Managing Criminalized Power Structures: The Predominant Spoilers of Peace Processes

Michael Dziedzic
George Mason University, Michael.dziedzic@edu.edu

Managing Criminalized Power Structures: The Predominant Spoilers of Peace Processes

Michael Dziedzic

Criminalized Power Structures (CPS) exploit illicit wealth acquisition to usurp political power and constitute a leading source of obstruction when the international community intervenes in states struggling to emerge from civil conflict. Structures operating outside domestic or international law may constitute a crucial barrier or spoiler for UN and coalition peace operations. This held true in the post-Cold War interregnum before 9/11 and is likely to continue for stabilization operations, regardless of outcomes from enormous international security investments in Afghanistan and Iraq. By understanding the different types of spoilers acting across cases, the United States and partners in the international community can align their responses so as to manage threats from CPS.

Twenty years ago Stephen Stedman published "Spoiler Problems in Peace Processes," identifying spoilers as the "greatest source of risk" to successful implementation of peace agreements.[1] This sparked a prolific response in the literature. Most of this scholarship, however, failed to address the intent of Stedman's article, which was to develop "a typological theory of spoiler management."[2] His actual aim was to assist policy makers in "correctly diagnosing the type of spoiler" and then devising appropriate "strategies that will be most effective for particular spoiler types."[3]

The number of cases Stedman was able to draw upon in 1997 was limited to Angola, Cambodia, Mozambique, and Rwanda. This restricted the range of strategies available for evaluation. As Stedman noted: "not all combinations of strategy and spoiler type are covered in the cases, given the relatively few cases of spoiler management in the 1990s. For instance, neither coercive diplomacy nor use of force to defeat the spoiler is included."[4] Accordingly, he regarded his conclusions as provisional and hoped to inspire further research;

however, as Nilsson and Söderberg Kovacs conclude in their 2011 review of the spoiler literature, "much more research is needed in terms of identifying various strategies for managing already manifest spoilers under different circumstances, a topic that has advanced surprisingly little since Stedman's (1997) original article…"[5]

The purpose here is to summarize findings and recommendations from recently published research addressing ten cases of peace implementation from 1999-2016. These were featured in *Criminalized Power Structures: The Overlooked Enemies of Peace,* a work devoted to advancing Stedman's quest for a typological theory of spoiler management.[6]

Findings from three cases are summarized below: Bosnia's Third Entity Movement (irreconcilable spoiler), Kosovo's Kosovo Liberation Army (violent opponent with negotiable interests), and Afghanistan's Criminal Patronage Networks (supporter of the peace process). Salient lessons from the other cases from each type are included in the discussion of the takeaways for that class of spoiler. Our central finding is that strategies used in

---

[1] Dr. Michael Dziedzic is an adjunct faculty member at George Mason University and former military faculty member of the Department of Political Science, U.S. Air Force Academy. Stephen Stedman, "Spoiler Problems in Peace Processes," *International Security* Vol. 22, No. 2 (Fall 1997): 5-53.

[2] Ibid. 6.

[3] Ibid.

[4] Ibid. 20.

[5] Desirée Nilsson and Mimmi Söderberg Kovacs, "Revisiting an Elusive Concept: A Review of the Debate on Spoilers in Peace Processes," *International Studies Review* 13 (2011), 622.

[6] Michael Dziedzic, ed., *Criminalized Power Structures: The Overlooked Enemies of Peace* (Lanham, MD: Rowman and Littlefield, 2016).

the most successful cases aligned with three mutually reinforcing lines of effort involved in conflict transformation (as defined in *Quest for Viable Peace*).[7] The primary audience for our findings and recommendations is the policy community since we seek to enhance international capacity for spoiler management; however, energizing the scholarly community to respond to Stedman's exhortation for research to advance a typological theory of spoiler management is a closely related intent.

This article provides empirical evidence that criminalized power structures (CPS) constitute perhaps the predominant spoiler threat to peace and stability operations. This thesis builds on the literature on war economies. The Economic Agendas in Civil Wars (EACW) project conducted by the International Peace Academy from 2000-2003 "addressed the critical issue of how the economic agendas of armed factions sustain violent conflict *and inhibit durable peace*" (Italics added).[8] A 2003 EACW report characterized the phenomenon in the following terms:

> Policy analysis has produced important insights on the impact that the predatory and illicit exploitation of natural resources and the pervasive criminalization of economic life can have on conflict dynamics…Both rebel or government combatants who benefited from predation during war may act as 'spoilers', using force to undermine peace processes.[9]

This conceptualization of war economies encompasses several characteristics that are central to the way criminalized power structures are defined here:

- Structures built on criminalized political economies do not magically dissolve with the advent of a peace agreement.
- The economic factors conducive to violent conflict and its persistence after a peace agreement include "criminalization of economic life." This term embraces the full spectrum of illicit gray and black market transactions described below.
- Both the state and an armed opposition to it may exploit war economies.

The imperative for addressing war economies is encapsulated by Mats Berdal and Dominik Zaum in *Political Economy of Statebuilding*: "war economies persist into peacetime, and are likely to shape the character of the post-war political economy. Transforming these very political war-time economies is a central challenge for statebuilding operations."[10]

CRIMINALIZED POWER STRUCTURES

The nexus between illicit wealth and political power is the central defining characteristic of a criminalized power structure. When ill-gotten wealth plays a decisive role in the competition for and maintenance of political power, the result is an illicit political economy orchestrated by a CPS. Power is typically maintained by violent repression of opposition groups and by dispensing patronage to a privileged clientele group which can lead to criminalization of both the public and private sectors. This tends to produce a zero-sum political economy conducive to conflict, but it may be masked by other cleavages in society (e.g., Rwanda, Bosnia, and Kosovo).[11] Criminally

---

[7] Jock Covey, Michael Dziedzic, and Len Hawley, eds., *Quest for Viable Peace: International Intervention and Strategies for Conflict Transformation* (Washington D.C.: US Institute of Peace, 2005).

[8] Karen Ballentine, "Program on Economic Agendas in Civil Wars; Principal Research Findings and Policy Recommendations," International Peace Academy, April 2004, 19.

[9] Heiko Nitzschke, "Transforming War Economies: Challenges for Peacemaking and Peacebuilding," International Peace Academy Conference Report from Wilton Park, October 27-29, 2003, 1.

[10] Mats Berdal and Dominik Zaum, eds., *Political Economy of Statebuilding: Power after Peace*, (London and New York: Routledge, 2013), 5.

[11] For a discussion of Rwanda, see Bruce Jones, "Military Intervention in Rwanda's 'Two Wars': Partisanship and Indifference," in Barbara Walter and

derived wealth may be a motivation for acquiring power (i.e., greed), or it may be a means used by rebel groups for rectifying group grievances. CPS may either capture the state or constitute an armed opposition to it.

