to flourish by maintaining well established crime-corruption networks. It might also expand by exploiting the continued weakness of the Iraqi state.

Although the ability of the U.S. Army and Marine Corps to adapt to conditions on the ground contributed enormously to a transformation in the security environment from 2005–2006 to 2007–2008, attempts to combat organized crime remained fragmented and sporadic. For the most part, organized crime remains peripheral to the core roles and missions for the U.S. military. The Department of Justice has several important programs in Iraq, as part of what is intended as a whole-of-government approach. Nevertheless, combating organized crime remains a low priority for the United States. Even though organized crime made the establishment of stability and security both more complicated and more costly, it is not clear that the lessons from this experience have been integrated into U.S. strategic thinking about Iraq, let alone strategic planning for similar contingencies elsewhere.

Dr. Phil Williams is Wesley W. Posvar Professor and Director of the Matthew B. Ridgway Center for International Security Studies at the University of Pittsburgh.

Against this background, this article delineates the key dimensions of organized crime in Iraq, identifies a number of factors that contributed to strategic surprise, and identifies several ways of reducing the prospects for similar surprises in future contingencies.

### **Dimensions of Organized Crime**

In many respects, the intervention into Iraq was a rude awakening for the United States. It was not simply that Washington was ill prepared for the kind of resistance that

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developed, although that was clearly the case. The U.S. military, after several false starts, did a remarkable job of competitive adaptation to the environment and to its adversaries—a process that contributed enormously to the turnaround in 2007 and 2008. Yet the lessons from Iraq are not simply about the importance of counterinsurgency doctrine and strategy; they are about the need to go beyond a partial understanding of phenomena becoming stronger and more pervasive in a globalized world.

Organized crime in Iraq is neither an outlier nor an aberration; rather, it is a central feature of much of the global periphery. Indeed, insofar as there is integration of the periphery into the global economy, it has a lot of negatives. These became evident during the 1990s when the Cali drug trafficking organization, led by the Rodriguez Orejuela brothers and Santacruz Londono, became—at least for a few years—the developing world’s most successful

transnational corporation. Today, Afghanistan is hardly integrated into the licit global economy at all, yet it is a major supplier of one of the most lucrative products in the illicit global economy, where the problem is not a lack of integration but the embedding of local opium and heroin production in global trafficking and supply networks. In Iraq, the main moneymaker for organized crime, corrupt politicians, and officials (as well as insurgents, militias, and jihadis) was not drugs but oil. In spite of the important distinction between a product subject to prohibition and one under the monopoly control of a particular government, oil in Iraq was as important to organized crime and to the insurgency as opium is to warlords, criminal organizations, and the Taliban in Afghanistan. The theft, diversion, and smuggling of oil became a national pastime in Iraq, feeding into the coffers of insurgent and jihadi organizations, the militias, tribal groups, and criminal organizations alike. In fact, criminality related to the oil business had several different dimensions: the theft and smuggling of crude oil from the Al Basra oil terminal; the diversion, black market sale, or illicit reexport of imported petroleum products; and the theft and smuggling of refined products from the Baiji refinery.

If oil was the focus of most criminal activity in Iraq, however, equally striking was the range of criminal activities perpetrated by traditional criminal enterprises interested only in profit and also political groups using crime to fund their cause. Extortion (and its less malevolent concomitant, protection) became pervasive. And the reconstruction efforts multiplied the opportunities. Large amounts of money for reconstruction were poured into Iraq with inadequate oversight and no comprehensive plan for its effective disbursement. Iraqis were awarded contracts with protection money



Oil pipeline fire smolders near Baiji

almost invariably built in, some of which went to organized crime and some to the insurgency. Inadvertently, the United States was funding the very groups attacking its forces. As well as the natural focus on extortion and protection (particularly important where there was no effective Leviathan to provide security), criminals and combatants alike engaged in the illicit trafficking of antiquities, the theft and smuggling of cars, trafficking in human beings, drug smuggling (especially of synthetics), and the illicit weapons trade.

After oil crimes, however, the most important activity was kidnapping. The kidnapping of Iraqis became an enduring problem, reaching a peak in 2006 with an estimated 40 abductions a day, which provided major revenue for criminals, militias, and insurgents. The kidnapping of foreigners, in contrast, was relatively short-lived but often had dramatic impact as videos of the decapitation of hostages were posted on the Internet. Kidnapping sometimes involved tacit or explicit cooperation between kidnapping gangs concerned with profit and jihadi groups concerned with both fundraising and strategic impact. On occasion, the jihadis simply let it be known that they wanted a particular kind of hostage: at other times, kidnapping gangs took the initiative in the hope that they could sell their hostages directly to the jihadis or obtain a share of the proceeds after the jihadis obtained ransom payments. The willingness of governments—most notably those of France, Italy, and Germany—to make large ransom payments for the freedom of their citizens made

kidnapping of foreigners particularly attractive. It also led to some strange situations, with the Italian government, for example, finding itself in a bidding war with AQI for the kidnapped journalist Giuliana Sgrena.

Yet if kidnapping was an important revenue source, it was also a strategic weapon used by the insurgents and jihadi groups in efforts to undermine coalition unity, coerce governments with military contingents or support workers into withdrawing, sow insecurity both in the general population and in the non-governmental organization community, and undermine the effectiveness of the occupation

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forces and the Iraqi government. The ability to amplify kidnapping through executions posted on the Internet made it an even more powerful weapon that will almost certainly be used in other contingencies.

Another element of organized crime in Iraq was the linkage to corruption in government ministries. This simply reflects the dual nature of corruption as both a pervasive condition and an instrument of organized crime. Corruption in Iraq was also integrally related to violence. Indeed, violence played a key role in protecting crime-corruption networks, maintaining the political-criminal nexus, and limiting efforts to reform the system. Although it is difficult to separate violence used to intimidate members of anticorruption bodies and agencies from the more pervasive violence, a close examination reveals clearly that those fighting corruption—whether staff members of the Commission on Public Integrity or investigative journalists

digging too deep—were particularly vulnerable to precisely targeted violence designed to inhibit their investigation, restrict or dilute their findings and proposals, and suppress anti-corruption activities. A few Iraqi politicians and officials recognized this and referred specifically to the violent mafia in the oil ministry that prevented reform. It is likely that similar if less blatant efforts at intimidation were made in other ministries in order to maintain the lucrative revenue streams linked to corruption.

