

Organised Crime as Irregular Warfare: A Call for Strategic Competence¹

David H. Ucko^{2,3} and Thomas A. Marks^{4,5}

Summary

The briefing note is a call for greater strategic competence in addressing organised crime. Such competence implies an ability to identify precisely the nature of the political problem underpinning the crime, its contextual drivers (be they political, economic, or societal), and the contending narratives that sustain it. It involves an ability to map not just the strategy of the criminal entity but, equally, the limitations of the state's own response and its role in fuelling the problem. Based on such analysis, strategic competence denotes the skill set necessary to craft strategy – and doing so in a way that responds to the full nature of the problem.

The need for such strategic competence is revealed when viewing organised crime as an irregular warfare (IW) problem-set. The US Department of Defense defines irregular warfare as 'a struggle among state and non-state actors to influence populations and affect legitimacy'; it adds that 'IW favors indirect and asymmetric approaches, though it may employ the full range of military and other capabilities, in order to erode an adversary's power, influence, and will'. Treating legitimacy as the strategic centre of gravity, IW focuses attention on the political drivers of illicit behaviour, the contested narratives among the actors involved, and the need therefore for a broader response than is typically employed.

Five IW lessons are identified, touching upon i) the social-economic-political embeddedness of the problem, ii) the tendency to militarise the response, iii) the mirror-imaging of state assistance programmes, iv) the role of community mobilisation, and v) the need to engage more closely with questions of with political will. A concluding section draws out the implications of these lessons, highlighting a need for greater strategic competence both in assessing the problem of organized crime and in designing a response.. To address this need, a follow-on study will propose an analytical framework designed for the evaluation of IW challenges and the crafting of strategy in response.

1 Ucko, D. H. & Marks, T. A. (2022). *Organised Crime as Irregular Warfare: Strategic Lessons for Assessment and Response*. SOC ACE Research Paper No. 4. Birmingham, UK: University of Birmingham

2 Dr. David H. Ucko is professor and department chair at the College of International Security Affairs (CISA), National Defense University. Dr. Ucko's research areas include political violence, irregular warfare, and war-to-peace transitions. He is the author of *The Insurgent's Dilemma: A Struggle to Prevail* (Hurst & Oxford University Press 2022) and of four other books on irregular warfare, counterinsurgency, and political reintegration. He has also published on the United Nations, NATO, countering violent extremism, and counterinsurgency in a range of peer-reviewed journals.

3 All correspondence to: david.ucko@gmail.com.

4 Dr. Thomas A. Marks is Distinguished Professor and MG Edward G. Lansdale Chair of Irregular Warfighting Strategy at the College of International Security Affairs (CISA), National Defense University. He has authored hundreds of publications, including the benchmark *Maoist Insurgency Since Vietnam*, and served as the Oppenheimer Chair of Warfighting Strategy at the Marine Corps University (Quantico), as well as longtime adjunct professor at AFSOS (Hurlburt Field) and the Sherman Kent School (Washington, DC).

5 The views expressed in this article are those of the authors and do not reflect the official policy or position of the National Defense University, the Department of Defense or the U.S. Government.

Background: The IW overlap

Organised crime both preys upon and caters to human need. It is corrosive and exploitative, but also empowering, which is why it is so pervasive. Indeed, though mostly invisible, organised crime is everywhere: wherever governments draw the line, criminal actors find profitable ways of crossing it; wherever governments neglect human need, criminal actors capitalise on their desire or despair. On aggregate, the associated activity amounts to an illicit form of governance, furnishing alternative services to a wide range of clients, be they the vulnerable or a covetous elite. Reflecting the strength of this illicit order, those who stand in its way often find themselves corrupted, co-opted, or violently eliminated.

The breadth of organised crime, its clandestine nature, and its blending of creative and destructive effects present analytical and policy-related challenges. Faced with this complexity, governments often adopt a narrow focus on the scourge itself, neglecting thereby its socio-political and economic drivers. Seeking to demonstrate resolve, policymakers jump to template solutions rather than query what might work best in the context at hand. The response therefore becomes reactive and palliative, producing cycles of desperation that ultimately benefit those who feed on despair.

Common to organised crime, our response to terrorism since 9/11 has been stymied by 1) conceptual uncertainty of the problem; 2) an urge to address the violence head-on without acknowledging its socioeconomic-political context; and, therefore, 3) unquestioned pursuit of strategies that miss the point. In the case of counterterrorism, *irregular warfare* has emerged as a corrective, in that it seeks to place the terroristic violence within its essential *political*

context. *Insurgency*, a IW subset, similarly casts the problem of terrorism as but one component of a broader struggle of *legitimacy*, which should encourage a broader and politically informed counter.