Power structures are criminalized when they are sustained by economic transactions that violate either domestic or international law. A criminalized political economy may operate in two dimensions: the gray and/or the black economy. The gray economy involves commodities that would normally be considered legal; however, the transactions are conducted in illegal ways. This includes evasion of customs duties (i.e., smuggling), avoidance or selective enforcement of regulations, manipulation of exchange rates, violation of economic embargoes, and looting of raw material resources. Cash and material resources of the government may also be siphoned off through misappropriation, procurement kickbacks, stripping of assets from state-owned enterprises, diversion of foreign assistance, and privatization of state assets to cronies at below market prices.

The black economy involves patently illegal commodities typically associated with organized crime. Common activities include trafficking in illicit drugs**,** people, and weapons (in contravention to an arms embargo), kidnapping, extortion, and money laundering.

One likely contributing factor to the 50% rate of return to conflict within five years after international intervention, as claimed by Kofi Annan, is that by overlooking this spoiler threat and arriving unprepared to deal with it, missions have squandered the "golden hour." [12] In the cases examined in this project*,* the average delay in obtaining authorization for essential authorities

and capabilities to mount effective strategies has averaged almost five years. The consequences include allowing CPS to become entrenched, driving down prospects for success (i.e., sustainable peace), and prolonging missions indefinitely.

Since 1990, the UN has intervened in 24 countries struggling to emerge from internal conflict.[13] One of these, El Salvador, was not seriously bedeviled by a spoiler menace.[14] At least 17 of the remaining 23 cases, or 75%, involved criminalized power structures, including three discrete cases cited by Stedman (i.e., Rwanda, Angola, and Cambodia):

- The ruling Hutu elite in Rwanda, the *akazu,* viewed the Arusha Accords as a threat to their predatory regime causing them to mount a plot to instigate genocide as a result.[15]
- Jonas Savimbi, leader of União Nacional para a Independência Total de Angola in Angola (UNITA), was able to reject his loss in the 1992 Angolan elections because, according to Stedman, he "continued to have

---

Jack Snyder, eds., *Civil Wars, Insecurity, and Intervention* (New York: Columbia University Press, 1999). For Bosnia, see Oscar Vera and Karmen Fields, "Bosnia: Third Entity Movement" in Dziedzic, *Criminalized Power Structures.* For Kosovo, see Covey, et al., *Quest for Viable Peace*.

[12] UN Secretary General Kofi Annan, "In Larger Freedom: Towards Development, Security and Human Rights for All," Report A/59/2005, March 2005, 8.

[13] The internal conflicts in which the UN has intervened since 1990 were in the following locations: Afghanistan, Angola, Bosnia /Former Yugoslavia, Burundi, Cambodia, Côte d'Ivoire, Central African Republic, Darfur, Democratic Republic of the Congo, East Timor, El Salvador, Guatemala, Haiti, Iraq, Kosovo, Liberia, Mali, Mozambique, Rwanda, Sierra Leone, Somalia, South Sudan, Sudan/Abyei, Western Sahara. The eight underlined cases are those that case study authors in Dziedzic, *Criminalized Power Structures* determined involved criminalized power structures as spoilers.

[14] The author bases this assertion on his personal observations as a U.S. Air Force attaché in El Salvador during the "armed peace" from 1992-1994.

[15] See David Keen, "The Economic Functions of Violence in Civil Wars," Adelphi Paper 320, International Institute for Strategic Studies, 1998, 63. "(I)n Rwanda, attempts to end the 1992-94 civil war by creating a democratic government prompted a genocidal backlash from elements of the *Hutu* elite…" See also Bruce D. Jones, "Keeping the Peace, Losing the War: Military Intervention in Rwanda's 'Two Wars'," Colombia University Institute for War and Peace Studies, February 1997, 6. "As negotiations and diplomacy weakened their position, the *akazu* turned increasingly to violence to defend their power."

uninterrupted sources of revenue through UNITA's control of diamond mines…"[16]

- The Khmer Rouge (KR) in Cambodia, Stedman notes, sustained their resistance to the UN Transitional Authority in Cambodia (UNTAC) through "the inflow of arms and petroleum and the outflow of gems and logs, a major source of DK's [KR's] income."[17]

- Hun Sen, leader of the State of Cambodia, refused to accept his loss in the 1993 elections and blackmailed UNTAC into a power sharing arrangement. The result, according to Global Witness, has been that both Hun Sen and the Khmer Rouge continued to finance their military activities through illegal logging, and today "the country's most powerful logging syndicate is led by relatives of Prime Minister Hun Sen and other senior officials."[18]

Our own research identifies eight discrete cases (i.e., Afghanistan, Bosnia, Democratic Republic of the Congo, Guatemala, Haiti, Iraq, Kosovo, and Sierra Leone). The findings of another volume confirm most of our cases and add Liberia to the list.[19] Evidence assembled by the Enough Project in its study on violent kleptocracies in Africa adds Sudan, South Sudan, Somalia, Burundi, and the Central African Republic.[20] This is the basis for

claiming that criminalized power structures are the predominant spoiler threat to peace and stability operations.

SPOILERS

There are several conceptual and typological differences in the approach taken here as compared with Stedman's path-breaking work that need to be made explicit. First, he originally equated spoiling behavior with the use of violence. As Nilsson and Söderberg Kovacs note, "More research, however, ought to be devoted to the non-violent aspects of spoiling behavior…a phenomena we know only little about in spite of its widespread occurrence."[21] This certainly applies to criminalized power structures, and this project has examined both violent and non-violent forms of obstruction to peace implementation.

Second, the above revision of the spoiler definition has implications for the typology that should be used to guide the strategic response. Clearly, strategies must be tailored to whether violent or non-violent means are employed. Stedman's spoiler typology was based on *the nature of spoiler's intentions* (i.e., total, greedy, or limited).[22] A more useful approach is to distinguish among types of CPS according to their *relationship to the peace process*.

One of these distinctions must be whether they use violent or non-violent means to oppose the peace process. Additionally, Steadman's categories of intentions can be collapsed into whether their interests are negotiable (i.e. greedy) or irreconcilable (i.e., total). Stedman's limited spoilers, as he defines them, could fall into either of the above categories. Finally, CPS can be classified according to whether they support or oppose the peace process.

Perhaps the central conceptual innovation of this work is to propose that a CPS can have a profound

---

[16] Stedman, 40.

[17] Ibid., 30.

[18] "Cambodia," Global Witness web site, http://www.globalwitness.org/campaigns/corruption/oil-gas-and-mining/cambodia, accessed May 31, 2017.

[19] Michelle Hughes and Michael Miklaucic, eds., *Impunity: Countering Illicit Power in War and Transition*, (Washington, DC: Center for Complex Operations, 2016).

[20] John Prendergast, "Violent Kleptocracies: How They're Destroying Parts of Africa and How They Can Be Dismantled," Enough Project, October 2016, available at http://enoughproject.org/reports/violent-kleptocracies-how-theyre-destroying-parts-africa-and-how-they-can-be-dismantled [May 31, 2017]; "Millions of people have suffered and perished in the ongoing wars in East and Central Africa, including Sudan, South Sudan, Somalia, the Democratic Republic of the Congo, Burundi, Rwanda, Uganda, and the Central African Republic. The big prize in these deadly conflicts is the control of a hijacked state and the natural resource wealth of the country. This

enables mass looting of state resources and diverting state budgets into military and security spending to perpetrate wars and to maintain power by any means necessary."

