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The Future Evolution of Transnational Criminal Organizations and the Threat to U.S. National Security

Celina B. Realuyo[1]

Combating transnational criminal and trafficking networks requires a multidimensional strategy that safeguards citizens, breaks the financial strength of criminal and terrorist networks, disrupts illicit trafficking networks, defeats transnational criminal organizations, fights government corruption, strengthens the rule of law, bolsters judicial systems, and improves transparency. While these are major challenges, the United States will be able to devise and execute a collective strategy with other nations facing the same threats.

— *U.S. National Security Strategy, May 2011*[2]

Overview

In the 21st-century global security environment, we are facing a complex set of threats to U.S. national security emanating from state and non-state actors. These threats endanger the key responsibilities of the nation-state to its citizens: to guarantee their security and the nation's territory, promote economic prosperity, safeguard society, and ensure that the government represents their will. Illicit networks that include terrorists, criminals, and proliferators are presenting unprecedented asymmetrical threats to U.S. interests at home and abroad. The tragic September 11, 2001, attacks perpetrated by al Qaeda are just one such example of threats from non-state actors.

Besides terror groups, transnational criminal organizations (TCOs) are among the non-state actors that leverage their illicit activities, immense resources, and use of violence to undermine the security and prosperity of the United States and partner nations. The United States recognizes TCOs as a national security threat and has deployed a national security strategy to combat it. In order to attack these networks, the United States must understand and deny access to critical enablers needed by TCOs to operate.

The future trajectory of transnational criminal organizations is disconcerting, as they will seek to penetrate new markets with goods and services and establish more spheres of influence using corruption and violence. The cyber domain will afford them a new operating environment to further expand their criminal activities. Some TCOs will continue to resemble multinational corporations focused on maximizing profits, while others will hijack political power in the form of criminalized states. Another dangerous and disturbing evolution that we are already witnessing is the convergence of terrorism and crime where groups use criminal proceeds to fund terrorist activities. To combat the evolution of these threats, the Joint Force will need to develop more innovative kinetic and non-kinetic measures and build its own networks to neutralize transnational criminal networks.

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[1] RealuyoC@gc.ndu.edu

[2] The White House. National Security Strategy of the United States. May 2010; www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf.

The Transnational Criminal Organization Threat to U.S. National Security

Globalization has dramatically improved our quality of life over the past 30 years, providing us with products, services, information, and technology—faster, cheaper, and better. We have seen, however, a darker side of globalization, with terrorism, armed conflict, international crime, movement of U.S. jobs to overseas markets, and economic crises dominating our headline news. Non-state actors, including criminals, terrorists, and proliferators, leverage the global marketplace with illicit activities to promote their respective interests around the world; such activities threaten the national security of the United States and its allies. The transnational trafficking of drugs, arms, people, and counterfeit goods and the money laundering that accompanies these illicit activities compromise the safety of consumers, rob inventors of their intellectual property, deny governments significant tax revenues, and undermine our economies. In contrast to nation-states or terrorist groups with political or ideological aspirations, transnational criminal organizations (TCOs) are driven primarily by *greed*. According to the White House definition, *transnational organized crime* (TOC) refers to:

> *those self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary, and/or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption and/or violence, or while protecting their illegal activities through a transnational organizational structure and the exploitation of transnational commerce or communication mechanisms.*[3]

Crime and corruption have existed since the dawn of civilization and traditionally have been addressed as local security issues. In an age of globalization, the scale and velocity of transnational organized crime, driven by interconnected economies and technological advances and engendering record levels of violence, have transformed it into a global security threat. According to Admiral James Stavridis, USN (Ret.):

> *Criminal networks have the advantage of three primary enablers. First are the huge profits realized by transnational criminal operations. Second is the ability of these organizations to recruit talent and reorganize along lines historically limited to corporations and militaries. The third is their newly developed ability to operate in milieus normally considered the preserve of the state, and often referred to as the diplomatic, informational, military, and economic elements of national power.*[4]

TCOs do not respect the rule of law, sovereignty, or human rights, and they wield impressive resources to promote and realize their illicit activities.