Might this lens of irregular warfare be helpful also to our understanding of organised crime? Much like terrorism and insurgency, organised crime has a clandestine component but survives due to the functions it provides to often desperate populations. Though organised crime is not politically motivated, it is – like IW – deeply political in its origins, activities, and effects. Also, much like insurgent and other irregular actors, organised crime is oppositional to the rule of law and feeds on the state's vulnerabilities. Going further, organised crime and insurgency both expose deep cracks in an international system supposedly governed by benevolent state actors exercising sovereign control of their peoples and lands. Thus, much like our efforts to counter terrorism and insurgency, interventions to counter organised crime must also operate both under and above ground, must both counter a threat and address its drivers, and must proceed with far greater awareness of what constitutes success – and for whom.

In invoking IW, the point is not to militarise further the response to organised crime; indeed, despite its allusion to war, IW focuses our attention on questions of legitimacy and influence, with violence assuming a supporting role. On this basis, this briefing note touches on five key IW lessons and their implications. A follow-on study will propose an analytical framework, designed for IW challenges, that internalises these lessons and helps in the construction of strategy. With minimal adaptation, it can also be used to craft strategies for organised crime. Though frameworks such as these are no panacea, they can be an invaluable starting point for all that must follow.

Key findings

Recent experience and theorisation of IW suggest five major lessons with clear relevance to countering organised crime.

1. Socioeconomic and political embeddedness

A major lesson from the so-called 'War on Terror' concerns the distinction between terrorism and insurgency, where the former is a tactic and the latter involves a movement using said tactic, but alongside political, economic, and other efforts. When faced with insurgents, the state must interrogate the breadth of its own strategy to ensure it meets a political challenge with a political response. Legitimacy, again, assumes centre stage.

Transposed to the world of organised crime, this lens encourages a focus not just on the criminal activity but on its social and political embeddedness. Recognising the functions performed by organised crime and its local legitimacy is not an invitation to moral relativism. Instead, it should encourage a distinction between crime as a necessary coping mechanisms and crime as sheer predation, and an understanding of the state's role in fuelling either. It should also encourage a distinction between foot soldiers, who in dysfunctional conditions can readily be replaced, and the organisers of criminal activity, who are less reachable and may even enjoy some protection by the state.

2. Militarisation of response

Though counterinsurgency emerged as a corrective to the narrower counterterrorist lens of the 'War on Terror', the ensuing campaigns reveal a tendency to militarise even our 'whole-of-government' efforts. In Iraq and Afghanistan,

counterinsurgency was executed in a way that mostly shaped *military* activities, and which therefore deprived the operations in both theatres of political content.

Much as with these campaigns, the struggle against organised crime also tends to become militarised. 'Militarisation' does not speak only to the use of military forces, but to a theory of victory based on suppression. The logic is that, rather than address the causes and conditions underpinning criminal activity, sufficient punishment will deter criminals and those using their service. And yet, in IW settings, and in countering organised crime, this approach often confronts the 'hydra effect' of eliminating one target only to find another. Also, as the threat adapts, the response must give chase, leading to an endless game of cat-and-mouse.

The reasons for militarisation are manifold. First, policing traditionally builds on deterrence via the threat of punishment.⁶ Second, security forces can get to a crisis quickly and signal resolve. Finally, it then becomes tempting for governments to consider the crisis 'managed' and move on, rather than transition to a longer-term and more politically meaningful response. As such, what was intended as a reaction to crisis response becomes the whole strategy.

Militarisation of response is not just ineffective, but harmful. When the providers and users of criminal services are conflated, and the focus remains punitive, entire communities end up being targeted. Because these strategies do not work, and the problem remains, there is also a danger of escalating costs and commitment until scaling back becomes difficult. The point is not to eschew enforcement altogether, but to integrate it within a strategy that addresses the *push and pull* factors of organised crime, as well as its manifestations. As with many various IW missions, this requirement raises questions regarding the type of force needed and the other efforts alongside which it must be deployed.

6 Howe, ES & Brandau, CJ, (1988). 'Additive Effects of Certainty, Severity, and Celerity of Punishment on Judgments of Crime Deterrence Scale Value1'. *Journal of Applied Social Psychology*, 18(9), p. 797, doi: <https://doi.org/10.1111/j.1559-1816.1988.tb02356.x>.