[21] Nilsson and Söderberg Kovacs, 617.

[22] Stedman, 9-11.

spoiling effect even if it does not overtly oppose the peace process. The kleptocratic nature of a CPS can produce a crippling loss of legitimacy or a hollowing out of the state's capacity to perform essential functions (e.g., security). The administrations of Hamid Karzai in Afghanistan and Nouri al Maliki in Iraq provide salient examples of this. Accordingly, the examination of the empirical record of the international community's efforts to deal with CPS in *Criminalized Power Structures: The Overlooked Enemies of Peace* is organized around these three discrete types:

- Irreconcilable Adversaries (oppose peace process, use violence, irreconcilable interests)
- Violent Opponents with Negotiable Interests (oppose peace process, use violence, negotiable interests)
- Supporters of the Peace Process (support peace process, do not use violence, negotiable interests)

The spoiler's relationship to the peace process also provides a handy *yardstick for determining whether the strategies adopted have been successful or not* by measuring their ability or propensity to spoil the peace process. Success is defined as eliminating the risk that CPS posed to peace and stability. To determine whether the strategy adopted by the mission made progress in "subduing" a given CPS, we compare the type at the inception of the intervention with the type it was when the case study was completed.

Progress has been made with irreconcilables if they have been neutralized or if they have been compelled to negotiate. For a violent CPS with negotiable interests, cessation of the use of violence or opposition to the peace process indicates success. For supporters of the peace process, a reduction of illicit activities to the point that they no longer constitute a threat to domestic stability or allow the CPS to perpetuate itself in power through illegitimate means constitutes success. If no CPS existed prior to the intervention, their emergence as a threat to the peace process without an effective strategic response is a hallmark of failure.

The purpose here is not to measure the success of the overall intervention but rather to assess whether spoiling activity was effectively reduced or ended so it no longer threatened the peace implementation process. The focus of analysis was to identify the common denominators of success of strategies used to confront each type of CPS. The methodology used was structured, focused comparison. This is the same methodology adopted by Stedman.

We examined the following ten cases:

Irreconcilable Adversaries
Bosnia: Third Entity Movement; Guatemala: Illegal Entities and Clandestine Security Apparatus; Sierra Leone: Revolutionary United Front; Haiti: Gangs of Cité Soleil

Violent Opponents with Negotiable Interests
Kosovo: Kosovo Liberation Army; Democratic Republic of the Congo: M-23; Iraq: Jaish Al-Mahdi

Supporters of the Peace Process
Colombia: Paramilitaries; Afghanistan: Criminal Patronage Networks; Iraq: Nouri al-Maliki

Considerations involved in selecting these cases were the types of CPS involved (a minimum of three cases was required for each type so that generalizations could be drawn); a range of successes, partial successes, and failures; a mix of both states and insurgencies as CPS; and geographic diversity. Findings from the Bosnia, Kosovo, and Afghanistan cases are summarized, below, along with a recapitulation of the general findings from all other cases for each of these types.

IRRECONCILABLE ADVERSARIES: BOSNIA'S THIRD ENTITY MOVEMENT

The Bosnia case is distinguished by the unequivocal success of the strategy that was eventually implemented to prevent the Third Entity Movement from scuttling the Dayton peace process. On the other hand, it is typical of other cases involving irreconcilables in that the grave threat they posed was neglected for years. Case

study authors Oscar Vera and Karmen Fields make clear that a simplistic diagnosis of the cause of the conflict obscured a profound and fateful reality:

> The conventional interpretation of the conflict as exclusively ethnic obscured the role of the country's criminalized power structures in provoking the war and then perversely collaborating with their counterparts across ethnic lines to profit from it. Owing to this blind spot…, the ensuing peace settlement failed to come to grips with the destabilizing impact of Bosnia's illicit political economy.[23]

Owing to this ignorance about the threat from Bosnia's three "parallel power structures," there were no provisions in the Dayton Peace Accords to deal with their covert and sometimes violent obstructionism. International police were unarmed and empowered merely to mentor, monitor, and train. The other components of the legal system were ignored. This meant that Bosnia's CPS were effectively left to judge themselves. Although the NATO-led Implementation Force (IFOR) enjoyed a robust mandate, it was focused exclusively on a narrowly defined threat from the formal military forces of the protagonists. When violent resistance mounted, often in the form of "rent-a-mobs," IFOR branded appeals for their involvement as "mission creep." It took several years before it would recognize that Bosnia's criminalized parallel power structures were the center of gravity for stabilizing the conflict.

The Third Entity Movement contravened one of the red lines of the Dayton Agreement since it aspired to dissolve the Bosniak-Croat Federation and create an entity co-equal with the Serbs and Bosniaks. This would have been a potentially irreversible step toward unification with Croatia, which would have rendered the survival of the Bosniak rump state untenable. The result would almost certainly have been a return to conflict. The only suitable strategic goal was to prevent this non-negotiable project.

Croatian President Franjo Tudjman was the driving force behind the Third Entity Movement, and he continued to pursue this ambition assiduously until he died in 1999. The clandestine elements of this CPS included a nexus between the Croatian Intelligence Service and its counterpart in Herzeg-Bosna. There was also a stay-behind unit of the Croatian Army that was converted into the Monitor M Company to avoid complying with the Dayton requirement that all Bosnian Croat military units be placed under Federation command. Other informal elements were the Convict Battalion that had perpetrated notorious acts of ethnic cleansing during the conflict and the Renner Transportation Company that was a cover for arms trafficking and other transnational crime and the perpetrator of violent confrontations with Moslem returnees.

One of the primary sources of illicit revenue for the Third Entity Movement stemmed from Tudjman's diversion of proceeds from the sale of Croatian state assets into the Hercegovacka Bank in Mostar that had been established by the Monitor M Company. From 1998 to 2000, $180 million a year was channeled into the bank. The head of Monitor M, "former" Croatian Army General Ante Jelavic, used these secret funds to capture the Bosnian Croat vote in the 1998 Bosnian general elections and become the Bosnian Croat member of the state-level tri-presidency. Smuggling was another massive source of revenue, and the Renner Transport Company was central to this.

Among the debilitating flaws in the international strategy was a requirement to conduct elections in a year. This unseemly haste to turn ownership over to local authorities profoundly exacerbated the ability of Bosnia's three CPS to obstruct reform efforts because they gained a façade of democratic legitimacy after the elections. Another flawed component of the strategy was "relying on institutions and leaders in the Federation and the RS to arrest war criminals and investigate and prosecute corruption, organized crime, and domestic terrorism."[24] It took two years of ineptitude before the Peace Implementation

---

[23] Oscar Vera and Karmen Fields, "Bosnia: The Third Entity Movement." in Dziedzic, *Criminalized Power Structures*, 30.

