

Soldiers in a Storm: Why and How Do Responses to Illicit Economies Get Militarised?

Mark Shaw

INTRODUCTION

It is now commonly agreed that globalisation has created a plethora of evolving illicit markets and a network of trafficking and smuggling routes and organisations that feed them.¹ The illicit trade in drugs is perhaps the longest standing and the most widely known, but a read of any news source highlights developments in several other illicit markets. Arguably the two most prominent and relatively recent additions on the global stage are the smuggling and trafficking of people and the illicit exploitation and movement of environmental commodities such as rhino horn or elephant ivory. While both of these illicit markets have long flourished, what makes them topical now is the degree to which they have increased in scale and scope, and the extent to which they are extensively covered by the global news media. Pictures of packed boats of migrants floating in the Mediterranean, or of slaughtered rhinos with

M. Shaw (✉)
Global Initiative against Transnational Organized Crime,
Geneva, Switzerland
e-mail: mark.shaw@globalinitiative.net

a bloody stump where their horn once was, are iconic images that have come to define what has been termed ‘deviant globalisation’.²

What has seldom been analysed in any systematic way is the degree to which different policy responses may demonstrate parallels and contrasts across and between different illicit markets. The case of the legalisation of illicit commodities to reduce the profits available to organised criminal groups illustrates how responses in the context of different markets are often diametrically opposed. Vocal civil society groups argue for the decriminalisation of drugs as the key policy step in reducing the scale of the illicit market and diminishing the profits for organised crime. In contrast, equally vocal voices urge the banning of environmental products to prevent their exploitation and sale in order to reduce the profits for questionable and/or illegal business operators. This demonstrates how fragmented and often contradictory the discussion of illicit markets remains when the same sets of economic principles are arguably present in all of them.

These contradictions reflect the fact that responding effectively to illicit markets, with their complex and generally hidden equations of supply and demand, is a challenging process: there are no quick fixes and, as many experts have pointed out, what is required is a package of demand reduction, economic incentives, law enforcement and political initiatives. Calibrating and financing such solutions in a context where global policy makers have many other issues on their agenda is a difficult task to say the least. Policy responses to illicit markets are clearly challenging, and to date no single solution in any market has proved entirely successful. Indeed, some analysts have suggested that there may be no solution and illicit markets can only ever be ‘managed’. The public and policy makers remain largely ignorant as to how illicit markets operate or what can be done to stem them. Consequently, and in part also due to the failure of any single approach to present a holistic solution, illicit markets typically invite simplistic responses. Politicians and populace repeatedly declare that ‘something must be done’, while usually meaning that something must be *seen* to be done.

CONCEPTUALISING MILITARISATION

Given the paucity of real success when it comes to stemming illicit markets, an important initial point to make about military-style responses is that they are in large part a result of the perceived (or actual) failure

of other strategies. Police and other state agencies across the spectrum are under increasing pressure to devise effective responses. A difficult feat when criminal markets, and the powerful pull they exert, constitute a key and largely unresolved policy question. Militarised responses occur because states perceive their options to be limited, in contexts where public and often international pressure to take action is great.

Many governments forced to implement policy responses to the emerging array of illicit markets have, by default, opted for militarised solutions. However, defining a ‘militarised solution’ in this context is difficult. Does it include cases where politicians or policy makers talk tough, evoking the metaphor of ‘war’, as was the case in the so-called ‘war on drugs’? Is a situation militarised when civilian agencies, like forest or environmental departments, adopt tactics and operational styles that are military or paramilitary in nature, reflected in dress, weapons issued, or how they operate? Or, can militarisation only be said to have occurred when there are ‘boots on the ground’, soldiers, airmen or sailors deployed to respond to a crisis arising from an illicit market? The latter is currently the case in several places: soldiers have been deployed in game parks across Africa, navies patrol the seas to prevent migrant smuggling (and to rescue migrants) and the crime of piracy, and paramilitary style forces are deployed to guard borders to prevent an array of different types of smuggling.

Militarisation of responses across different markets suggests that a similar set of calculations may occur in different places and in diverse illicit markets. If these factors can be identified, it may make our discussion of militarisation clearer, and may also answer the question why militarisation may be short-lived in some cases, developing into a different approach or ceasing altogether, or may deepen or be sustained in others. A key error of previous analysis of militarisation is that analysts are often too willing to take things at face value. Much of what has been written about the militarisation of responses to poaching, for example, draws on public statements, without closer analysis of military or security actors, or interviews with them. A more holistic approach is required, including better research on the security actors themselves and their motivations.