3. Mirror-imaging: state, society, interests

A third IW lesson lies in the tendency to confuse the interests and norms of the intervening states with those of the state where the conflict is unfolding. *Militarily*, the US and allied partners have struggled to acknowledge the needs of the forces they support and, instead, used their own norms and practices as guidance.⁷ *Politically*, the objectives fuelling an international intervention often diverge from those of the local government through which action is to be taken. *Strategically*, mirror-imaging affects the very conception of the state. Contrary to the assumptions of state-building, many insurgency-threatened governments have long ago given up on restoring their influence and power in peripheral areas of the land. When interventions do not acknowledge this reality, the results are often deeply disappointing.⁸

Much as with IW, mirror-imaging subverts third-party efforts to counter organised crime. Indeed, not all states are similarly seized by the problem of organised crime, with some accommodating criminal groups either for profit or to survive – or because of the significant national income that it brings in.⁹ Such arrangements will undermine external interventions. Indeed, any attempt to wish away or challenge complicit yet powerful government actors will be destabilising. Thus, strategy must account for such interests, and those of the intervening parties, rather than proceed with unfounded assumptions.

4. Community mobilisation

In counterinsurgency, the lack of government buy-in has encouraged direct engagement with local or sub-state actors instead.¹⁰ In lieu of a strong centralised state that perhaps never existed, some scholars suggest creating an alternative basis for order – one that reflects the fissiparous nature of statehood yet retains sufficient central oversight to avert conflict. Ken Menkhaus describes the outcome as a ‘mediated state’, one based on partnerships with local intermediaries and rival sources of authority, so as to cobble together sufficient governance across the country.¹¹ This frame acknowledges the limitations of the state in many insurgency-threatened countries, and also the strong possibility of its unpopularity among long-ago alienated communities.

Similarly, where governments are enmeshed in organised crime, it may be helpful to work bottom-up via the community rather than top-down through the state. This method relies upon mobilising those most affected by and most interested in resisting organised crime, at least at the local level.¹² The approach not only reflects the state’s lack of interest, but also proceeds based on local preferences and actors and is therefore more politically sustainable.

Local-level mobilisation has shown promise but suffers from the same obstacles as in other IW contexts: a lack of coordination, a lack of funds, and the vulnerability of unarmed actors resisting violent entities.¹³ Also, there is no guarantee that bottom-up initiatives will play to the progressive and community-oriented tune hoped for by international donors. Indeed, even

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- 7 Hammes, TX (2015). ‘Raising and Mentoring Security Forces in Afghanistan and Iraq’, in Richard D Hooker, RD, & Collins, JJ (eds.). *Lessons Encountered: Learning from the Long War*. Washington, D.C.: National Defense University Press, p. 332.
- 8 Ucko, DH (2022). *The Insurgent’s Dilemma: A Struggle to Prevail*. London: Hurst. ch. 3.
- 9 Bailey, J & Taylor, MM (2009). ‘Evade, Corrupt, or Confront? Organized Crime and the State in Brazil and Mexico’. *Journal of Politics in Latin America*, 1(2), p. 9, doi: <https://doi.org/10.1177/1866802X0900100201>. In some cases, the contribution of crime to national income can reach 40 to 50%. See Hall, T & Hudson, R (2022). ‘The Economic Geographies of Transnational Organised Crime’, in: Allum, F & Gilmour, S (eds). *The Routledge Handbook of Transnational Organized Crime*, 2nd ed. London; New York: Routledge, p. 185.
- 10 Ucko, DH (2022). *The Insurgent’s Dilemma: A Struggle to Prevail*. London: Hurst.
- 11 Menkhaus, K (2006). ‘Governance without Government in Somalia: Spoilers, State Building, and the Politics of Coping’. *International Security*, 31(3), p. 78.
- 12 Félix, SG & Tennant, I (2021). ‘Community Resilience to Organized Crime: Building Back Better’. in *The Routledge Handbook of Transnational Organized Crime*, ed. Allum, F & Gilmour, S, 2nd ed. London; New York: Routledge, p. 489.
- 13 Félix, SG & Tennant, I (2021). ‘Community Resilience to Organized Crime: Building Back Better’. in *The Routledge Handbook of Transnational Organized Crime*, ed. Allum, F & Gilmour, S, 2nd ed. London; New York: Routledge, p. 489.

with authority ceded to the periphery, the state must remain capable of intervening when local-level mechanisms turn predatory and risk the legitimacy of the entire set-up. This balancing act means that while mediated states may offer a more realistic lens, they do not significantly simplify the task of achieving justice and peace.