In many cases, international drug cartels, mafias, and gangs are better armed, funded, and trained than the government security forces charged with confronting them. TCOs exploit ungoverned

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[3] National Security Council. Strategy to Combat Transnational Organized Crime: Definition. www.whitehouse.gov/administration/eop/nsc/transnational-crime/definition.

[4] Stavridis J., Foreword. In: Miklaucic M., Brewer J., eds. *Convergence: Illicit Networks and National Security in the Age of Globalization.* Washington, DC: NDU Press; 2013.

spaces and fragile states to conduct their operations and even hijack the nation-state. More disturbing has been a dangerous convergence of terrorism and crime that is becoming a formidable threat to nation-states. Such is the case with the Haqqani network in Afghanistan, the FARC in Colombia, al Qaeda in the Islamic Maghreb, and Hezbollah's global networks leveraging illicit activities to realize their terrorist agendas.[5] As globalization and technological innovation proceed in the future, transnational criminal organizations will continue to capitalize on the drivers of globalization and evolve as a critical transnational threat to our national security and that of our allies.

U.S. Strategy to Combat Transnational Organized Crime

In July 2011, the White House released the U.S. Strategy to Combat Transnational Organized Crime (CTOC) that clearly identifies TCOs as a national security threat to U.S. prosperity and security through their various illicit activities. The strategy calls for multilateral action to constrain the reach and influence of TCOs, deprive them of enabling means and infrastructure, shrink the threat they pose to citizen safety, national security, and governance, and ultimately defeat the TOC networks that pose the greatest threat to national security. The Mexican Sinaloa Cartel, Lebanese Hezbollah, Moscow Center/Brothers' Circle, and Dawood Ibrahim's "D Company" in India are among the most dangerous TCOs challenging state sovereignty and national security around the world.

The U.S. CTOC strategy is organized around a single unifying principle: to build, balance, and integrate the tools of American power to combat transnational organized crime and related threats to national security—and to urge our foreign partners to do the same. The endstate we seek is to reduce transnational organized crime from a national security threat to a manageable public safety problem in the United States and in strategic regions around the world. The strategy will achieve this end state by pursuing five key policy objectives:

- Protect Americans and our partners from the harm, violence, and exploitation of transnational criminal networks.
- Help partner countries strengthen governance and transparency, break the corruptive power of transnational criminal networks, and sever state-crime alliances.
- Break the economic power of transnational criminal networks and protect strategic markets and the U.S. financial system from TOC penetration and abuse.
- Defeat transnational criminal networks that pose the greatest threat to national security by targeting their infrastructures, depriving them of their enabling means, and preventing the criminal facilitation of terrorist activities.
- Build international consensus, multilateral cooperation, and public-private partnerships to defeat transnational organized crime.

The strategy also introduces new and innovative tools and capabilities that will be accomplished by prioritizing the resources available to affected departments and agencies. This includes taking

[5] Realuyo C.B., Hezbollah's Global Facilitators in Latin America. *Terrorist Groups in Latin America: The Changing Landscape*: testimony before the Subcommittee on Terrorism, Non-Proliferation, and Trade, House Committee on Foreign Affairs, U.S. House of Representatives. February 4, 2014. http://docs.house.gov/meetings/FA/FA18/20140204/101702/HHRG-113-FA18-Wstate-RealuyoC-20140204.pdf.

the following measures:

- A new executive order will establish a sanctions program to block the property of and prohibit transactions with significant transnational criminal networks that threaten national security, foreign policy, or economic interests.
- A proposed legislative package will enhance the authorities available to investigate, interdict, and prosecute the activities of top transnational criminal networks.
- A new Presidential proclamation under the Immigration and Nationality Act will deny entry to transnational criminal aliens and others who have been targeted for financial sanctions.
- A new rewards program will replicate the success of narcotics rewards programs in obtaining information that leads to the arrest and conviction of the leaders of transnational criminal organizations that pose the greatest threats to national security.
- An interagency Threat Mitigation Working Group will identify those TOC networks that present a sufficiently high national security risk and will ensure the coordination of all elements of national power to combat them.[6]