[24] Ibid., 37-8.

Council (PIC), an international body created to oversee implementation of the Dayton Peace Accords, sought to correct the impotence of the civilian head of the mission, the High Representative. In 1997 the PIC granted the High Representative authority to cashier government officials who obstructed Dayton along with the power to bring reforms that local politicians refused to enact into effect via decree (i.e., the Bonn powers). Simultaneously, SFOR (IFOR's successor) was having an epiphany about the root cause of the conflict actually residing in Bosnia's political-criminal power structures, causing it to shed IFOR's contemptuous attitude about anything that smacked of policing. The deployment to SFOR of a Multinational Specialized Unit of "gendarme-like" forces with expertise in use of non-lethal force for crowd and riot control took place in 1998.

To lay the foundation for action against the Third Entity Movement required use of the Bonn powers to impose a witness protection law; amend the Federation Supreme Court Law to make it the court of first instance for cases involving terrorism, drug trafficking, inter-Cantonal crimes, and organized crime; and create the Federation Prosecutor's Office to try these cases. Personnel working in these institutions were vetted by the international community to assure an honest judicial system. A special unit of the Federation police was vetted and trained to apprehend suspects.

Once the means had been put in place, the military and civilian components of the international community carefully coordinated intelligence-led operations among themselves and trusted members of the Bosnian community. The first operation targeted the Renner Transport Company. As the Federation Police were attempting to launch the operation, it was leaked and the suspects fled; however, this exposed linkages between organized crime, the Cantonal Police, and the Bosnian-Croat intelligence service (National Security Service [SNS]).

This led SFOR to launch Operation WESTAR in October 1999 against the SNS. This was an unmitigated success resulting in confiscation of forty-two computers laden with information about illicit money-making schemes and espionage against virtually the entire international community. After assessing this trove of data, SFOR discovered that the Croatian Intelligence Service and SNS were working together and that Croatia was sending money to support the Third Entity Movement through the Monitor M Company.

This led to the discovery of their Achilles heel: the Herzegovacka Bank and the flow of illicit revenues from Croatia. With support from SFOR and the Federation Ministry of Interior and Financial Police, the High Representative mounted an operation to take control of the bank seizing sufficient evidence to mount twenty criminal investigations including eventual charges against Jelavic.

Vera and Fields sum up the results as follows: "(T)he Movement was dealt a fatal blow and violent resistance to Dayton from Herzeg-Bosna was ended."[25] Unfortunately for the prospects for stabilization in the rest of Bosnia, however, informal political-criminal structures continue to hold sway in the Bosniak and Serbian polities. Vera and Fields conclude with this trenchant analysis: "(I)f the international community had begun the intervention in Bosnia with a basic understanding of the illicit, parallel structures in power in each ethnic community, coupled with the authority that was eventually granted at Bonn-Petersburg and the will to use it to hold the elites at the top of these structures accountable, the odds are that Bosnia would not be a dysfunctional state today."[26]

LESSONS FOR IRRECONCILABLE CPS

- Failure to assess the CPS threat properly is likely to place the mission in grave jeopardy.

The interventions in Bosnia, as well as in Haiti confronting the gangs of Cité Soleil and in Sierra Leone dealing with the Revolutionary United Front (RUF), all nearly collapsed owing to the failure to recognize the existential threat that CPS

---

[25] Ibid., 44.
[26] Ibid., 48.

constituted.[27] One salient lesson is that the attainment of a peace agreement does not equate to a "post-conflict" environment. Planning should accordingly be based on worst-case assumptions about threats to the peace process. Another lesson is that it is folly to dismiss the CPS threat as just a "criminal" problem and not a concern for the military contingent as occurred in Bosnia and Haiti.

- An effective way to deal with irreconcilable CPS is use of superior force in a proactive and coordinated manner by both military and police contingents.

Once it is clear that the mission is confronting an irreconcilable spoiler, the appropriate aim is to dismantle and defeat it, preferably through arrest and prosecution. Ironically, international interventions have achieved their highest degree of success in these cases—after initially courting disaster. CPS threats in Bosnia and Sierra Leone are the only cases we examined that were eliminated, and both involved proactive use of superior force by a robust military and police contingent.

- Depriving CPS of access to illicit revenue is an effective way to defeat them.

Essential to success in Bosnia was taking control of the Herzegovacka Bank that had been the source of illicit funds for the Third Entity Movement. In Sierra Leone the mission mounted operations to retake the diamond mines from the RUF, their operational center of gravity.[28]

- Use of intelligence-led operations is an essential means.

Intelligence was a critical enabler for the operations mounted in Bosnia, Sierra Leone, and Haiti.

- The mission must ensure that the entire legal continuum—from intelligence to incarceration—is able to function.

In Haiti, the Joint Mission Analysis Center collected critical tactical intelligence, but to use this intelligence required a SWAT team to conduct high risk arrests. In Bosnia, this specialized policing capability was provided by IFOR's Multinational Specialized Units. The most difficult gap in this continuum to fill, however, has been to prosecute and convict CPS members (See below).

- Allowing CPS ownership over the legal system is not the way to end impunity.

In Bosnia and Guatemala (which confronted a spoiler threat from a Clandestine Security Apparatus), CPS initially retained their influence over the legal system in spite of the extraordinary courage of individual judges, prosecutors, and police.[29] Only after the international community was empowered to play a direct role in the legal system was the CPS spoiler threat tamed.

- For peace to be sustainable, the capacity of local institutions to combat impunity through the rule of law, transparency, and accountability is essential.

The success in Sierra Leone has been sustained by reform of the police, army, and intelligence service with emphasis on accountability and civilian control. In contrast, the UN Stabilization Mission in Haiti suffered a two-year delay in being provided a mandate to develop the rule of law. Coupled with this has been the failure to establish an effective accountability regime for the Haitian National Police to deal with the risk of politicization and criminalization of the country's only security force.

---

[27] See David Beer, "Haiti: The Gangs of Cité Soleil," and Ismail Rashid, "Sierra Leone: The Revolutionary United Front," in Dziedzic, *Criminalized Power Structures.*

[28] See Ismail Rashid, "Sierra Leone: The Revolutionary United Front," in Dziedzic, *Criminalized Power Structures.*

[29] Carlos Castresana, "Guatemala: Illegal Entities and the Clandestine Security Apparatus," in Dziedzic, *Criminalized Power Structures.*

VIOLENT OPPONENTS BUT NEGOTIABLE INTERESTS:
KOSOVO LIBERATION ARMY

Even though the conflict in Kosovo was self-evidently driven by a dispute between Albanian and Serb communities over who should exercise sovereignty, the Kosovo Force (KFOR) did not anticipate that its forces would face a greater security challenge from violence against the Serbs by extremist elements of the Kosovo Liberation Army (KLA) than from armed resistance by Serb forces. Also overlooked was the less apparent but no less vicious struggle within Kosovo's Albanian community between the KLA and followers of pacifist Ibrahim Rugova to fill the power vacuum created by the withdrawal of Serb forces. The instrument used in this case was an assassination campaign against Rugova's supporters by the KLA's National Intelligence Service (SHIK) that subsequently transferred its allegiance to the Democratic Party of Kosovo (PDK), one of several political parties formed by former KLA leaders.

