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WORKING GROUP: TRANSNATIONAL ASPECTS OF CITIZEN SECURITY

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1. CONTEXT

For the past decade and more, issues of crime and violence have been at the forefront of citizen concerns throughout the region. From Rio's *favelas*, to the *barrios urbanos* in Caracas, to Central America's *pandillas*, and Mexican and Colombian organized crime, to name a few, citizens have been demanding of their governments more effective policies to deal with the insecurity that is taking an enormous human and economic toll on society.

Public insecurity is the by-product of many complex and overlapping factors such as widespread impunity caused, in large part, by weak and ineffective law enforcement institutions, economic disparity, and the breakdown of social and familial networks of support.

Not only is crime and violence a local and national problem, but in recent times its international and transnational dimensions have come sharply into focus, and the need for greater cross-border cooperation has become essential. This perspective was reflected in a recent speech on organized crime in Central America given by Ambassador William Brownfield, United States Assistant Secretary of State for International Narcotics and Law Enforcement Affairs: *"... our starting point is that [criminal organizations] are regional threats. They are not country specific. These affect the entire Central American region; therefore the solution must be regional as well."*

While there have always been transnational aspects to drug trafficking and trafficking in persons, some criminal organizations have taken on a much more transnational character operating at multiple levels and in several countries. In some cases, they are no longer simply transiting a second or intermediate country but actually establishing themselves in other national territories.

2. THE RATIONALE FOR A TRANSNATIONAL APPROACH

So if the threat to citizen security is not just local and national but actually transnational it makes sense to tackle the challenge internationally and collectively rather than individually. In this context, there are at least three reasons for policy makers to consider the transnational aspects of organized crime:

First, it is strategically important for the state to clearly identify the international components of organized crime and seek the assistance of international partners to confront the threat. Understanding the international linkages between criminal organizations in Central America and those in Mexico or Colombia will assist in establishing strategic operations. Additionally, transnational criminal organizations (TCOs) do not always operate with local partners but, at times, establish a presence of their own either to move their illicit product or establish a broader criminal presence. For example, while their origins and identity may be in Mexico, several Mexican criminal organizations operate transnationally with an important retail presence in the United States; operations in the Andes; a growing presence in Central America; global operations in West Africa and Europe; and via international financial transfers that may be under the control of Asian or Russian organized crime.

Second, working in a transnational cooperative framework can help counter the relative mobility of TCOs. Successfully weakening criminal organizations in one country may result in displacing their criminal to a second or multiple countries. Something similar happened in the 1980s when the Caribbean corridor was closed leading to the establishment of new routes and partnerships throughout the Meso-America corridor. This is the so-called balloon effect. Enhanced international collaboration and coordination can potentially anticipate these movements and take steps to disrupt them.

But a regional or transnational approach also faces numerous challenges.

First, the transnational approach is counter to the past several decades of experience where problems of public insecurity were generally addressed in the context of national sovereignty, and in some cases on the basis of bi-lateral cooperation. Cross-border intelligence sharing and operational collaboration are still infrequent and rare, though not unheard of.

Second, to be successful such an approach requires an acknowledgement of shared responsibility. The United State – Mexico experience is emblematic in this regard. For many years, drug trafficking was seen as the other's problem. The U.S. pressed Mexico – and indeed most of Latin America – to do more to stop the production and trafficking of drugs to the United States. Conversely, many in Mexico and throughout the region felt that drug trafficking through their territory was relatively benign since national consumption rates were relatively low and violence was isolated and often occurring in remote rural areas.

A major transformation of this perspective took place during the governments of George W. Bush and Felipe Calderón Hinojosa leading to the first ever security cooperation agreement, known as the Merida Initiative, between both countries. What made this agreement possible was a growing recognition amongst US officials that consumption of drugs and the money it generated required greater attention by the U.S. Likewise, President Calderón recognized for the first time that criminal organizations represented a serious threat to Mexican society and the Mexican state itself, and thus needed to be a

greater priority for his government. He also accepted that enhanced cooperation with the U.S. to confront this threat was desirable, something that has proven to be politically costly for the President and his party.