Critical Enablers of Transnational Criminal Organizations

To combat transnational criminal organizations, we must understand their motivations, operations, strengths, and vulnerabilities. Driven by greed, they resemble business enterprises in the legitimate private sector, seeking to match supply and demand in the market. Just like other organizations, TCOs require the following critical enablers to sustain their activities and realize their objectives (see figure 1):

- *Leadership*. TCOs require leadership that marshals, directs, and manages resources to achieve their mission of maximizing profits. TCO leadership can be organized as hierarchies or, more likely, as loose networks of affiliates that diversify the "key man risk" associated with relying on a sole leader for command and control.

- *Illicit activities*. TCOs engage in a broad spectrum of illicit revenue-generating activities including trafficking in narcotics, arms, humans, exotic wildlife, and contraband, as well as money laundering, cybercrime, extortion, and kidnapping for ransom.

- *Logistics and supply chains*. TCOs rely on global supply chains, commercial transportation, TCO-owned resources, and other logistical support to move materiel, personnel, services, and funding from supply to demand points of their enterprises.

- *Personnel*. TCOs must recruit and maintain personnel to support all aspects of their activities.

- *Financing*. TCOs consider revenue as both a key objective and an enabler. Financing serves as the lifeblood for TCOs and their illicit endeavors; they derive power from their

[6] National Security Council. Strategy to Combat Transnational Organized Crime: Executive Summary. www.whitehouse.gov/administration/eop/nsc/transnational-crime/summary.

wealth and use it to corrupt and co-opt rivals, facilitators, and/or government and security officials.

- *Weapons*. TCOs use force or the threat of force to dominate their operating areas; therefore, access to weapons, the ability to deploy them, and their lack of concern for collateral damage make TCOs so violent and lethal.

- *Technology and communications*. TCOs assiduously adopt new technology and communications methods to avoid detection by security forces and monitor and adapt to changes in their areas of operation.

- *Operating environment/corruption*. TCOs enjoy operating in ungoverned or weakly governed spaces where state control and oversight are lacking or can be compromised. While they may not necessarily aspire to topple and replace governments, they seek out officials vulnerable to corruption who can facilitate TCO activities in certain geographic areas.[7]

Figure 1. Critical Enablers of Transnational Criminal Organizations

Washington and other national governments must understand the critical enablers, vulnerabilities, and motivations of TCOs to better detect, disrupt, dismantle, and deter them from undermining our security and prosperity. The United States can effectively combat TCOs by limiting, denying, or neutralizing their access to these critical enablers and resources. Toward this end, every instrument of national power (diplomatic, military, intelligence, law enforcement,

[7] Realuyo C.B., Collaborating to Combat the Convergence of Illicit Networks. Lecture delivered at Harvard University, John F. Kennedy School of Government, South Asian Senior National Security Seminar. May 1, 2014. Cambridge, MA.

information, financial, and economic) must be leveraged to effectively implement the 2011 Strategy to Combat Transnational Organized Crime.

The Future Evolution of Transnational Criminal Organizations

Transnational criminal organizations are highly adaptable, constantly responding to supply and demand factors, their operating environment, and government countermeasures. Since TCOs are market-driven, they will seek out new sources and markets for their goods, services, and operations. As emerging markets become more affluent, TCOs will continue to expand their illicit activities around the world. A new frontier, the cyber domain, will further empower TCOs as they capitalize on new opportunities for illicit activities in cyberspace and incorporate new technologies to further improve their operations. According to INTERPOL, cybercrime is outpacing other forms of criminal activities with incalculable profits. More and more criminals are exploiting the speed, convenience, and anonymity of the Internet to commit a diverse range of criminal activities that knows no borders, either physical or virtual.[8] While many TCOs will operate like large multinational corporations, in some cases they will act more like nation-states as they expand control over their operating spaces, resources, and populations and directly threaten U.S. interests at home and abroad.