In spite of its executive mandate, the UN Mission in Kosovo (UNMIK) decided initially to rely totally on the local judiciary, which effectively meant use of Albanian judges, owing to the inordinate risks Serb judges confronted. Within a year the ensuing injustice meted out to Serbs and the total impunity enjoyed by former KLA members compelled UNMIK to introduce international judges and prosecutors into Kosovo's legal system. The mission's other critical blind spot was the fixation on the formal economy to the neglect of the need for effective corporate governance structures to prevent the illicit capture of revenue from publicly owned enterprises, one third of Kosovo's economy.

The litany of risks engendered by the failure to recognize violent extremist elements within the KLA as a CPS includes attempted ethnic cleansing; use of clandestine intelligence apparatchiks to eliminate political competitors; a void in the rule of law; and the capture of a sizeable segment of the economy that was accounted for by publicly owned enterprises. The golden hour was lost, and it took several years to cobble together capabilities required to complete the "intelligence-to-incarceration" continuum needed to deal with violent obstructionism.

In spite of UNMIK's initial shortcomings, the mission did quickly establish that the KLA's interests were negotiable. The signing of the "Undertaking" less than a month after the inception of the mission obligated the KLA to demilitarize and transform itself into an unarmed civil defense force. This was a crucial step in affording the KLA an alternative to the use of violence to pursue their unsatisfied war aims.

Owing to his prior experience with CPS in Bosnia, UNMIK Principle Deputy Jock Covey established the mission's way to deal with violent extremists: *support those who support the peace process and oppose those who oppose it*. For KLA extremists and their Serb counterparts, the so-called Bridgewatchers, "peace" was but the perpetuation of conflict through other violent means. These sources of continuing instability had to be confronted, and the cost of violent obstructionism had to be rendered prohibitive.

Simultaneously across all of UNMIK's lines of effort (political, security, rule of law, and economic), this "stick" was matched with a parallel effort to establish more attractive peaceful and licit alternatives for the competition over power and wealth. Eventually this overarching strategy was branded "conflict transformation."

As defined in *Quest for Viable Peace*, conflict transformation "entails diminishing the means and motivations for violent conflict while developing more attractive, peaceful alternatives for the competitive pursuit of political and economic aspirations."[30] This strategy consists of three reinforcing components:

- *Shape the context* by dismantling or disrupting spoiler networks so as to neutralize their ability to thwart the peace process.

This is not a task indigenous institutions can be expected to discharge. The mission must come prepared to confront the CPS threat itself;

---

[30] Covey, et al., *Quest for Viable Peace*, 14.

otherwise the golden hour will be squandered and the mission may be placed in jeopardy. This step is typically neglected, however, in favor of simply developing institutional capacity and transitioning to national ownership. In the presence of CPS with a high degree of overlap between criminal and political power, failing to shape the context first is a fatally flawed strategy.

There are potentially replicable principles in the way UNMIK implemented this strategy. First, since it had to rely heavily on KFOR initially, these two entities needed to establish collaborative civil-police-military decision making and planning mechanisms. Second, at the heart of the strategy was the conduct of joint military and police intelligence-led operations to strike against militant extremists. Third, confronting the impunity of CPS requires the deployment of the full continuum of rule of law capabilities from intelligence to incarceration, and internationals need to arrive prepared to take the lead. Finally, the center of gravity of the economic strategy is to deprive violent obstructionists of their sources of illicit revenue.

- *Develop institutional capacity* to resolve disputes peacefully and generate wealth through legal means.

Peaceful alternatives include free and fair elections; respect for minority rights; monopoly of force by the state coupled with a mentality of service; rule of law with the capacity to hold the most powerful accountable; and an enabling environment for a market-based economy.

- *Nurture safeguards on the exercise of power* to ensure that the institutional capacities being developed, especially the security apparatus and judicial system, do not again become instruments of persecution of the opposition, that public revenue generation and expenditure are not captured by political-criminal networks, and that illicit revenue does not determine who governs.

Essential for this purpose are the capacities to observe governmental performance (transparency)

and punish misconduct (accountability). Processes linked to the state, such as competitive elections that permit alternation in power, an autonomous judiciary, and independent oversight mechanisms for the security sector, are necessary but not sufficient. A vibrant civil society is also required, including a free press; non-governmental organizations dedicated to exposing corruption and shielding whistle blowers; and an independent intellectual community.

The conflict transformation strategy implemented by UNMIK and KFOR has largely been a success but with a caveat. KLA extremists indeed ceased the use of violence against the Serb community, their domestic political opponents, and neighboring states with contiguous Albanian populations.[31] The April 19, 2013 normalization agreement with Serbia effectively guarantees that remaining issues in the relationship will be resolved through peaceful processes. The international political and security strategies, therefore, can be acclaimed as resounding successes.

The caveat, however, is that the strategies to curb the impunity of former KLA leaders and prevent capture of the state by those bent on exploiting it for political and personal gain are seriously lacking. As a 2011 Clingendael report sums up, "The current dynamics of governance in Kosovo point to a concentration of power in the hands of the ruling PDK and its supporters, who are accused of links to networks of corruption and other criminal activities."[32]

LESSONS FOR VIOLENT CPS WITH NEGOTIABLE INTERESTS

- Conflict transformation is an effective way to deal with violent opponents of the peace process who have negotiable interests.

---

[31] With the exception of a brief incident in Kumanovo, Macedonia in May 2015.

[32] Ivan Briscoe and Megan Price, "Kosovo's New Map of Power: Governance and Crime in the Wake of Independence," Netherlands Institute of International Relations (Clingendael), May 2011, 4.

Conflict transformation entails shaping the peace implementation context by dealing assertively with violent spoilers while providing more attractive peaceful alternatives for pursuit of wealth and power. KFOR provided essential military support to UNMIK, which eventually fielded the capabilities needed to complete the "intelligence-to-incarceration" continuum and confront the KLA's violent obstructionism through the legal system.

Both the Kosovo and Iraq cases (the latter involving Jaish al-Mahdi) achieved a high degree of success by imposing dissuasive costs for the use of violence in tandem with providing the opportunity to compete for power peacefully in the electoral process.[33] The final component of a conflict transformation strategy, establishing safeguards on the performance of core institutions (e.g., the security sector, legal system, revenue generation and expenditure, electoral process) was the weakest link in both Kosovo and Iraq.

- Addressing the sources of illicit revenue should be a principal way of confronting a violent CPS with negotiable interests.