A final benefit to transnational cooperation comes from potential lessons learned from the efforts of other countries. The experiences of Colombia and Mexico can provide important insight into the operation and functioning of a particular TCO, as well as lessons about strategies to pursue or avoid in confronting organized crime. There is now a growing archive of serious literature evaluating the Colombia experience that may be enormously beneficial to other countries in the region especially if they are working collaboratively to confront the same groups and problems.

3. EXISTING REGIONAL INITIATIVES

In this context a number of multi-lateral regional security initiatives have begun to emerge to tackle the transnational aspects of organized crime.

In addition to the bi-lateral Merida Initiative discussed above, the Central America Regional Security Initiative (CARSI) and the Caribbean Basin Security Initiative (CBSI) have slowly taken shape in an effort to strengthen transnational cooperation to confront the TCO threat.

CARSI represents the comprehensive U.S. approach to supporting greater security in Central America including social and economic development components, crime prevention programs especially for at risk youth, as well as law enforcement efforts that are generally grouped under the Central America Citizen Security Partnership. The goal for these initiatives is to enable Central American countries to more effectively fight crime and transnational crime by:

- Supporting community oriented policing and security programs designed to address local concerns and insecurity.
- Disrupting the traffickers operating ability through improved intelligence operations, strengthening borders, reducing their ability to launder money, and disrupting weapons trafficking capacity.
- Building strong and accountable government institutions at local, state, and federal levels. Traditionally, these efforts were focused primarily on law enforcement and especially the capacity of national police and armed forces. But, as important as that is, such a narrow approach to institution building has serious limitations. Increasingly important is the need for transparent and accountable judicial and prosecutorial institutions; better penitentiary and corrections systems; and improved financial oversight and accountability not only for ensuring that resources are used as intended and not misused or stolen, but also to ensure that it is used effectively. (Money may be spent according to the law and with integrity but if the program for which it is intended is ineffective and does not produce quantifiable results then it is wasted money.) In this context, legislatures and parliaments have an important role to play in oversight (fiscalización) and in raising questions about the effectiveness and outcomes of a particular strategy.
- Fourth, investing in strong communities through economic development programs, assistance with business and job creation, and a social policy focused on strengthening educational opportunities and programs designed to assist at risk youth who are faced with fractured family and lack community support, poor quality education, and limited access to employment opportunities

amongst others. Adequate public services and access to healthcare are also important components of this effort. It should also be noted that while the focus of these programs is usually urban there is an important rural element to ensuring that there are alternative livelihoods and effective state presence to combat the erosion of local institutions by well-funded organized crime. Examining the penetration of Guatemala's Petén region by organized crime would be a good example of how the lack of an effective rural development strategy and weak state presence can undermine overall security for a country.

- Finally, enhanced inter-agency cooperation and international coordination are essential to avoiding duplication of efforts and weakening the states response. In Central America this issue is being tackled now in the context of the Sistema de Integración Centroamericana (SICA). All seven Central American countries, together with international donors, have agreed to the broad framework for a region wide security strategy. The agreement, signed in June, is important in two regards. First, it reflects a strategy that is emerging from the countries themselves and is not being superimposed by outside actors. Additionally, it commits the donors to greater coordination and collaboration in their assistance programs. These are important and significant steps forward, but there is still much to improve in this process. Does SICA and do the individual countries have the capacity and willingness to implement and execute these strategies nationally and in an integrated fashion with their regional partners? At present, the SICA strategy is mostly a collection of national security plans. Another important question is whether donors will set aside their own priorities and national or institutional interests and effectively support these initiatives without seeking to impose their own agenda on the countries.

Another important regional security initiative that is beginning to emerge is the Caribbean Regional Security Initiative. Here again, the U.S. is working closely with Caribbean states to define the parameters of the strategy, most of which are consistent with those articulated in the Merida Initiative, CARSI, and SICA. The CBSI strategy is not as advanced, however, and the process is dealing with some important and pressing issues related to economies of scale.