Officials at the U.S. Embassy in Baghdad performed an extremely perceptive assessment of corruption in the ministries (which was leaked and published on the Internet), but even this exposure did not sufficiently emphasize the role of violence and coercion in perpetuating corrupt activities and protecting the connections among organized crime, insurgents, and militias on the one side and between politicians and officials on the other. Unfortunately, while corruption-related violence was only a small part of the overall violence, it had a powerful and pervasive impact that made good governance more elusive and undermined faith in the new government. The post-Ba'athist Iraqi state was inevitably somewhat weak at the outset, and organized crime sought to perpetuate that weakness.

It is clear from all this that organized crime in Iraq was highly predatory. Yet it is also important to recognize what, in a very different context, Andre Standing shrewdly described as the “social contradictions of organized crime.”<sup>11</sup> Writing specifically about the Cape Flats in South Africa, Standing shows how organized crime and criminal economy can play *positive* roles. In an analysis that has wide applicability, Standing argues that the criminal economy is “a core dimension of the community” rather than “a fringe activity perpetrated by outsiders

who can be easily separated from a normal legal society containing good citizens.”<sup>2</sup> This certainly applies to Iraq, where organized crime and illicit economic activity are pervasive. Moreover, in Standing’s view, organized crime “delivers employment and goods to thousands of individuals” otherwise socially and economically excluded.<sup>3</sup> This notion of organized crime as a safety net is not far-fetched even in Iraq, although expressions of criminal “philanthropy” or criminal paternalism of the kind displayed elsewhere—most flamboyantly in Colombia by Pablo Escobar in his program “Medellin without slums”—seem lacking.

Recognizing that organized crime can act as a safety net is simply to recognize that it has benefits as well as costs. Organized crime is certainly not victimless—especially when violence or the threat of violence are integral to the crime, as it is with kidnapping and trafficking in persons—but it is a social and economic coping strategy, providing employment when unemployment is high and opportunities when opportunities in licit economies are severely constricted. Indeed, the economy in Iraq had been so devastated by successive wars, sanctions, and economic mismanagement that organized crime was one of the few sources of employment after March 2003. This is not to deny the pernicious nature and devastating consequences of organized crime; it is simply to suggest that complex phenomena often have paradoxical characteristics.

The other critical component of organized crime in Iraq was the appropriation of criminal methods by political and military actors. Insurgents, jihadis, militias, and certain Sunni tribes were all involved in organized criminal activities. In many respects this was a familiar pattern. Groups as diverse as the Irish Republican Army, Liberation Tigers

of Tamil Eelam, and Revolutionary Armed Forces of Colombia had long used criminal activities as a funding mechanism. For jihadi groups, especially AQI, criminal activities became a critical source of revenue. The willingness of European governments to make

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substantial payments for the release of their citizens made kidnapping of foreigners highly lucrative. Reports claim that France paid \$15 million for the release of three hostages, Italy paid \$11 million, and Germany paid \$8 million to \$10 million.<sup>4</sup> This revenue stream was surpassed only by the profits from the theft, diversion, smuggling, and black market sales of oil. Car theft was another source of funding for AQI and became particularly important in Mosul when AQI and its affiliates concentrated there after setbacks in Al Anbar and Baghdad. Extortion and various kinds of fraud were also core funding activities. Shiite militias, especially Jaish al-Mahdi (JAM), also became heavily involved in organized crime in Iraq, although how much was carried out under the direct control of the organization and how much by “rogue” factions is uncertain. Four criminal activities provided Mahdi army members with important revenue streams: extortion and protection, black market sales of petroleum, seizures of cars and houses under the guise of sectarian cleansing, and involvement in oil smuggling in Basra. The offensives in Basra and Sadr City in the first half of 2008 had some impact in reducing JAM criminal activities.

All this challenged the dominant paradigm of terrorist financing that emerged after September 11, 2001, and involved funneling funds through charities, the global financial system, and informal money transfer mechanisms to terrorists carrying out attacks. Following the money becomes difficult without a trail, or when funds are raised and spent locally or there is no distinction between fundraisers and those who commit acts of terrorism. Although the money brought into Iraq by foreign fighters was not negligible, the amounts seem to have been modest when compared with the funds raised through criminal activities. This was recognized by a 2006 intelligence report leaked to the *New York Times* that concluded insurgents and terrorists in Iraq were financially self-sufficient and not dependent on funds from outside the country, let alone from al Qaeda central.

Closely linked to this self-sufficiency, the informal, criminal, and conflict economies in Iraq overlapped and intersected in complex ways.<sup>5</sup> The insurgency, like organized crime, became an important source of employment. If the appropriation of organized crime methods helped insurgents and jihadis, however, it also provided opportunities for wedge-driving by the United States. In Anbar Province, in particular, tensions over the control of illicit activities between the Sunni tribes and AQI helped to create a major schism.<sup>6</sup> The U.S. military, as the “strongest tribe,” became adjudicator and enforcer in criminal disputes dressed up as political differences, siding with one set of violent armed groups engaged in criminal activities against other groups judged more dangerous.<sup>7</sup> The tribes were losing the turf wars to AQI until the U.S. military came to the rescue. Moreover, the Anbar Awakening was in part an alternative employment program that encouraged the defection of major

Sunni tribes from the insurgency. If the United States was able to lever what was effectively criminal competition, however, the tactical benefits were greatly outweighed by the strategic costs of failing to anticipate the rise of organized crime in Iraq and the far-reaching consequences it would have for reestablishing stability and governance after the toppling of Saddam Hussein. Although there were precedents, analogues, and commentaries that could have provided early warning, the obstacles to anticipating the rise of organized crime were systemic and powerful.