TCOs will continue to organize as networks of affiliates and perhaps specialize in distinct illicit activities like cybercrime, human trafficking, or money laundering. For example, the ruthless Mexican cartel Los Zetas is concentrating on human trafficking and extortion rather than narcotics trafficking, which is dominated by their powerful rival, the Sinaloa Cartel. They posit that alien smuggling and human trafficking are extremely profitable, deriving income from a renewable resource (people); in addition, this form of crime incurs lower risks and penalties than drug trafficking.[9] This case illustrates how quickly TCOs respond to economic drivers and government countermeasures to transform their illicit enterprises. The networked and flat nature of TCOs complicates the use of classic attacks on organizational leadership and command and control structures against them; comprehensive new approaches will be required to degrade them.

The Criminalized State

To secure their freedom of movement, operating space, and supply chains, TCOs will seek to corrupt, co-opt, infiltrate, and even take over state institutions. A few years ago, analysts were predicting state failure in Mexico, as the Mexican cartels were becoming more violent and powerful in the face of an aggressive military offensive against them under former President Felipe Calderon. Human Rights Watch estimates that over 60,000 were killed in the Mexican drug war from 2006 to 2012.[10] Despite these record levels of violence, the Mexican cartels did not seek to overthrow and replace the central government. However, they were intent on

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[8] INTERPOL. Cybercrime. www.interpol.int/Crime-areas/Cybercrime/Cybercrime.
[9] Texas Department of Public Safety (2014). *Assessing the Threat of Human Trafficking in Texas*. www.dps.texas.gov/director_staff/media_and_communications/2014/txHumanTraffickingAssessment.pdf.
[10] CNN. Mexico's Drug War: Fast Facts. http://www.cnn.com/2013/09/02/world/americas/mexico-drug-war-fast-facts/.

safeguarding their trafficking routes and operating areas; security analysts actually attribute many of the deaths to inter- and intra-cartel violence to dominate or eliminate each other.[11] This lack of interest in political regime change by the Mexican cartels may not be the model all TCOs ascribe to in the future.

There are already some reports of TCOs in Asia, Africa, and Latin America actively engaged in politics, sponsoring or co-opting government officials who can give them free reign to conduct their illicit activities. TCOs are also providing critical social and philanthropic services and employment opportunities to local populations in the absence of the state. Pablo Escobar, notorious head of the Medellin cartel and Colombian politician, was an early example of the criminalized state and philanthropic practices funded by drug money in the 1980s. In a 2012 article, Moises Naim described cases in which not only did the government have ties to organized crime, but also its officials, police, and/or military actually took part in illicit enterprises; Guinea-Bissau is a current example of a mafia or narco-state.[12]

As TCOs evolve in the future, the concept of a "criminal state" will be an important one if TCOs elect to complement their pursuit of profits with actual power. Michael Miklaucic and Moises Naim describe the notion of the criminal state as a spectrum of characteristics: state penetration, infiltration, and capture. At one end of the spectrum is "criminal penetration," which occurs when an illicit network, be it criminal, terrorist, or insurgent, is able to place "one of its own" into the state structure. That agent may conduct formal functions on behalf of the state but also carry out actions in support of an illicit network or criminal enterprise. "Criminal infiltration" occurs when the infection has spread throughout the state apparatus within the given country. "Criminal capture" constitutes the condition of dysfunctional governance in which criminal agents are so sufficiently prominent in positions of state authority that their criminal actions cannot effectively be restrained by the state.[13] The "criminal state" model could be the future trajectory for some TCOs that will further empower them and threaten global security.