5. The black box of political will

Given the above complexities, it is unsurprising that – as with other IW missions – the political will to counter organised crime is sometimes lacking. Unfortunately, political will is also indispensable to an effective response. In meeting this conundrum, it should be recognised that political will is not static; it fluctuates according to events on the ground, domestic developments, electoral interests, and understandings of foreign affairs. Thus, while acknowledging political will, those pushing for change must also work hard to channel behaviour via appropriate incentives and other levers of influence.

Rather than limit the discussion to questions of *want*, progress can be achieved by raising issues of opportunity (*can*) and motivation (*must*).¹⁴ Each avenue provides obstacles yet also ways forward. The *must* can be altered through ‘public pressure and citizen engagement, organisational rules and regulations, and a personal sense of civic duty’.¹⁵ Top down, the international community can prescribe behaviour and reinforce norms (though this will call into question *its* political will). As to the *can*, security cooperation and the building of capacity must be rooted in contextual

and strategic awareness, concerning common and divergent interests, the assumptions made, and what progress means (and for whom). The point is to view insufficient political will as an obstacle to overcome via sound strategy, not as a self-fulfilling alibi for not trying.

Implications for strategy and future work

Eliot Cohen describes strategy as ‘the art of choice that binds means with objectives... it involves priorities (we will devote resources here, even if that means starving operations there), sequencing (we will do this first, then that) and a theory of victory (we will succeed for the following reasons)’.¹⁶ This type of thinking has been troublingly absent in our engagements, revealing a deficit in strategic competence.

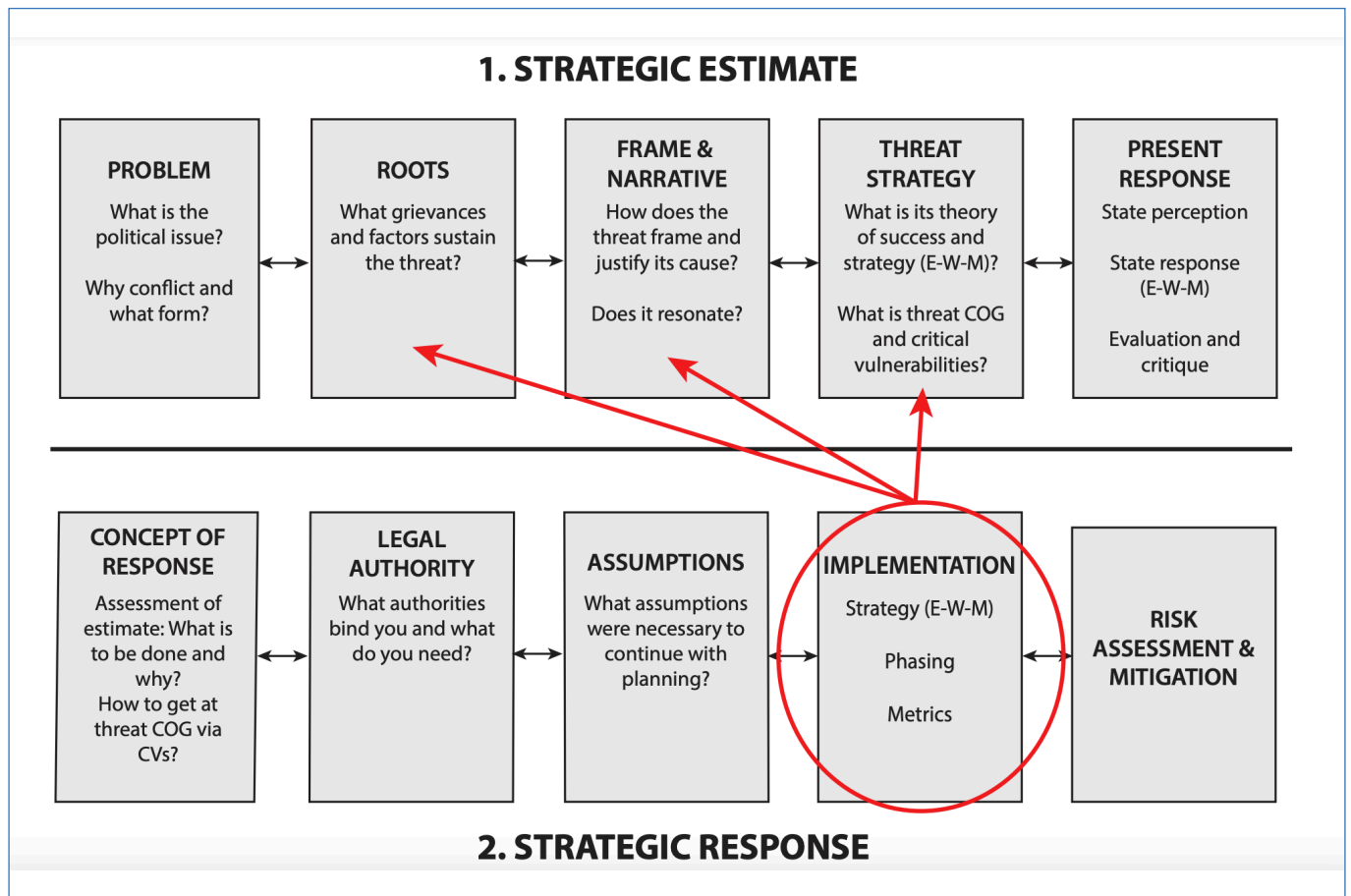
Rather than fall back on best practices and conventional wisdom, practitioners and policymakers must know what it means to craft strategy. In separate work, the present authors have elaborated a framework for precisely this task.¹⁷ This framework was designed for IW and guides practitioners through an assessment, or strategic estimate, and the design of a response (see Figure 1). It is a framework that finds its origins, and is actively used, within the US National Defense University’s College of International Security Affairs (CISA) – the Pentagon’s flagship for IW education at the strategic level.