4. THE ROLE OF LEGISLATURES AND PARLIAMENTS

Each nation has its own parliamentary system with areas of responsibility and capacities that differ from country to country. I do not wish to over generalize on this point, nor can I be exhaustive given limited time. However, upon reflection there are a number of important elements that legislatures and individual legislators can play in addressing transnational organized crime. Amongst these I would propose the following:

- I. Updating and modernizing national laws to confront the new threats posed by transnational criminal organizations. This could include, for example, modernizing banking and transparency laws to ensure that the state has the adequate tools to fight the rapidly evolving and sophisticated techniques used by organized crime to move money and infiltrate state institutions.
- II. Ensuring that there are effective counter-weights, or checks and balances, to other state entities to ensure there is accountability for resources used, and, more importantly, the effectiveness of the executive's security strategy.

- III. Increase the technical capacity of the legislature on key strategic issues such as modernizations of the state; law enforcement; crime fighting strategies. Legislatures need to have their own independent capacity to understand the latest best practices in combating organized crime. While they may not set the national strategy, the legislature's ability to understand and define policy is critical to ensuring a balanced long-term approach.
- IV. Legislatures, like the executive branch, must develop the capacity to work with civil society organizations on difficult issues such as crime and violence. Not only do some in civil society have expertise that can be valuable to policy makers, allowing civil society groups – academic, victims, and economic groups – to establish a sense of ownership in what the state is doing is fundamentally important. If citizens and organized civil society feel alienated from the state and its authorities, they can undermine or weaken state efforts to fight crime.
- V. Finally, legislatures can take the lead in promoting more transnational collaboration in combating organized crime. These sorts of encounters may pay off now or in the long run, but they can be key to building a comprehensive strategy for combating what is already a transnational threat.

5. CONCLUSION

There is no doubt that efforts to combat crime and public insecurity need to begin locally and involve local actors, communities and authorities working together to address the complex factors that contribute to growing crime and insecurity. Nevertheless, with the evolution of some criminal organizations into transnational actors, the governments of the Americas need also to pursue a multinational, collaborative strategy for fighting organized crime. Such a strategy will require overcoming some important challenges where intelligence sharing and cross-border partnerships amongst law enforcement and military institutions are uncommon and raise sensitive political and sovereignty issues. Nevertheless, the transnational nature of organized crime increasingly requires that nations to begin working in this direction, defining for themselves the limits and potential for such collaboration. In this context, legislatures should play a significant role as a builder of transnational collaboration, guarantor of effectiveness and modernizer of the national laws needed to combat and increasingly sophisticated organized crime.

SHORT BIO OF THE PRESENTER: ERIC L. OLSON

Eric L. Olson is a senior associate at the Mexico Institute of the Woodrow Wilson International Center for Scholars in Washington, DC. In this position he oversees the Institute's work on U.S.-Mexico security cooperation and research on organized crime and drug trafficking between the U.S., Mexico, and Central America.

Prior to joining the Wilson Center he was a Senior Specialist in the Department for Promotion of Good Governance at the Organization of American States from 2006-2007. He served as the Interim-Director for Government Relations at Amnesty International USA, and was Amnesty's Advocacy Director for the Americas from 2002-2006. Prior to Amnesty, he was the Senior Associate for Mexico, and Economic Policy at the Washington Office on Latin America for eight years. He worked at Augsburg College's Center for Global Education in Cuernavaca, Mexico from 1989-1993 where he was the program director. From 1986-1988, he worked in Honduras, Central America as a development specialist for several local non-governmental organizations.

He has testified before the United States Congress on several occasions, appeared in numerous press stories as an expert commentator on human rights, drug policy and organized crime; and has written extensively on U.S.-Mexican relations, democratic and electoral reform in Mexico, U.S. counternarcotics policy, and Colombia.

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