### **Strategic Surprise**

Ironically, Iraq is not the first case in which U.S. aspirations and expectations have been confounded by organized crime. The hope that Russia in the 1990s would undergo a smooth transition to liberal democracy and the free market was disappointed by widespread corruption, connivance, and violence associated with the rise of organized crime.<sup>8</sup> In part, this reflected a loss of social control by the state, a loss inherent amid transformation and upheaval. In retrospect, however, the rise of organized crime reflected the adoption of a new strategy by the political elite. Accepting the end of the Soviet Union, many members of the elite, working in collusion with criminals, positioned themselves to exploit the transition to capitalism. And with the absence of a regulatory framework for business, organized crime became protector, arbitrator of disputes, and debt collector of last resort. At times, organized crime appeared out of control, with contract killings being used to eliminate threats—whether in the form of reformist politicians, investigative journalists, or policemen resistant to the blandishments of corruption. Yet as Joseph Serio has argued, what was happening was in fact a fusion

of crime, business, and politics.<sup>9</sup> The achievement of Vladimir Putin was primarily to reestablish the dominant role of the political elites in what has remained a symbiotic relationship with organized crime. At various points during the 1990s, it appeared that organized crime was taking over the state. In fact, the state was a willing partner. Under Putin, however, the state simply became a much more assertive partner, with the security services and law enforcement once again controlling, regulating, and facilitating (rather than neutralizing) organized crime.

The key point is that the role of organized crime in derailing the transition of Russia to a free market and liberal democracy was not anticipated. Fritz Ermarth has noted that although the State Department's Bureau of Intelligence and Research in 1992 produced an astute analysis of the likely impact of crime and corruption in Russia, "subsequently, neither American intelligence analysis nor American policymakers adequately appreciated the crime and corruption problem."<sup>10</sup> At the policymaking level there was a great deal of "customer sales resistance" driven in part by wishful thinking about the transition, which created skepticism about reports emphasizing the extent of Russian political corruption.<sup>11</sup> At the analytic level, it appears there was a desire to please policymakers by both emphasizing that the market would tame organized crime and downgrading the challenge that it posed by inappropriate analogies between Russian criminals and the "robber barons" in the United States.<sup>12</sup> As Ermarth noted, the robber barons operated in an environment constrained by laws.<sup>13</sup> They also built infrastructure rather than looting the state. The result was not a dramatic strategic surprise but a subtle and an insidious one. As a result, it was not one from which appropriate and valuable lessons were learned.

The evolution of organized crime in Russia was not the only experience that could have increased sensitivities to the potential role of organized crime in Iraq. The conflicts in the Balkans during the 1990s were inextricably linked to organized crime, which obtained an enormous boost from the imposition of international sanctions, acted as a major funding mechanism for ethnic factions, and helped to maintain the Slobodan Milosevic regime in Serbia. Competing factions and state structures appropriated criminal activities as a means of funding political agendas. The struggle over Kosovo, for example, was in part a clash between cigarette smugglers and heroin traffickers. Yet political animosities did not inhibit criminal cooperation when it was mutually convenient and beneficial. Serb and Albanian criminal networks, for example, were not averse to doing business with one another, in spite of political tensions. In a political economy dominated by illicit activities, this was hardly surprising. The illicit economy and organized crime were not on the periphery of economic and political activities in the Balkans; they were *central* to those activities. Moreover, this was not some kind of regional aberration but the emergence of a pattern that is becoming increasingly common and that was certainly manifest in Iraq.

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Although there is inevitably an element of what David Snowden termed "retrospective coherence" in this analysis of Iraq, it is worth emphasizing that several warning voices were raised about organized crime in the early months of the occupation.<sup>14</sup> One of these was

Mark Edmond Clark of the Strategy Group, who noted in July 2003 that “the Balkans could possibly serve as a model for understanding what is now taking place in Iraq.”<sup>15</sup> He also noted that “combating organized crime in Iraq will . . . demand further consideration as the humanitarian and reconstruction efforts get under way.”<sup>16</sup> Perhaps even more important, in August 2003 a delegation from the United Nations Office of Drugs and Crime (UNODC) provided a comprehensive assessment, noting that organized crime was already contributing to instability and complicating reconstruction.<sup>17</sup> The UNODC report identified oil smuggling, trafficking in firearms, human trafficking, theft and trafficking of artifacts, kidnapping and extortion, car-jacking, and the large-scale theft of copper from pylons and power lines as key criminal activities, some of which had already reached “industrial scale” proportions.<sup>18</sup> The report also noted that “the conditions for the expansion of organized crime include the absence of the rule of law, the disintegration of state institutions and the promotion of various forms of smuggling under the previous regime.”<sup>19</sup> Both Clark and the UNODC mission provided strategic warning about the rise of organized crime in post-Ba’athist Iraq. Their warnings, however, had little impact on high-level decisionmaking. Neither civilian leaders in the Coalition Provisional Authority nor members of the military leadership took the warnings as seriously as they should have—and the UN mission met a mixture of resistance and indifference.<sup>20</sup>

The indifference to the possible rise of organized crime and its profoundly debilitating consequences was reflected in two early decisions in Iraq, both of which had far-reaching consequences: the decision to stand by passively in the face of widespread looting, and the decision to disband the army. The decision

to do nothing in the face of the looting seems to reflect both a lack of planning for the occupation and a belief that looting reflected a deep-seated anger at the regime and, therefore, was likely to have a highly cathartic effect. In fact, the looting both reflected and accentuated a condition of anomie: the degeneration of moral standards and permissible behavior. In an environment characterized by enormous uncertainty, a lack of clear rules and norms, and the absence of constraints imposed by a strong central government, allowing the looting gave the wrong signal. Not only did it embolden criminals and undermine faith in the occupation, but it also created a pervasive sense of personal insecurity. This proved difficult to dispel and ultimately fed into the emergent role of the militias as sectarian protectors. The looting also morphed into more focused and organized forms of crime. Perhaps most important, however, was the psychological impact of a lawless environment with high levels of impunity. The conclusion was that criminal activities had high payoffs and carried few risks.