14 Marquette, H (2022). ‘Moving “from Political Won’t To Political Will” for More Feasible Interventions to Tackle Serious Organised Crime and Corruption’. SOC ACE Briefing Note. Birmingham, UK: University of Birmingham; Malena, C (2009). ‘Building Will for Participatory Governance: An Introduction’. In: Malena, C (ed.) (2009). *From Political Won’t to Political Will: Building Support for Participatory Governance*. Sterling, VA: Kumarian Press, pp. 3–30.

15 Idris, I (2022). ‘Political Will and Combatting Serious Organised Crime’. SOC ACE Evidence Synthesis Paper. Birmingham, UK: University of Birmingham, p. 11.

16 Cohen, EA (2009). ‘What’s Obama’s Counterinsurgency Strategy for Afghanistan?’. *The Washington Post*, 6 December 2009, sec. Arts & Living. Available at: <http://www.washingtonpost.com/wp-dyn/content/article/2009/12/04/AR2009120402602.html>.

17 Ucko, DH & Marks, TA (2020). *Crafting Strategy for Irregular Warfare: A Framework for Analysis and Action*. Washington, D.C: National Defense University Press; Ucko, DH & Marks, TA ‘Violence in Context: Mapping the Strategies and Operational Art of Irregular Warfare’. *Contemporary Security Policy*, 39(2), (3 April 2018), pp. 206–33, doi: <https://doi.org/10.1080/13523260.2018.1432922>.

Figure 1. The CISA Framework, depicted graphically¹⁸

Legend: COG = Centre of Gravity; CV = Critical Vulnerability; E-W-M = Ends, Ways, Means.

18 Ucko, DH & Marks, TA 'Violence in Context: Mapping the Strategies and Operational Art of Irregular Warfare'. *Contemporary Security Policy*, 39(2) (3 April 2018), pp. 206–33, doi: <https://doi.org/10.1080/13523260.2018.1432922>.

The framework's contribution is twofold:

1. **The estimate of the situation:** The essential foundation for strategy is understanding the problem. What the military calls mission analysis, also known as a *strategic estimate of the situation*, is crucial, because it unpacks a complex threat and places it in its political context. The CISA Framework achieves this via *mapping* – of the socioeconomic and political drivers that sustain the problem, of the contending narratives informing the conflict, of the strategy used by the adversary, and of the merits and limitations of the state's response. Based on such an estimate, it is possible to arrive at a problem statement that reflects the intensely political context at hand.
2. **Designing a strategy:** The estimate informs the second step, namely the formulation of strategy. This product must be driven by *specific objectives* and propose a viable way of achieving them (also known as a *theory of success*). Objectives should reflect prioritisation and trade-offs and be realisable over time, across phases. From then on, a strategy must interrogate existing and needed *legal authorities*, the *assumptions* that were made to plan future action, the *risks* created both by the plan's success and possible failure, and the steps taken to mitigate such harm. Most difficult, perhaps, is identifying appropriate *measure of effectiveness*, neither confusing that which is measurable for what to measure nor conflating activity with progress.

Given the relevance of IW, this Framework can, with minimal adaptation, be applied to the challenge of organised crime. Its contribution would then be to address the above lessons and integrate them both in assessment and in the building of response. A proposed follow-on study will present this adapted framework and test out its application.

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