All three cases examined in this project failed to make this a priority initially—to the detriment of the peace or stabilization process. In Kosovo, after failing to prevent the KLA from asserting control over publicly owned enterprises that constituted one-third of Kosovo's economy, UNMIK belatedly mounted a concerted effort to establish accountable corporate governance structures. The lack of any mandate for the UN missions in the Democratic Republic of the Congo (DRC) to confront the looting of the eastern DRC's resources explains the persistence of that conflict after nearly two decades.[34] The lesson that should be etched indelibly into future planning is that a flourishing illicit political economy should be recognized as a primary threat to stabilization.

- Turning ownership of the legal system over to domestic judges is a counterproductive way to deal with CPS who are violent obstructionists.

UNMK had to reverse its decision to place the legal system in the hands of Kosovar judges because it resulted in impunity for KLA extremists engaged in ethnic cleansing against Serbs and assassinating their Kosovo Albanian political rivals.

- Capacity building should be accompanied by strategies to combat capture by CPS.

One of the principles that should be borrowed from the development community is "Do no harm." In an environment where CPS are present and vast sums of assistance are being expended, there is a real possibility that a substantial percentage will flow into the wrong hands. One essential remedy is to immediately emphasize standing up transparency and accountability mechanisms for the local institutions under development. This is especially vital for the security forces and intelligence apparatus since they are liable to be subjected to pressure for both politicization and criminalization.

SUPPORTERS OF THE PEACE PROCESS: AFGHANISTAN'S CRIMINAL PATRONAGE NETWORKS

Case study authors Carl Forsberg and Tim Sullivan cite a description of the criminal patronage networks (CPN) permeating the Afghan government by Hamid Karzai's National Security Advisor Rangin Dadfar Spanta in 2010 that "begin with the financial banking system, with corruption networks, with reconstruction and security firms and also with drugs and the Taliban; they are in Parliament and they are in government."[35] As the authors make clear, there was nothing traditional about Afghanistan's criminal patronage networks.

The origins can be traced to mujahedeen resistance to the Soviet intervention from 1979-89.

---

[33] Phil Williams and Dan Bisbee, "Iraq: Jaish al-Mahdi and the Sadrist Movement," in Dziedzic, *Criminalized Power Structures.*

[34] Jana Nyerges, "Democratic Republic of the Congo: M-23," in Dziedzic, *Criminalized Power Structures.*

[35] Matthew Rosenberg, ''Malign Afghans Targeted," *Wall Street Journal,* December 29, 2010.

What began as a multi-ethnic opposition movement became polarized into competing ethnic camps in the wake of the Soviet withdrawal. The rivalry between the largely Pashtun Hezb-e Islami and the Tajik Jamiat-e Islami precipitated Afghanistan's 1992-1996 civil war. The consequence was the emergence of the Taliban and their dominance of most of Afghanistan after 1996, until the US responded to the 9/11 attacks that emanated from Afghan soil.

The ensuing 2001 Bonn Conference, which serves in this case as the functional equivalent of a peace agreement, perversely became a prescription for criminalization of the state. In the estimation of the authors, "Corruption in Afghanistan reached crippling levels as a result of the character of the county's post-2001 political settlement, which was built on the distribution of political power between factions formed during the country's civil war."[36]

One of the outcomes of Bonn was to concede the defense and interior ministries to the Tajik party under Mohammad Fahim, which, the authors note, was a result of having occupied Kabul with his militias. Thus Karzai, who was designated as interim president by the Bonn Conference, was dealt a very weak hand. The only trump card that he might have played—U.S. support for constraining Fahim—was not forthcoming. Indeed, the Bush administration encouraged accommodation with Afghanistan's regional potentates.

As a result, there were no consequences for wholesale abuse of power and looting of state resources, which soon included siphoning off customs revenue, misappropriating international assistance, protecting heroin traffickers, and exploiting financial institutions for personal gain. Emblematic of the kleptocratic political economy that resulted was the collapse of Kabul Bank in 2010, which required a bailout equating to more than 5% of the country's GNP. According to Forsberg and Sullivan, "Under the influence of the Fahim family, Afghanistan's largest bank had, in

essence, become an instrument of patronage employed by the ruling elites."[37]

In a speech in 2002 Karzai effectively conferred impunity on CPN stating, "Justice becomes a luxury for now."[38] Even after winning election as President in 2004 and again in 2009, however, Karzai continued "a strategy of balancing, dividing, and co-opting—rather than confronting—Afghanistan's fractious strongmen and their clients."[39] Rather than being a temporary expedient, impunity for members of Karzai's CPN coalition was central to the illicit political economy upon which his regime was founded.

The United States neglected the menace posed by Afghanistan's CPN for years. Indeed, the authors note, "U.S. policy often exacerbated the problem by using regional strongmen and their CPNs as proxies in operations against al-Qaeda and Taliban fighters."[40] In 2003, when internecine violence among competing regional militia commanders posed a threat to stability, the United States adopted a "warlord strategy" involving coercive measures to compel disarmament of militias combined with co-optation of commanders into the central government.

Rather than diminishing the CPN threat, however, this strategy merely traded off a non-institutionalized renunciation of violence among themselves by these warlords for an expansion of the number of CPN divvying up governmental largesse. Demobilization of militia forces often resulted in rebranding their followers as police, endowing them with the legitimacy of the state to engage in predatory and criminal practices. In the assessment of Forsberg and Sullivan, "Violent conflict between armed militias and overt factionalism was sublimated into competition for state office, patronage, and wealth. Although intimidation remained omnipresent in both the public and private sectors, money replaced guns

---

[36] Carl Forsberg and Tim Sullivan, "Afghanistan: Criminal Patronage Networks," in Dziedzic, *Criminalized Power Structures*, 275.

[37] Ibid., 283.
[38] BBC News, "Karzai Sets Out Afghanistan Vision," June 14, 2002.
[39] Forsberg and Sullivan, "Afghanistan: Criminal Patronage Networks," 280.
[40] Ibid., 285.

as the leading source of political influence."[41] The consequence was to divert the focus of government away from responding to the needs of the population, thereby sapping it of legitimacy and public support against the Taliban insurgency. The authors call attention to "the connection between the Taliban's reemergence after 2003 and the abuse of power by government officials, security forces, and their networks of affiliates."[42]

The strategy undertaken by the international community starting in 2002 focused primarily on capacity-building. This included massive resources allocated to the Afghan National Security Forces (ANSF), comprised of both the army and police. This strategy foundered, however, because "technical assistance and capacity-building alone, absent measures to counter the influence of CPN, could do little to prevent the growing dysfunction of Afghanistan's state institutions."[43]

To confront the crippling impact of CPN required depriving them of impunity, but this did not become a focus for U.S. policy until 2007. At first this "prosecutorial approach" relied upon the Afghan Attorney General's office, with the result that the principal targets for prosecution were Karzai's own political rivals and media critics. The U.S. coordinator for this initiative, Thomas Schweich, resigned in 2008, publishing an article that characterized Afghanistan as a narco-state in which the Karzai government protected a class of criminal elites.[44]