The decision to dismantle the army, although more ideological than the decision to allow the looting, was another major boost to the rise of predatory forms of organized crime in Iraq. If more thought had been given to the consequences of creating a surplus of unemployed experts in violence in an environment characterized by weak governance mechanisms with low levels of legitimacy, multiple sectarian, tribal, and regional divisions, and very constricted employment opportunities, then the imprudent nature of the decision would have been obvious. Once again, experiences in the former Soviet Union and Balkans could have provided a vital insight: when experts in violence are removed from their traditional occupation in the armed forces or security services,



they become what one Russian scholar termed “entrepreneurs of violence.”<sup>21</sup> Although measures to limit the power of the Ba’athists were essential, the extent of de-Ba’athification was done with too little analysis of likely consequences. The result was the unleashing of groups that had always had a predatory approach to the society who also had managerial skills and expertise in violence and intimidation. Indeed, former regime elements from the military and the intelligence services became major players in the criminal world. Some of these people were able to use their detailed knowledge of the population to identify particularly lucrative targets for kidnapping for ransom. The families of many hostages discovered that the kidnapers had specific details of their finances, which both accentuated their sense of helplessness and limited their bargaining ability.

If the Coalition Provisional Authority failed to recognize how its own decisions and actions fed into the rise of organized crime in the country, some U.S. operational units appreciated the organized crime component of the challenges confronted. As early as July 2004, Marine commanders were acknowledging that it was difficult to:

*overemphasize the importance of organized crime in the insurgency. . . . The perpetrators are motivated by self-interest and greed. They not only plan and carry out violence but pay others to do the same. One commander compared the intransigence of Iraqi organized crime networks to that of the mafia in Sicily before World War II. It has the same stranglehold on whole local economies and populations, and is protected by family and tribal loyalties.*<sup>22</sup>

Such an assessment, however, was not widely accepted, with the result that neither

the extensive nature of criminal activities nor their pernicious consequences was anticipated and contained. As a result, the rise of organized crime in Iraq proved a strategic surprise for the United States. The reasons for this must now be examined.

**Grooved Thinking and Labeling.** Military planning appropriately focuses on overt military problems and challenges. One of the problems inhibiting both planning and analysis, however, is the simple labeling and categorizing of problems. Labels become important in defining problems and determining the locus of responsibility for responding to them.<sup>23</sup> In this connection, it bears emphasis that although military planning now includes an integral rule of law component, this was not initially the case in Iraq. Moreover, organized crime was seen as a law and order problem rather than a military challenge, even though it fed directly into the

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disorder, political violence, and pervasive insecurity. Consequently, criminal activities and criminal organizations were dealt with sporadically rather than systematically and at the tactical and operational levels rather than as a matter of strategy. This remained largely true even when the emphasis on counterinsurgency became more pronounced.

**Poor Use of Analogies and Precedents.** It is often noted that historical analogies and history itself are used badly in both intelligence and national security decisionmaking. Part of the reason is the dominance of national



experience, a failure to see broader patterns, and a reluctance to acknowledge the relevance of experience elsewhere. In this connection, the United States has an ethnocentric view of organized crime, which is traditionally seen as a law and order challenge rather than a fundamental threat to security. Indeed, the very concept of security in the United States has always referred primarily to national and sometimes to international security.

In Latin America, in contrast, security is seen much more in terms of public or citizen security. One reason for the difference is that traditional organized crime in the United States played by certain rules; policemen were regarded as touchable (in some places and on some occasions) by the bribe but untouchable by the bullet. In Latin America and other parts of the world, the inhibitions on attacking those who work for the state are much weaker. And while the United States was relatively successful—at least in the long term—in containing the Italian Mafia, in other countries organized crime was more pervasive and damaging.

Yet U.S. civilian and military leaders exhibited considerable reluctance to acknowledge not only that organized crime could exercise much more influence in some societies than it did in



Iraqi police allow vehicle to pass through security checkpoint after searching it for weapons, drugs, and other illicit materials

the United States but also that it might behave with less prudence and greater ruthlessness. Both the Balkans and many states of the former Soviet Union provided dramatic examples of how pervasive and corrosive organized crime could become in periods of state weakness, collapse, or even political transitions characterized by rapid social and economic dislocation. Although the United States during the 1990s developed considerable interest in political stability, state weakness, and the dangers of state failure, it rarely linked those issues to the role and rise of organized crime, even though the former Soviet Union and Balkans experienced bumpy transitions in which organized crime emerged as a major spoiler. Expectations about the free market economy and the aspirations for liberal democracy soon became mired in large-scale economic dislocation, unemployment, and the failure to develop the legal and regulatory structures for the governance of a capitalist economy.

As a result, organized crime became a proxy for the state, providing protection and enforcement unavailable through legal channels. In Iraq, the United States made the state fail—through a very successful decapitation strategy. The rapidity of state collapse and the dislocation created in a society

rendered highly fragile by brutal dictatorship, successive wars, and the imposition of international sanctions provided multiple opportunities for the rise of organized crime. This was as inevitable as it was unexpected.

***Dominance of Strategic Perspectives.***

The dominant assessment of Iraq prior to the U.S. invasion was of a rogue state with a

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regime intent on regional domination and likely involved in the development of weapons of mass destruction. Iraq was a strategic challenge, so little attention was given to its internal social and economic problems. Consequently, the debate over sanctions revolved around their effectiveness in inhibiting the behavior of Saddam Hussein. No consideration was given to the criminalization consequences of international sanctions.<sup>24</sup> Peter Andreas argues very persuasively, however, that “sanctions almost invariably have a criminalizing impact on the targeted country as well as its neighbors.”<sup>25</sup> In his view, the criminalizing consequences of sanctions occur at several distinct but overlapping levels. First, while sanctions are in effect, the target state typically goes “into the business of organized crime to generate revenue, supplies, and strengthen its hold on power, fostering an alliance with clandestine transnational economic actors for mutual gain. This alliance may, in turn, persist beyond the sanctions period.”<sup>26</sup> Iraq certainly exemplifies this, with its exploitation of the oil-for-food program for kick-back schemes, as well as the oil protocols with its neighbors. Second, efforts to circumvent

sanctions lead to the creation of regional smuggling linkages. In Iraq, such linkages survived the collapse of the Ba’athist regime and became an important factor in helping to fund opposition to U.S. presence. Third, sanctions and their circumvention result in the criminalization of the economy and society, enabling organized crime groups to move from the periphery to the core of economic life.