‘Militarisation’ should be understood to constitute a series of actions along a spectrum, a response which may change over time. But, how to conceptualise this process? First, we can seek to identify a series of common features that are acting together or separately constitute a model around which a better analytical understanding of militarisation in the response to

illicit markets and associated organised-crime can be built. The purpose of this chapter, which provides the background to the other cases presented in the book, is to propose such an approach.

MODEL MILITARISATION

The challenge facing the analysis in this area, as stated earlier, is that scholars often reach kneejerk conclusions about ‘militarisation’ without examining the data. That is not to say that militarisation does not occur, but that the process in which it does tends to be more contested and messy than is typically portrayed. It is a key to distinguish between three crucial sets of information which determine why and how militarisation occurs, and whether it is a phenomenon that is likely to be sustained or short-lived.

These three factors can be summarised very broadly under three simple monikers: ‘war talk’, ‘strategic timing’ and ‘institutional interest’. The intersection between them is illustrated in the Fig. 2.1. Each is discussed in turn.

War Talk

Making war is generally accompanied by strong rhetoric, in part to identify and demonise ‘the enemy’, but also to mobilise or respond to popular sentiment. This is no different in the case of militarised responses to illicit markets and organised crime. Further, as in the case of war between states, bellicose talk may not lead to violence. It may instead be a response to popular sentiment that ‘something should be done’.

It is, therefore, unsurprising that analysts typically focus on the use of ‘war talk’ in the context of militarised policy responses to illicit markets and organised crime. Part of the reason for doing so is that the research is relatively easy as quotes can be culled between newspapers and official speeches. However, although military discourse, including the use of the phrase ‘war’, may become widely used, it may not translate into militarisation—although it may reinforce this process later on.

It is a key to note that talk of ‘war’ may be as much a political as a practical response, at least initially. The ‘war on drugs’ did not per se mean the use of military resources, instead it heralded a tougher approach was to be adopted. In South Africa for example, rhetoric around the ‘war on rhino poaching’ has been interpreted by some analysts as suggesting



Fig. 2.1 Elements that interact to promote and sustain militarised responses to illicit markets and organised crime

that the response has become militarised or ‘securitized’ by the state.³ The issue will always be one of degree however. As illustrated in later chapters there is evidence of this, mainly by militarising the role of conservation staffs themselves. In this and other cases, however, it is important to determine what the military intervention actually means on the ground and what role military personnel play. To take just one obvious example: soldiers deployed to guard a border have quite different implications to their use in ‘hunting down’ poachers.

In short, the use of strong language around ‘war’ and ‘tougher responses’ may not mean that those responses are either planned for or resourced on the ground. Nevertheless, it seems clear that ‘war talk’ often engenders a wider militarisation of responses. This is either because the ‘talk of war’ provides space within the relevant bureaucracies for planning more militarised options, or because the ‘war talk’ is a genuine public precursor to a process of internal militarisation that may have been underway for some time.

Analysing ‘war talk’ is therefore a key. In its more subtle forms it begins with words or phrases such as ‘fight’, ‘combat’ or ‘destroy’. It evolves into discussions and statements which suggest ‘war has been declared’ on the relevant target: drug trafficking, rhino poaching, illegal migrancy or other illicit markets. The institutionalisation of ‘war talk’ is perhaps most clearly demonstrated by the use of the vocabulary of war in government policy or strategy documents.

‘War talk’ regardless of whether it engenders any significant levels of militarisation, causes human rights concerns to be downgraded or ignored, both by the institutions charged with protecting them and the political class. For example, while the degree to which the response in the Kruger National Park to rhino poaching has been militarised may be questioned, bellicose rhetoric has arguably led to a downgrading of human rights concerns that would be a prerequisite in the context of ordinary policing. For instance, once a poacher has been killed there are no formalised systems of investigation, something that would be a requirement in the context of democratic policing systems.

Finally, ‘war talk’ is hard to back down from, at least without a clear explanation of why it has not worked. Consequently, while it may be toned down, ‘war talk’ more often escalates over time.

Strategic Timing

Greater militarisation is almost always justified by the argument that the issue to be addressed is ‘urgent’. A failure to act is portrayed as dramatically increasing the nature of the threat in the long-term. While military planners and strategists have long noted the linkage between military, political and developmental initiatives, particularly in counter-insurgency doctrine, such linkages are often hard to forge in the short term when action is demanded.