The Convergence of Terrorism and Crime

The convergence of TCOs and foreign terrorist organizations (FTOs), reflecting the intersection of normally distinct types of illicit organizations, has become a growing global security concern. Traditionally, organized crime was considered a public security problem and was addressed by state and local law enforcement authorities. Terrorist and insurgent groups were regarded as armed groups with political aspirations, including regime change that directly threatened the sovereignty of the nation-state. These illicit actors actively seek out governance gaps, socioeconomic vulnerabilities, and character weaknesses as openings to conduct their nefarious activities and expand their power and influence throughout the world. With globalization, terrorists and criminals groups have internationalized their support and operations and brokered

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[11] Beittel J.S., Mexico's Drug Trafficking Organizations: Source and Scope of the Violence. Congressional Research Service Report for Congress. http://fas.org/sgp/crs/row/R41576.pdf. April 15, 2013.
[12] O'Regan D., Narco-States: Africa's Next Menace. *The New York Times*, March 12, 2012. www.nytimes.com/2012/03/13/opinion/narco-states-africas-next-menace.html?_r=0.
[13] Miklaucic M., Naim M., The Criminal State. In: Miklaucic M, Brewer J, eds. *Convergence: Illicit Networks and National Security in the Age of Globalization.* Washington, DC: NDU Press; 2013.

formidable alliances, and they now present complex transnational threats that put security and prosperity at risk around the world (see figure 2).

After the fall of the Berlin Wall, many terrorists lost state sponsorship, namely from the Soviet Union, and were forced to turn to crime to maintain themselves and promote their agendas. Organizations that represent this dangerous convergence of terrorism and crime include the Haqqani network in Afghanistan and Pakistan, FARC in Colombia, Shining Path in Peru, al Qaeda in the Islamic Maghreb in North Africa, and Lebanese Hezbollah. Hezbollah is considered perhaps the best organized and most business-savvy terrorist organization that relies on global facilitators engaged in narcotics, arms, and counterfeit trafficking and money laundering for financing and support. To address the convergence of terror-crime networks, governments need to engage in more cross-border collaboration among military, intelligence, and law enforcement agencies to better understand and combat illicit networks.[14] Going forward, as TCOs become more wealthy and pervasive, they may seek actual political power and transform into politically driven organizations that will directly challenge the nation-state.

Figure 2. The Convergence of Terrorism and Crime: A Threat to Sovereignty

Source: Celina B. Realuyo

Implications for Future Military Operations

As TCOs become more powerful and present a greater threat to state sovereignty, U.S. national security strategy will have to directly address them. TCOs are evolving into a formidable adversary as they are better financed, armed, and staffed than public security forces in many parts of the world. They are very versatile organizations that constantly capitalize on new market opportunities and seek to circumvent state countermeasures. In remarks at the Atlantic Council's "Disrupting Defense" conference in May 2014, Chairman of the Joint Chiefs of Staff General

[14] Realuyo C.B., The Terror-Crime Nexus: Hezbollah's Global Facilitators. *PRISM.* 2014; Vol. 5, no. 1, 116–129.

Martin Dempsey outlined his "2-2-2-1" strategic concept, focusing on specific current and emerging national security threats to the United States. It comprises two heavyweights that will influence our future strategy, Russia and China; two middleweights, North Korea and Iran; two networks, al Qaeda and *transnational organized crime from our southern hemisphere*, and one domain, cyber. He stated, "*Those things have influenced, are influencing me today and will influence you in the future. One of them or more.*"[15] General Dempsey recognizes TCOs as a clear and evolving threat to U.S. national interests; he noted that new tools are required for dynamically managing a more complex security environment but shared his fear that we will not innovate quickly enough for new challenges given current budget constraints.

If tasked to combat TCOs, the Joint Forces must understand this unconventional adversary in depth. TCOs are non-state actors that are difficult to identify due to their networked nature. They do not wear uniforms, do not have traditional command and control structures, and do not respect borders or human rights. The Joint Force must recognize their critical enablers, vulnerabilities, and motivations to better detect, disrupt, dismantle, and deter the TCOs that threaten U.S. security and prosperity. The Joint Force will have to expand its collection and use of intelligence to identify, target, and attack these transnational criminal networks through more creative kinetic and non-kinetic military operations as circumstances warrant.