After the collapse of the regime, illicit activities in Iraq continued while, in effect, becoming more democratic and more diffuse. U.S. planners seem to have given this prospect scant attention, exhibiting little if any sensitivity to the acceptance of criminal behavior and criminal activities as the norm in Iraq. Although it is possible that intelligence assessments reflected a far deeper understanding, U.S. policymakers were oblivious to the degradation of norms and standards that had taken place in a country ruled by personal dictatorship and not law, a population wracked by a succession of internal and external wars, an economy in which sanctions had destroyed the middle class, and a society in which insecurity, desperation, opportunism, and greed had created a combustible combination only contained by repression.

When the tyranny of fear was removed and the “fierce state” was destroyed, there was nothing to replace it as a source of order.<sup>27</sup> Mechanisms for managing disputes or resolving conflicts were absent, as were national institutions in which people could place their trust. The Ba’athist regime had done a good job of containing and even hiding these faultlines in society, and consequently it was hard for the United States, looking from the outside, to understand the deterioration. Nevertheless, the inability or unwillingness to recognize that “reestablishing societal acceptance of legal

norms can be one of the most challenging tasks after the sanctions are lifted” was to have profound implications.<sup>28</sup> The failure to categorize Iraq as a high-risk country for organized crime meant that U.S. forces were ill prepared for the challenges they would face.

This is not to claim that domestic factors in Iraq were completely ignored. Insofar as there was an internal focus, however, it was on the Sunni-Shia divide and the likely impact of the U.S. intervention on reversing the balance of advantage in Iraq. The financial dimension of sectarian cleansing—through kidnappings, killings, and the associated theft of cars and houses—has received remarkably little attention, at least in the public debate.<sup>29</sup> Another surprise was the intensity of the political competition among Shia factions and parties. This competition came to the fore in Basra, where there was a violent struggle for the control of both licit and illicit trade in oil. Indeed, intra-Shia sectarianism and organized crime became bound up with one another, as elements in Moqtada al-Sadr’s militia, Jaish al-Mahdi, became involved, at the very least, in providing protection for oil smugglers, and found itself competing with both the Fadhila party militia and the Badr Corps (which gradually became integrated into the army) for the “rents” on this trade.

***Wishful Thinking: Regime Change without Pain.*** In many postmortems of intelligence and decisionmaking failures, it is clear that all too often those involved saw only what they expected to see. In some cases, that was compounded by a tendency to see what they wanted to see. In effect, preconceptions were reinforced by wishful thinking. Such a tendency seems to have been at work in Washington prior to the invasion of Iraq, particularly in decisions made at the political

level. Strong elements of wishful thinking encouraged a tendency to minimize the extent of the disruption and dislocation that would occur with the U.S. military intervention. Underlying this is an important cultural factor rooted in the ideals of American society, which creates an appealing but often unwarranted optimism about the capacity of the United States to bring about desired changes. This pattern of expectation was woven through a long series of U.S. military interventions and was crystallized in the resurgent Wilsonianism of a conservative Republican administration. An economic variant of Wilsonianism was evident in Thomas Barnett’s *The Pentagon’s New Map: War and Peace in the Twenty-first Century*, which encapsulated and extolled the

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virtues of global neoliberalism at a time when this had already been rejected in many parts of the world. For Barnett, the opportunity to integrate Iraq (and Afghanistan) into the core global economy was one of the major benefits of intervention. The underlying assumption is that the Western and especially the American conception of globalization, if not enthusiastically shared throughout the developing world, remains attractive.

The concomitant is that developing countries will accept liberal democratic norms and welcome U.S. power and presence that embodies these norms. The resulting expectation is that the West in general and the United States in particular will be able to expand the order, peace, and stability of the developed

world to the zone of disorder in the periphery. Such thinking ignores three things: the rejection not only of liberal-democratic values but also modernity itself in large segments of the developing world; antipathy toward the United States, which is seen as seeking to impose its values and principles on unwilling populations

**in most situations a team approach to the assessment that combines country specialists, political and economic analysts, and those with expertise on organized crime is appropriate**

even where this means supporting corrupt and autocratic governments in the meantime; and the capacity of others not to confront the United States directly but to act as spoilers in conflict and postconflict situations.

The diffusion and democratization of weapons systems, along with the ingenuity of substate and transnational networks in devising asymmetrical weapons, might not defeat great-power occupation but can make occupation very costly. Perhaps more fundamentally, it is not clear that the momentum is with the West. A close examination of events over the last two decades suggests not that order is flowing from the core to the periphery but that disorder is extending from the periphery to the core. One of the best encapsulations of the rise of organized crime and other violent nonstate actors as well as the development of alternative forms of governance is the term *the revenge of the periphery*.<sup>30</sup>

**Ethnocentrism and Corruption.** Hand-in-hand with the Wilsonian conception of the desirability of liberal democracies is the notion of well-regulated polities with clear distinctions between public and private activities, rules on conflicts of interest, institutional safeguards

against abuse of position and authority for private gain, a high degree of transparency and accountability, and a deep and abiding sense of public service. In fact, Western democracies are the anomaly; “corruption” is not only endemic but is also deeply embedded in many traditional societies where it is linked to familial, tribal, and clan obligations that take precedence over the rule of law. From this perspective, governing the state is not a burden that requires an unselfish tradition of public service but an opportunity to obtain and distribute resources. Access to the resources of the state is a prize to be won, and the spoils are distributed in ways that reflect traditional affiliations, obligations, and loyalties. This gives politics in many countries in the developing world a zero-sum quality that accentuates rather than bridges divisions within these societies.

All this was reflected in high levels of official corruption in Iraq and the development of a symbiotic relationship between crime and politics. The relationships that had developed under Saddam between political elites, officials, and bureaucrats on the one side and criminal organizations on the other deepened as the new government was formed. The symbiosis was particularly pronounced in the Ministry of Oil where administrative corruption and political collusion greatly facilitated the theft, diversion, and smuggling of oil and petroleum products. The development of a “political-criminal nexus” mirrored that in many other parts of the world.<sup>31</sup> Yet the nexus undermined U.S. interests and complicated efforts to establish good governance. In other words, historical, cultural, and political factors in Iraq ensured the collective interest remained subordinate to individual and factional interests. These factors were reinforced and perpetuated by the links between organized crime and political and administrative

elites. Moreover, the injection of large amounts of money for economic reconstruction without adequate control or oversight and no plan for effective disbursement exacerbated both crime and corruption. Reconstruction monies tempted not only various factions in Iraq but also U.S. corporations and contractors—many of which performed abysmally in terms of task completion. Reconstruction was vital but its implementation, in spite of all the efforts of the Special Inspector General on Iraq Reconstruction, facilitated and encouraged the growth of corruption and organized crime.