When ‘urgency’ is underscored, it is an obvious choice to deploy military resources as they are the arm of the state designed for rapid response. Arguments for the use of the military tend to suggest that militarised responses constitute a stop-gap measure until long-term political or developmental responses can be implemented. This underlying principle is not new in military planning and doctrine, and is an established strategic principle of counter-insurgency warfare.⁴

When approaches to illicit markets are seen through a military or security lens, it is common to believe that military action must be

accompanied by policy that focuses on ‘winning hearts and minds’. Alternatively, military minds themselves perceive such conflicts to require primarily ‘political solutions’, while military force is needed to ensure a stronger negotiating position. However, counter-insurgency doctrine is not a perfect fit for responses to illicit markets. A key flaw in the ‘stop-gap’ approach is that developmental and political responses to illicit markets remain weakly developed—‘buying time’ must mean ensuring that other alternatives are developed in the interim.

However, justifying the use of military resources does require an acknowledgement that other responses are likely to fail, at least in the short-term. For example, in the case of combating piracy off the coast of Somalia, developmental and community-based responses were predominantly seen as too long-term (and thus difficult to raise funds for) when military and later militarised private security responses were shown to be effective. The arguments surrounding the response to piracy were clearly driven by ‘urgency’ as ships continued to be hijacked and their crews kidnapped without an effective response being instigated. In this case, as in others, developmental responses were considered insufficiently immediate, and too difficult to implement, to be effective.⁵

The military nonetheless argue that they ‘buy time’ for other actors to respond. Consequently, militarisation is often sold as a strategic intervention at a particular point in the policy cycle. However, rather than being implemented within strict time limits, such interventions are often extended. Ironically, this occurs both when military solutions are working and when they are not. In the latter case, arguments that insufficient resources have been deployed create greater ‘urgency’ to do more.

In the case of piracy, more militarised responses were successful in reducing the volume of incidents. In this context, discussion of developmental and community-based responses in this context, although necessary to show that a wide-set of alternatives were being considered, were arguably merely symbolic, with few resources (despite elaborate costed plans) supporting them.

However, the success of militarised responses to piracy should be regarded as the exception. More commonly the deployment of military resources and strategies has not halted illicit markets, rather it has created new complexities, including the thorny issue of collateral damage and human rights abuse. The latter may be managed and mitigated in military-style engagements which show success relatively quickly, but are difficult to sustain in the long-term.

Equally, ‘urgently required’ militarised interventions may have unintended consequences. For example, while ultimately not implemented, the proposal to bomb smugglers’ boats along the Libyan coast would likely have caused wider collateral damage, which could have included fuelling anti-western sentiment in an already fraught political context.

Institutional Interests

A similarly murky question to consider is the degree to which militaries may seek out a role for themselves. In the case of piracy, for example, faced with the cutting of naval budgets, some evidence suggests that navies quickly identified anti-piracy work as an area to justify continued funds. Indeed, those close to the naval response to piracy emphasised to the author that navies, struggling to demonstrate their relevance, were eager to engage in the fight against this threat.⁶ Budgets and political influence were at stake that may have had little to do with piracy.

Cynically it is possible to view military involvement as the exercise of bureaucratic interests seeking to attract a greater portion of the national budget by showing that they make useful peacetime contributions. Institutional interests are, therefore, likely to play a role in determining how military and security agencies may respond to illicit markets, including trafficking, smuggling and piracy.

However, academic researchers have sometimes been too hasty to identify military institutional interests as driving responses to illicit markets. In the case of trafficking, this is illustrated by several analyses suggesting that the South African government’s deployment of the military in the Kruger Park in response to rhino trafficking was partly driven by apartheid-era military and counter-insurgency interests. The latter conclusion is questionable. For their part, the military have appeared reluctant to take on wider duties given peacekeeping commitments, performing poorly at the limited border control task they were assigned, and lacked any recent counter-insurgency training and experience.⁷

The role of institutional interest is clearly typically a nuanced question, with different actors within relevant institutions often expressing different views. Despite evidence that institutional interests in the military, or certain units in the military, may influence institutional responses, it is risky to conclude that such interests inevitably drive militarisation. All may not be what it seems: some security interests may be opposed to militarisation, others view it as an opportunity for the military to

demonstrate its usefulness, while others may covet other benefits, including those linked to sustaining or protecting the illicit market itself. The latter is illustrated in the role of the military and the security establishment in wildlife areas in Zimbabwe. Here it appears that security actors interest in managing the illicit trade is based on a desire to reap illegal profits, rather than ending the trade itself.

It is also a key to consider the degree to which militarised deployments build or reinforce long-term interests in sustaining the conflicts they seek to address. The wide literature on war and conflict does suggest that bureaucratic interests within security establishments may act both to sustain conflict, and to construct wider military-industrial complexes⁸ with strong links to private sector interests. In the modern age of warfare, where the private sector and the technologies it produces and sells are increasingly critical to national responses, such a coalescence of institutional interests is a strong possibility. For example, it is said to have occurred in the context of the role of private security companies in responding to illicit environmental poaching, although evidence of direct links between current military interests and companies in the environmental sector require more investigation.