In 2009 a new entity for prosecution of political criminals, the Major Crimes Task Force (MCTF), was launched under the tutelage of the FBI with the intention of shielding it from political interference. After some initial successes, however, this initiative was neutralized by Karzai after the MCTF arrested Amad Zia Salehi, "a key palace insider who moved money to facilitate

Karzai's political agenda and was on the payroll of the CIA."[45]

In 2010, the NATO-led International Security Assistance Force (ISAF) designated CPN as a strategic threat and sought to counter them by creating a task force that stressed accountability as an essential component of Afghan security force development. ISAF fostered this through creation of oversight mechanisms to investigate and sanction criminal misconduct. Among the most effective countermeasures were international intelligence sharing and coordinated action by international law enforcement against key CPN members. International financial sanctions were another mechanism used. The authors conclude that such international action "became a critical way to degrade Afghanistan's criminal networks, creating a deterrent effect that the Afghan judicial system was incapable of achieving."[46]

In evaluating the effectiveness of an international strategy, we begin by considering what type of CPS was present when the international community intervened. In Afghanistan, unless we count the Taliban, there was no legacy of CPS governance. The Afghan experience provides a surefire formula for failure: overlook the prospect that CPS are capable of emerging in the presence of a power vacuum, then wait for years to confront impunity until CPS have entrenched themselves in power because they are regarded as supporters.

To succeed, the international community must come prepared to create dissuasive consequences for CPS exploiting their capacity for intimidation to capture state functions. This requires the means to promptly monitor and constrict illicit financial flows, impose costs such as international law enforcement actions, and establish mechanisms for transparency and accountability.

Prospects for change exist in Afghanistan owing to the election of reformer Ashraf Ghani as president, but patronage networks are deeply embedded. Lacking in Afghanistan are durable institutions to mediate the contest for wealth and

---

[41] Ibid., 280.
[42] Ibid., 293-4.
[43] Ibid., 287.
[44] Thomas Schweich, "Is Afghanistan a Narco-State," *New York Times Magazine*, July 27, 2008.

[45] Ibid., 288.
[46] Ibid.

power, governmental legitimacy, and popular support that are essential to prevail over the Taliban.

Even though Karzai and various warlords either supported or were co-opted into supporting the Bonn Settlement, their criminal patronage networks became a ruinous barrier to stabilization against a Taliban insurgency that could more credibly claim to offer justice and an end to impunity. In sum, in spite of the recent emergence of hope for progress, the strategy implemented in Afghanistan until 2016 when this case was assessed can only be categorized as a failure because it ushered in the criminal patronage network phenomenon that delegitimized the government and severely encumbered the campaign against the Taliban.

LESSONS FOR CPS THAT SUPPORT THE PEACE PROCESS

- CPS that are supporters of the peace process have produced the worst outcomes.

The criminal patronage networks that were spawned under the Karzai administration drained it of legitimacy thereby vitiating international efforts to defeat the Taliban. As had been the case in Bosnia and Haiti, for years in Afghanistan the military dismissed the CPS threat as a distraction from their mission. The strategy implemented to deal with the Nouri al-Maliki regime in Iraq also failed spectacularly. In addition to governing in a sectarian manner that alienated the Sunni population, Maliki's pervasive network of patronage hollowed out the combat capability of the Iraqi Army to such an extent that it collapsed in the face of an offensive by the Islamic State in June 2014.[47]

- The most effective antidote for a spoiler in disguise that supports the peace process is functioning institutions of transparency and accountability.

---

[47] Dan Bisbee, "Iraq: The Rise, Fall and Persistence of the Maliki Regime," in Dziedzic, *Criminalized Power Structures*.

Our Colombia case attributes the success attained there against the hidden, symbiotic relationship between the paramilitaries and the Uribe government primarily to the Colombian media that exposed government complicity in paramilitary crimes as well as the legal system and electoral process that held officials responsible.[48] These are not common attributes, however, of most political systems that are struggling to emerge from conflict.

Failures in Afghanistan and Iraq can be attributed to the inability of international peace and stabilization missions to hold the Maliki and Karzai governments accountable for the debilitating consequences of corruption on corroding state capacity and legitimacy. This strongly indicates that the international community should place its emphasis on developing accountability mechanisms when confronted with a spoiler that is also a supporter of the peace process.

CONCLUSIONS

The overall success rate for the ten cases treated in *Criminalized Power Structures: The Overlooked Enemies of Peace* is summarized below (Table I). This is not a statement about the success of the overall intervention but an assessment of whether spoiling activity by the party to the peace agreement examined in the case study was effectively reduced or ended.

Surprisingly the highest rate of success has been achieved in dealing with irreconcilables; however, this has only resulted after the missions were either brought to the brink of calamity by failure to recognize the CPS menace (Bosnia, Haiti, and Sierra Leone) or the threat was allowed to metathesize into a nearly intractable challenge (Guatemala). Our second category, violent opponents with negotiable interests, produced a mixture of success and partial success, but this came only after lengthy and costly delays. The record in dealing with supporters of the peace process has been the least successful, with two failures: Iraq-Maliki and Afghanistan. The success

---

[48] Jennifer S. Holmes, "Colombia: Paramilitaries," in Dziedzic, *Criminalized Power Structures*.

in Colombia, moreover, was attributable not to the international strategy but rather to the prevailing strength of the indigenous media and court system that exposed and effectively confronted the CPS network that had infiltrated the government. All of this reinforces the point that the international community has suffered from a persistent blind spot to the potential for CPS to pose a severe spoiler threat.

This abbreviated review of the empirical record summarizes the data we collected as we sought to advance Stedman's quest for a typological theory of spoiler management.[49] Below, the ends, ways, and means employed by the successful strategies are summarized.

Ends
Whenever spoilers are present, whether CPS or any other manifestation, the mission should include among its primary aims to minimize or eliminate the threat they pose to the peace or stabilization process. For CPS, however, the emphasis should be on curbing their spoiling behavior and not on seeking to stifle unrelated organized crime or corruption.

Ways

- Strategies should be tailored to the different types of CPS.

Our case studies confirm Stedman's assertion that there is "a range of strategies to deal with spoilers, from ones that rely heavily on conciliation to ones that depend greatly on the use of coercion..."[50] Strategies must be tailored, therefore, to the degree and type of recalcitrance manifested by the CPS.

Irreconcilables are not amenable to conciliation and must be dismantled or defeated. Coercion is also an essential component of a strategy for combating violent CPS with negotiable interests. The purpose for the use of force, however, is different. It is to raise the costs of using violence

to unacceptable levels. Since it is difficult to discern whether interests are reconcilable or not (especially in the wake of a peace agreement), it is prudent to combine any use of force in the face of episodes of violence with renewed overtures for a diplomatic resolution.

Thus coercive diplomacy is appropriate for both types of CPS until irreconcilables make it manifest that negotiation is futile. To persuade CPS with negotiable interests that there are more attractive peaceful alternatives than exploitation of violence and criminally derived wealth to attain power also requires development of institutions that can sustain the rule of law; respect for human rights and minority rights; free and open elections; and an enabling environment for a free market economy.