The critical question, therefore, is how similar strategic surprises can be avoided in future conflict and postconflict contingencies.

### **Intelligence, Military Contingencies, and Organized Crime**

In thinking about intelligence to combat organized crime, two main requirements stand out. First, intelligence assessments of organized crime must be incorporated into the decision-making process preceding the deployment of military forces. These assessments should anticipate the levels, forms, and scope of organized crime that might arise during the contingency itself and consider the impact on prospects for success. Second, during the deployment, intelligence about organized crime should enhance the effectiveness of the military forces in meeting their mission requirements.

In terms of intelligence and planning, one simple way to anticipate the possible rise of organized crime as a spoiler in military contingencies is to include an organized crime threat assessment prior to military deployment. A useful analogy is arms control impact statements, which were congressionally mandated requirements accompanying certain military budget requests between 1976 and 1993. An organized crime impact

statement need not be formalized in the same way. Nevertheless, it should become a key component of military planning, a part of intelligence preparation of the battlefield at the strategic level and something that is given full consideration prior to deploying forces. Systematically thinking about how the military intervention—whether large-scale or more modest—is likely to change the opportunity space and incentive structures for organized crime in the target country and the surrounding region is critical. In this connection, it has become axiomatic that the deployment of peacekeepers expands the market for commercial sex and creates new incentives for trafficking in women to the deployment country.

While much will depend on the specific circumstances, it is likely that in most situations a team approach to the assessment that combines country specialists, political and economic analysts, and those with expertise on organized crime is appropriate. The assessment itself could be based on a checklist of key questions, broad enough to be asked in all cases but focused enough to elicit aspects of the problem unique to the particular target country and contingency under consideration. The assessment should consider organizations and markets, incentives and inhibitions, and ways in which a U.S. military deployment might have the inadvertent consequence of strengthening organized crime.

If the assessment concludes that organized crime is likely to become a major problem, it must identify points of leverage that the United States can exploit to preempt or limit the problem. What follows is a preliminary checklist for such an assessment. It is not definitive and there is some overlap, but this is based on the notion that an organized crime threat assessment needs to be broad rather than narrow and that elements of overlap are preferable to gaps.

## 1. The Current State of Organized Crime in the Country:

- ❖ What is the current state of organized crime? Is it specialized or diverse? Is it widespread or restricted to a few sectors of the economy? Are there particular sectors where organized crime has or could develop a dominant position?
- ❖ How is crime organized? Is it through traditional hierarchies and pyramidal structures or through more horizontal networks? Are there many small groups and “mom and pop” operations, or are there a few large syndicates?
- ❖ What is the cultural basis for organized crime? Are trust and loyalty in the criminal world rooted in family, tribe, or clan relationships and affinities, or are they based simply on the threat of harsh reprisals for defection or disloyalty? Or is it a mix of affinity and fear?
- ❖ What traditions (for example, traditions of cross-border smuggling, patrimonial relationships, or lack of allegiance to the state structure) in the society encourage or feed into criminal activity? Conversely, what traditions might act as constraints on various forms of criminality?
- ❖ What level of legitimacy does the state have? Does the state provide adequate levels of protection and service to its citizens? If it does not, what alternative sources of protection, service, and even governance are available?
- ❖ Are political factions and violent groups that oppose the government using criminal activities for funding? If so, what kinds of activities are they engaged in, and what kinds of revenue streams are they obtaining?
- ❖ What kind of connections and cooperation exists, if any, between violent political actors and traditional criminal enterprises? If there is cooperation, is it based merely on mutual expediency or certain kinds of affinity among the different types of groups?
- ❖ Does the regime in power systematically engage in criminal activities? If so, what kinds of collaborative networks are involved? Are these networks likely to be self-sustaining and self-perpetuating in the absence of the regime and the accompanying linkages?
- ❖ What is the level of economic development of the state? What is its degree of control over key resources? What resources exist in the state, and how are their management and the distribution of profits organized? If control of key resources is a state monopoly, in what ways is this monopoly being challenged (for example, siphoning resources and moving them to illicit markets whether in the state or outside, or violent conflict for control of licit and/or illicit markets)? If control is contested, who are the challengers to the state?
- ❖ If there are major political divisions in the state, to what extent are rival factions exploiting criminal activities to fund political competition?
- ❖ What kind of state/regime is the target of possible intervention? Is it strong or weak, authoritarian or democratic? Are there capacity gaps and functional holes that could be



exploited and/or filled by organized crime? What kinds of rents do the political elites obtain? Are these rents concentrated or distributed? Is there a political-criminal nexus in the country? If so, how is power distributed in relationships between the political elites and the criminal organizations?

- ❖ What is the level of civil society in the country? Are civil society institutions fully or poorly developed? Do elements of civil society in any way act as counterweights to organized crime and/or government corruption?
- ❖ Has the state been subjected to international sanctions? If so, how did it respond? Were attempts made to circumvent sanctions, and if so, how successful were they? Did sanctions and sanctions-busting result in the development of national and regional criminal networks? If so, are these networks likely to survive the removal of sanctions and develop other illicit business opportunities?

## 2. The Future Potential of Organized Crime:

- ❖ What are the propensity and capacity for criminal organizations to act as spoilers in the event of either regime change or postconflict peace-building?
- ❖ To what extent are there violent groups opposing the military presence and acting as spoilers to the reestablishment of good governance? Will these violent groups be able to appropriate organized crime methods, thereby becoming more powerful and effective spoilers?
- ❖ In the event of political and economic upheaval, what kinds of black markets are likely to emerge? Are these likely to be informal coping mechanisms, or will they provide opportunities for criminal enrichment? If new criminal markets do emerge, what kinds of incentives and opportunities exist for new entrants into these markets? What kinds of products are likely to be most important? What is the likely balance among wholly illicit prohibited products and services, regulated products or services, and licit products susceptible to theft, diversion, and smuggling? What kinds of criminal activities are likely to be most lucrative?
- ❖ How much does the successful pursuit of illicit opportunities require the perpetuation of a weak state as opposed to allowing the reemergence of a strong legitimate state?
- ❖ Is the state, the peacekeeping contingent, or intervening force able to provide security, or will key portions of the citizenry look for alternative forms of protection? Is the state, the peacekeepers, or an intervening force able to provide services, or will key portions of the citizenry look for alternative service providers? If there is a demand for services and protection, which groups are best positioned to meet that demand? How powerful and attractive are these alternative forms of governance? What is the balance between predation and protection in their activities?