As John Arquilla at the Naval Postgraduate School has said, "*It takes a network to defeat a network,*" and the Joint Force will have to build an effective one to combat transnational criminal networks. Arquilla and David Ronfeldt recently expanded their description of an effective network-building process:

- The network's narrative is the story that draws people to the network and keeps them in it, even in the face of adversity.
- Its social basis brings together actors from diverse places and makes the network the focus of their loyalty.
- The doctrine or concept of operations employed—from mass popular movements like the Arab Spring to insurgents and, increasingly, even conventional traditional military operators—is to "swarm."
- Technological "kit" is the final foundational element to which network-builders should be attentive. It is crucially important that a network's communications be capable of great throughput, but with a high level of security. But even with the availability of high throughput, secure communications will prove ineffective if the organizational design of a network is vertically (that is, hierarchically) rather than horizontally oriented to maximize linkages among the many small nodes that form the best networks.[16]

These factors will need to be incorporated by the Joint Force and the broader U.S. Government to build the best networks to combat TCOs. The agility of transnational criminal networks to respond to and outmaneuver government countermeasures will require a Joint Force with the

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[15] Dempsey M., Gen. Dempsey's Remarks and Q&A at the Atlantic Council's Disrupting Defense Conference. May 14, 2014. http://www.atlanticcouncil.org/events/past-events/dempsey-calls-for-innovation-in-defense

[16] Arquilla J., To Build a Network. *PRISM.* 2014; Vol 5, No. 1 22–33, available at: http://www.ndu.edu/Portals/59/Documents/CCO/PRISMVol5No1.pdf

ability to analyze TCOs, understand their incentives, identify their vulnerabilities, and design courses of action to mitigate their impact on national security.

Under the current legal authorities in the United States, civilian law enforcement agencies have the lead in pursuing, arresting, and prosecuting transnational organized crime. The Department of Defense and U.S. Armed Forces are authorized to support law enforcement agencies pursuant to U.S. Code Title 10, Chapter 18.[17] Much of that support is in monitoring and detection activities rather than interdiction itself; interdiction and prosecution are the purview of law enforcement agencies and the Departments of Homeland Security and Justice. In combating transnational organized crime, the military plays a critical role in gathering intelligence and supporting law enforcement operations in the counter-narcotics arena. The Office of the Deputy Assistant Secretary of Defense for Counter-narcotics and Global Threats directs Department of Defense (DOD) counterdrug activities and oversaw a budget of $1.37 billion in fiscal year2013. These funds support local, state, Federal, and foreign law enforcement agencies to diminish the national security threats caused by the drug trade. DOD provides unique military platforms, personnel, systems, and capabilities to support Federal law enforcement agencies and foreign security forces involved in counterdrug missions. A key aspect of this program is the focus on increasing partner nation capability to combat narcotics trafficking worldwide.[18] Given the growing national security threat from TCOs beyond the drug trade, some advocate the expansion of DOD authorities for military involvement in combating transnational organized crime. DOD and the military possess far greater resources than civilian law enforcement agencies that could be better applied in the fight against transnational organized crime.

The whole-of-government approach adopted in the wake of the tragic September 11, 2001, attacks has led to more effective interagency collaboration among military, intelligence, and law enforcement circles on national security issues like terrorism. However, as our adversaries, including TCOs, become more powerful and quickly adapt to their environment, the U.S. Government must broaden its definition of national security threats and enhance all agency authorities and abilities to combat transnational organized crime. The Joint Force must prepare itself to face multifaceted and complex security threats such as those posed by TCOs. The United States should strive to harness all resources available to combat transnational threats like transnational organized crime and terrorism. Transnational organized crime can no longer be regarded as a task solely for law enforcement to tackle but rather a national security threat to the sovereignty, economy, and citizen security of the United States and its allies.

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[17] Department of Defense (February 2014). Department of Defense Instruction 3025.21. *Defense Support of Civilian Law Enforcement Agencies*. www.dtic.mil/whs/directives/corres/pdf/302521p.pdf.

[18] Logan E., Statement for the Record before the Senate Caucus on International Narcotics Control: Future Counternarcotics Efforts in Afghanistan. January 15, 2013. www.drugcaucus.senate.gov/hearing-1-15-14/DOD%20Erin%20Logan.pdf.

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