Analysing institutional interests within the security sector can be difficult. Security institutions seldom speak with one voice. Different actors within them may have different interests. Increasingly, in some contexts security actors may be beneficiaries of the very illicit markets that they claim to be acting against.

CONSTRAINED MILITARISATION

The militarisation of responses to illicit trafficking and illicit markets more broadly is a feature of these three overlapping factors—war talk, strategic timing and institutional interests. Acting alone they may provide some opening for the growing militarisation of responses. However, acting together they suggest a deeper and more sustained process of militarisation in which each element reinforces the others. So, actions in one area impact on developments in the others, creating a cycle of increasing militarisation which may be hard to reverse. The use of war rhetoric provides the justification for military actors to seek greater involvement, either on the grounds of ‘buying time’ or ‘securing the future for development’, concepts drawn from counter to insurgency doctrine. Complex and sometimes contradictory institutional interests may shape and sustain

the security response. Such interests will impact on how ‘war talk’ evolves and how the strategic timing of military-style policies and deployments are extended.

The importance of building better analytical frameworks to understand processes of militarisation and securitisation of the response to illicit markets is undoubtedly key. In the absence of an effective set of tools to respond to them, illicit markets will continue to grow. In this process, there will be a place for militarised responses. However, better methods of determining clear goals for such responses are required, together with an understanding of their inherent limitations and an analysis of the drivers behind security actors as the providers of solutions in a conflicted policy arena. The result must be the promotion of a wide-set of more coherently linked responses beyond a simple knee-jerk policy that seeks to deploy troops to solve challenges, often distorting the discussion of more viable alternatives in the long-term.

NOTES

1. This is the general consensus of both the academic and policy literature, although there is far less agreement as to what proportion of global GDP is derived from illicit economies. For an overview of different illicit markets, see United Nations Office on Drugs and Crime (UNODC) (2010), *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, United Nations, Vienna. One of the most accessible and important studies of the growth of global illicit activities remains M. Naím (2005) *Illicit: How Smugglers, Traffickers and Copycats are hijacking the global economy*, New York: Doubleday.
2. This neat term was first used by Nils Gilman. See N. Gilman, J. Goldhammer and S. Weber (eds) (2011), *Deviant Globalization: Black Market Economy in the 21st Century*, New York: Bloomsbury.
3. A good example is J. Humpreys and MLR Smith, ‘The ‘rhinification’ of South African security’’, *International Affairs*, Vol 90, No 4, July 2014.
4. The literature on counter-insurgency warfare is extensive. A good introduction with reference to recent conflicts is D. Kilcullen (2010) *Counter insurgency*, New York: Oxford University Press.
5. Based on the authors own experience of engagements with donors and other stakeholders in Somalia and Kenya during the period in which more effective responses to piracy were being debated.

6. Of course this would have varied between navies, but certainly was a consideration for some. Interview, ex-naval officer and now UN official, Nairobi, July 2012.
7. M. Shaw and J. Rademeyer, 'A Flawed War: Rethinking 'green militarization' in the Kruger National Park', *Politikon*, Vol 43, No 2, 2016, pp. 173–192.
8. A military-industrial complex is an informal alliance between a nation's military and the defence industry which supplies it, together a vested interest which seeks to influence policy.

AUTHOR BIOGRAPHY

Mark Shaw is the Director of the Global Initiative against Transnational Organised Crime (www.globalinitiative.net), an international NGO think tank headquartered in Geneva, which is focused on catalysing new responses to organised crime. He was previously Professor of Justice and Security and Director of the Centre of Criminology, Faculty of Law, University of Cape Town.

Mark previously worked for ten years at the United Nations Office on Drugs and Crime (UNODC), including as Inter-Regional Adviser, Chief of the Criminal Justice Reform Unit, with extensive field work in fragile states. He has wide experience with both governmental, non-governmental and private sector organisations working on issues of transnational threats, governance and conflict.

Mark holds a Ph.D. from the University of the Witwatersrand, Johannesburg, and has published extensively on organised crime, peace, security, and justice reform issues.



<http://www.springer.com/978-3-319-57564-3>

Militarised Responses to Transnational Organised Crime

The War on Crime

Reitano, T.; Jespersen, S.; Bird Ruiz-Benitez de Lugo, L.

(Eds.)

2018, XV, 359 p. 18 illus., Hardcover

ISBN: 978-3-319-57564-3