## 3. Potential Points of Leverage:

- ❖ Is there invariably a zero-sum relationship between alternative forms of governance and the state, or can these rival power and authority centers be coopted by the state? If cooption is

not feasible, in what ways might alternative governance structures be simply encouraged to become less predatory?

- ❖ Are some forms of organized crime activities and certain kinds of criminal organization more pernicious than others? If such a distinction can be made, what opportunities might there be to exploit it?
- ❖ What is the relationship among the informal, illegal, and conflict economies? Are there sufficiently attractive incentives and opportunities in the legal economy to entice people away from the informal and illicit economies? Are there sufficiently attractive incentives and opportunities in the informal economy to encourage people to move away from the illicit and conflict/insurgent economies? How can these incentives and opportunities be strengthened?
- ❖ If legitimacy is low, what can be done in the short/medium and long terms to enhance it? Similarly, if the rule of law is weak, what can be done in the short/medium and long terms to enhance it?
- ❖ If reconstruction is a key part of either peacekeeping or military intervention, how can it best be managed so violent and criminal groups are not able to exploit the resources injected into the economy? In what ways can aid and reconstruction efforts be protected so they do not become targets for extortion, fraud, or exploitation?
- ❖ To what extent do intervention or peacekeeping disrupt or threaten traditional stakeholders and/or the dominance of certain political actors? Are there ways that a more inclusive and integrating strategy can be developed?
- ❖ What measures could preempt or inhibit alliances between criminal enterprises solely focused on profit and violent groups with political agendas, to whom criminal activities are simply a financial means to achieve political goals?
- ❖ Are there regional asymmetries, such as markedly different prices for commodities produced in the target country and/or its neighbors, that can encourage smuggling? If so, can these asymmetries be reduced?
- ❖ What kinds of actions by peacekeeping or intervention forces encourage the creation of alliances among criminal groups, among violent political groups, or between criminal and violent political groups? Do differential law enforcement and targeting priorities offer opportunities to break alliances between various groups or factions?
- ❖ What kind of precautions can be taken to avoid the emergence of kidnapping as a strategic weapon against the occupation or peacekeeping forces rather than simply as criminal activity?

As acknowledged above, this is not an exhaustive list. It does, however, provide essential questions that need to be framed prior to any military or peacekeeping contingency, even where it is not readily obvious that organized crime plays a major role or has the capacity to become a

spoiler. Once the intervention or peacekeeping deployment is under way, however, a new set of collection and analytic requirements comes to the fore. One possible approach to meeting these operational demands is through systematic efforts to fuse national security and law enforcement intelligence.

An effective fusion of law enforcement intelligence on the one side and military and strategic intelligence on the other is difficult. Moreover, the Iraq experience is not particularly promising, as there was little if any integration of law enforcement and military intelligence. Even though military intelligence developed enormous insight into Iraqi culture, tribal traditions and relationships, and social and political networks, this process does not seem to have been extended in any systematic way to organized crime in Iraq. This is not surprising. One of the most important obstacles was the military's lack of interest in the law enforcement mission, especially complex investigations that are themselves a source of intelligence and understanding as well as crucial to prosecution and conviction. To overcome this, strategic and military intelligence has to acknowledge that the organized crime is not a peripheral issue but something that can contribute significantly to the funding of those who are hostile to U.S. forces and willing to use violence to eject them. The growing acknowledgment of the salience of the rule of law mission in the Department of Defense is an important sign of progress and suggests that the military's clear dichotomy between intelligence and military operations on the one side and reconstruction and rule of law operations on the other is breaking down. It is not that soldiers are expected to become policemen; it is simply that there has to be a more explicit recognition that some

law enforcement intelligence skills are highly relevant to the military environment of the 21<sup>st</sup> century.<sup>32</sup>

Even with such an acknowledgment, however, difficulties remain. The rule of law mission is broad and does not focus adequately

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on organized crime. Military intelligence collectors and analysts are not trained for the specific requirements of criminal intelligence. They are even less suited for criminal investigations, which remain crucial in learning the nature and extent of criminal networks involved in the larger organized crime challenge. On the other side of the equation, civilian law enforcement agencies are reluctant to embed their own analysts and agents with military units for lengthy periods. Moreover, much law enforcement remains deeply rooted in the tactical and the operational, with emphasis on specific cases and indictment and conviction rather than knowledge acquisition and what might be termed the strategic dismantling of criminal organizations.

These difficulties are both systemic and serious. Even with highly adaptive organizations in the theater of operations, they cannot be overcome once military forces are deployed. Traditional divides and bureaucratic silos must be overcome before deployment. It is argued here that this could be done with a set of initiatives explicitly designed to integrate law enforcement intelligence with strategic and military intelligence.

First, and most important, is the creation of a multiagency intelligence task force specifically designed to focus on organized crime in conflict and postconflict situations. This should include representatives from the Central Intelligence Agency, Defense Intelligence Agency, Department of the Treasury, Federal Bureau of Investigation, and Drug Enforcement Administration, with individuals designated as support personnel in other agencies who could be called on for additional assistance with both data and analysis. The task force could be organized as a network, but it would be preferable to have the members working together in the same location as this is essential to the creation of trust, the cross-fertilization of both methods and substantive insights, and the development of a distinctive sense of mission.

Second, there has to be a mutual learning process that will not be easy and therefore requires careful selection of personnel who are synthetic and eclectic in their approach, open to new methods, and dedicated to the mission irrespective of institutional affiliation. The key for law enforcement intelligence analysts is to think beyond the specific case and to combine the results of specific investigations (in which the priority is primarily knowledge acquisition and only secondarily arrest and indictment) with an overall strategic perspective. More traditional intelligence analysts should recognize that law enforcement has a great deal to offer to the intelligence process, particularly in complex environments. David Snowden has argued that the only way to understand a complex environment is by probing both the environment and adversaries and eliciting reactions that lead to enhanced understanding and awareness as well as knowledge acquisition.<sup>33</sup> Law enforcement is extremely good at probing behavior. For example, by temporarily detaining a critical figure in a criminal network while continuing to carry out surveillance on the network, it is possible to obtain insights into how criminal networks operate under stress. Such insights can facilitate the destruction of these networks.