At the other end of the spectrum, for CPS that support the peace process, coercive force is inappropriate. Nevertheless, dissuasive consequences must be created for seeking to capture and exploit the state for personal or political gain. This requires development of institutions capable of providing transparency and accountability, including the rule of law and honest elections.

- Conflict transformation is an appropriate way to combat all types of CPS.

The strategies used in most successful cases (Bosnia, Sierra Leone, Kosovo, Iraq--JAM, and Colombia) aligned with the three mutually reinforcing lines of effort involved in conflict transformation.[51] *While all three lines of effort complement each other and should be used in tandem, the emphasis given to each should be tailored to the type of CPS engaged in spoiling behavior.* The variation in emphasis that should be given to the three lines of effort involved in conflict transformation is specified below:

- Shape the environment by addressing the drivers of conflict.

This line of action will be most essential and decisive with irreconcilables (e.g., Bosnia, Sierra

---

[49] For a full elaboration of these findings, see Michael Dziedzic, "Conclusions," in Dziedzic, *Criminalized Power Structures*.
[50] Stedman, "Spoiler Problems in Peace Processes," 7.

[51] See Jock Covey, et al., *Quest for Viable Peace.*

Leone, and Haiti). Dissuasive consequences must be established for use of violence. To deal with irreconcilables as well as violent opponents, the mission must have the military proficiency to protect civilians, the mission, and the mandate; however, the most sustainable way to accomplish this is through intelligence-led operations, which result in evidence that can be used in legal proceedings that are autonomous from the influence of CPS.

Exploitation of illicit revenue to capture power is also a driver of conflict. Since all CPS are characterized by this, all missions confronted by a CPS spoiler threat should have the ability to track illicit revenue streams, both internal and international, and shut them down.

- Institutionalize more attractive peaceful alternatives for pursuit of wealth and power.

This component of the strategy is at the heart of transforming violent opponents into peaceful supporters of the peace process. Legitimate institutions to mediate the competition for wealth and power need to be nurtured by the international community in order to sustain the peace process after the CPS threat has been diminished.

The most challenging aspect is ending impunity when CPS have insinuated themselves into the apparatus of government. To do this, a more sophisticated approach than merely building domestic capacity and then turning ownership over is required. To stabilize these situations, it is vital for the international community to play a more direct role in buttressing the prevailing legal system in order to render CPS vulnerable to criminal prosecution and incarceration before transitioning to indigenous ownership (e.g., Kosovo).

- Develop safeguards on the performance of institutional capacity that is being developed to prevent state capture and future abuse of power.

This is the most effective way to prevent supporters of the peace process from emerging as dangerous spoilers. Safeguards provide

transparency and accountability and serve as a barrier against capture of the state by criminalized elites. They must be developed in the structures of government and civil society to provide an effective check on abuse of power.

The State Department's Bureau of Conflict and Stabilization Operations has adopted conflict transformation as their paradigm for strategic planning, so this research provides empirical evidence that their strategy has the versatility to cope with the full spectrum of spoiler threats.

Means[52]

- Assess whether CPS are a threat and, if so, determine the type involved[53]

As Stedman observed, "(T)he choice of an appropriate strategy requires the correct diagnosis of the type of spoiler."[54] Just as vital is to avoid overlooking the CPS threat in the first place and exposing the mission to risk of failure and years of incompetence.

- Track the revenue streams sustaining CPS and shut them down[55]

All types of CPS rely on illicit revenue to secure and maintain power. To undercut this threat, expertise is needed to monitor illicit money flows; investigate grand corruption and theft of international assistance; prosecute those responsible; and seize ill-gotten gains.

- When the domestic legal system has been suborned by CPS, the international community will need to play an active role in establishing rule of law.[56]

The international community must take the initiative to confront these enemies of peace. Essential capabilities include collection of

---

[52] See Michael Dziedzic, ed., *Combating Criminalized Power Structures: A Toolkit* (Lanham, MD: Rowman and Littlefield, 2016).
[53] Dziedzic, *Criminalized Power Structures*, 395-9.
[54] Stedman, "Spoiler Problems in Peace Processes," 7.
[55] Dziedzic, *Criminalized Power Structures*, 404-8.
[56] Ibid., 400-04, 414-19.

criminal intelligence; high-risk arrest; and international judges and prosecutors to adjudicate crimes against the mandate through the use of hybrid justice institutions.

- Develop effective mechanisms for transparency and accountability.[57]

For peace to be sustainable and to avoid politicization or criminalization of the capacities developed by the international community, *especially the security sector and intelligence apparatus*, equal priority should be given to development of transparency and accountability. The most essential institutions are a free press; an independent judiciary; a mobilized civil society; and an electoral process conducive to alternation in power.

One purpose of this article has been to present evidence that CPS are the predominant spoiler threat to peace implementation. The ten case studies detailed in *Criminalized Power Structures: The Overlooked Enemies of Peace*, three of which are summarized above, provide extensive documentation to substantiate this. Overlooking this spoiler threat has brought several of the missions examined by this project to the brink of collapse, and by arriving unprepared to deal with this recurrent threat, peace and stabilization missions have squandered the golden hour. In the ten cases we examined, the average delay in obtaining authorization for essential authorities and capabilities was almost five years.

Another key finding of this work is that criminalized power structures come in three discrete forms: irreconcilables, violent opponents with negotiable interests, and supporters of the peace process. Owing to the variation in types of CPS, strategies must be designed to confront their spoiling behavior in an appropriate manner. The strategies used in the most successful cases (Bosnia, Sierra Leone, Kosovo, Iraq – JAM, and Colombia) aligned with the three mutually reinforcing lines of effort involved in conflict transformation.

Perhaps the most troubling consequence of the propensity to overlook criminalized power structures is that they may not only spoil peace processes and stability operations; they may also spoil international willingness to support the very enterprise of peace implementation. The ultimate goal of this work is to improve upon the success rate of interventions by asking the right questions before intervening so the risks posed by criminalized power structures are recognized prior to deployment. This will allow international peace missions to be endowed with authorities and resources required to succeed and to be guided by strategies appropriate for the type of CPS involved.

---

[57] Ibid., 408-13.

TABLE 1: Assessment of Success by Type of Criminalized Power Structure (CPS)

Irreconcilable CPS

Case	CPS	Outcome
Bosnia	Third Entity Movement	Success (after risking failure)
Sierra Leone	RUF	Success (after risking failure)
Haiti	Gangs of Cité Soleil	Partial success (after risking failure)
Guatemala	CIACS	Partial success (after risks were exacerbated)

Violent Opponents with Negotiable Interests

Case	CPS	Outcome
Kosovo	Kosovo Liberation Army	Success, with qualifications
Iraq	Jaish al-Mahdi	Success, with qualifications
DRC	M-23	Partial success

Supporters of the Peace Process

Case	CPS	Outcome
Colombia	Paramilitaries	Success
Afghanistan	Criminal Patronage Networks	Failure
Iraq	Nouri al-Maliki	Failure