A third essential pillar is a long-term program of increased personnel exchange between law enforcement and intelligence agencies with the notion that this would provide both a candidate pool for the task force and an analytic surge capability for specific contingencies. The integration of law enforcement intelligence into the training for strategic and military intelligence, and strategic and military analytic methods into law enforcement training, would augment this.

The final component would be the broadening of the intelligence mission in conflict and postconflict situations to go beyond those who are using violence against U.S. forces and to develop strategic and targeting intelligence about both criminal enterprises and the criminal fundraising activities of political and military actors. In a sense, the shift of focus in Iraq from improvised explosive devices to the networks behind them was the kind of process being described, but it would need to be even broader and more explicit to be effective.

None of this is a panacea. Nevertheless, an organized crime threat assessment prior to military deployment and the creation of a multiagency intelligence task force focused on organized crime in conflict and postconflict situations would at least offer some prospect of avoiding the kind of strategic surprise that occurred in Iraq. **PRISM**

**This article includes work done by the author for the National Intelligence Council as an Intelligence Community associate.**

## Notes

<sup>1</sup> André Standing, *The Social Contradictions of Organized Crime on the Cape Flats*, Institute for Security Studies (ISS) Paper 74 (Pretoria, South Africa: ISS, June 2003), available at <[www.iss.co.za/Pubs/Papers/74/Paper74.html](http://www.iss.co.za/Pubs/Papers/74/Paper74.html)>.

<sup>2</sup> *Ibid.*, 1.

<sup>3</sup> *Ibid.*

<sup>4</sup> Daniel McGrory, “How \$45m Secretly Bought Freedom of Foreign Hostages,” *The Times* (London), May 22, 2006, 8.

<sup>5</sup> Jonathan Goodhand uses the terms *coping*, *shadow*, and *combat economies*. See “Frontiers and Wars: The Opium Economy in Afghanistan,” *Journal of Agrarian Economy* 5, no. 2 (April 2005), 191–216. See also David S. Ramirez, “Gaining Control of Iraq’s Shadow Economy” (Thesis, Naval Postgraduate School, September 2007), 20, 61–69; and Robert E. Looney, “The Business of Insurgency: The Expansion of Iraq’s Shadow Economy,” *The National Interest* (Fall 2005).

<sup>6</sup> Austin Long, “The Anbar Awakening,” *Survival* 50, no. 2 (April 2008), 67–94.

<sup>7</sup> For the allusion, see Bing West, *The Strongest Tribe* (New York: Random House, 2008).

<sup>8</sup> See Fritz W. Ermarth, “Seeing Russia Plain: The Russian Crisis and American Intelligence,” *The National Interest* (Spring 1999), 5–14.

<sup>9</sup> See Joseph D. Serio, *Investigating the Russian Mafia* (Durham, NC: Carolina Academic Press, 2008), especially 233–235.

<sup>10</sup> Ermarth.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> David Snowden, “Complex Acts of Knowing: Paradox and Descriptive Self-Awareness,” *Journal of Knowledge Management* 6, no. 2 (May 2002).

<sup>15</sup> Mark Edmond Clark, “Understanding Balkan Organized Crime: A Key to Success in Iraq?” interview by Sean Costigan, Columbia International Affairs Online, July 2003, available at <[www.ciaonet.org/special\\_section/iraq/papers/clm10/clm10.html](http://www.ciaonet.org/special_section/iraq/papers/clm10/clm10.html)>.

<sup>16</sup> *Ibid.*

<sup>17</sup> United Nations Office of Drugs and Crime (UNODC), *Addressing Organized Crime and Drug Trafficking in Iraq: Report of the UNODC Fact Finding Mission 5–18 August 2003* (Vienna: UNODC, August 25, 2003).

<sup>18</sup> *Ibid.*, 7.

<sup>19</sup> *Ibid.*, iii.

<sup>20</sup> This point was made to the author in a conversation with one of the UNODC officials who authored the Iraq report.

<sup>21</sup> Vadim Volkov, *Entrepreneurs of Violence: The Use of Force in the Making of Russian Capitalism* (Ithaca, NY: Cornell University Press, 2002).

<sup>22</sup> Pamela Hess, “Analysis: Zen and the Art of Counterinsurgency,” *The Washington Times*, July 29, 2004.

<sup>23</sup> The author is grateful to James Cockayne of the International Peace Institute for this observation about the importance of labels.

<sup>24</sup> Peter Andreas, “Criminalizing Consequences of Sanctions: Embargo Busting and Its Legacy,” *International Studies Quarterly* 49, no. 2 (June 2005), 335–360.

<sup>25</sup> *Ibid.*, 335.

<sup>26</sup> *Ibid.*

<sup>27</sup> The notion of the “fierce” state is discussed in Nazih N. Ayubi, *Overstating the Arab State: Politics and Society in the Middle East* (New York: I.B. Tauris, 1996), especially chapter 12. For an excellent analysis of Iraq under Saddam Hussein that fits the notion of the fierce state, see Kanan Makiya, *Republic of Fear* (Berkeley: University of California Press, 1998).

<sup>28</sup> Andreas, 337.

<sup>29</sup> A notable exception to this was *Iraqslogger*, a journalistic blog that has provided highly perceptive reporting and valuable insights on developments in Iraq.

<sup>30</sup> This phrase was used by Lilian Bobea at a Friedrich Ebert Stiftung Meeting on Organized Crime in Latin America, Mexico City, June 2008.

<sup>31</sup> See Roy Godson, ed., *Menace to Society: Political-Criminal Collaboration Around the World* (New Brunswick, NJ: Transaction, 2003).

<sup>32</sup> The author is grateful for many of the insights in this and the following paragraph to Marc Hess and Dr. Lawrence Cline.

<sup>33</sup> Snowden.