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Celina Realuyo

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ARTICLE

Promoting Partnerships to Combat Illicit Trafficking

Celina B. Realuyo *

ABSTRACT

The age of globalization has afforded us greater access to goods, services, financing, and information - faster, better, and cheaper—from an increasingly interconnected economy. The breakdown of commercial barriers has lifted millions from poverty and promoted the free movement of labor, capital, technology, and ideas around the world. Alongside all this unprecedented progress, we have witnessed a dark side of globalization that has empowered illicit networks including terrorists, criminals and proliferators that threatens security and prosperity. The global trafficking of drugs, arms, people, and counterfeit goods, and the money laundering that accompany these illicit activities, compromise the safety and soundness of consumers, rob inventors of their intellectual property, and deny significant tax revenues used to support nations.

Governments have been engaged in combating illicit trafficking since the age of the ancient Greeks and Romans; what is different today is that the drivers of globalization have magnified the scope and velocity of these illicit activities. In many cases, international drug cartels, gangs, and terrorist groups

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The views expressed in this presentation are those of the speaker and do not reflect the official policy or position of the William J. Perry Center for Hemispheric Defense Studies, National Defense University, Department of Defense, or the U.S. Government. Article based on author’s presentation, “Partnering to Combat Illicit Trafficking in the Americas,” at University of Miami School of Law, National Security & Armed Conflict Symposium on February 28, 2014.
are better armed, funded, and trained than the government security forces charged with confronting them. Since these illicit activities rely on traditional supply and demand features of markets, governments need to actively engage partners in the private and civic sectors to better detect, disrupt, dismantle, and deter these illicit networks that undermine our security and prosperity. This article will underscore the need to promote vigorous partnerships among the public, private, and civic sectors of society to combat illicit networks.

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I. GLOBAL CHAINS AND ILlicit TRAFFICKING

Illicit networks seek to navigate, infiltrate, and/or undermine global supply chains to further their activities and enhance their power. They actually rely on open societies with the free flow of goods, people, and capital. Just like legitimate businesses, illicit networks are matching the supply and demand for goods, services, funding, and information for their clients. Illicit actors use and even seek to co-opt supply chains to facilitate the movement of “bad people and bad things” like drugs, guns, and counterfeit goods around the world.

Four critical elements comprise any global supply chain, regardless of industry or geography, whose integrity must be preserved and protected at all cost, as follows:

1. Material: What is being moved through the supply chain? People, goods, commodities, services, data? Where are those materials originating and delivered?
2. Manpower: Who staffs the supply chain? Who are the key enablers of that supply chain? Who controls the supply and these mechanisms or modes of conveyance?
3. Money: Who is owns or finances the supply chain? What business model is being used to generate revenue? Where is the financing coming from and directed to?
4. Mechanisms: What modes of conveyance are supply chains using? Are people, goods, data, and services moving by land, or air, or sea, or through cyberspace? How is the supply chain organized?

Each of these four critical elements of global supply chains has its unique features, and the security of each is vital to safeguarding supply chains. Who is responsible for securing these elements? Governments? Industry? In light of heightened global competition, the private sector has identified and adopted the most efficient means of matching supply and demand for goods, services, and information and incorporate risk management mechanisms. Similarly, illicit networks have implemented these best practices; they are constantly monitoring the new safeguards put in place to protect supply chains and devising ways to circumvent them. Unfortunately, government regulations and international safety standards to secure global supply chains still lag far behind.

Illicit actors are well aware of these weaknesses and exploit them to further

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2 Ibid.
their interests. They capitalize on gaps in governance, regulations, and oversight to bolster their enterprises. Illicit networks easily adapt to the changing operating environment. They often serve as service providers for each other. For transnational criminal organizations, maximizing profits is their ultimate mission. Their activities distort global markets and pricing, undermine consumer confidence, and even endanger consumers around the world, as in the case of counterfeit drugs. As a result of globalization, the sheer volume and velocity of international trade makes it virtually impossible to control and secure global supply chains. Nevertheless, governments must keep up with the ways illicit traffickers are exploiting the increasingly borderless world and identify the vulnerabilities of global supply chains. Accordingly, governments must develop measures to combat illicit networks leveraging and safeguarding the four critical elements of supply chains: materiel, manpower, money, and mechanisms. New strategies to combat transnational organized crime and illicit networks are increasingly addressing these challenges.³

II. U.S. NATIONAL STRATEGY TO COMBAT TRANSNATIONAL ORGANIZED CRIME

The Obama Administration recognized transnational organized crime (TOC) as a national security threat and issued the first Strategy to Combat Transnational Organized Crime in July 2011. The strategy states that transnational organized crime, often times manifested by illicit trafficking, threatens U.S. interests by taking advantage of failed states or contested spaces; forging alliances with corrupt foreign government officials and some foreign intelligence services; destabilizing political, financial, and security institutions in fragile states; undermining competition in world strategic markets; using cyber technologies and other methods to perpetrate sophisticated frauds; creating the potential for the transfer of weapons of mass destruction (WMD) to terrorists; and expanding narco-trafficking and human and weapons smuggling networks. Terrorists and insurgents increasingly are turning to criminal networks to generate funding and acquire logistical support. TOC also threatens the interconnected trading, transportation, and transactional systems that move people and commerce throughout the global economy and across our borders.⁴

The strategy’s key policy objectives are to:

1. Protect Americans and our partners from the harm, violence, and exploitation of transnational criminal networks.
2. Help partner countries strengthen governance and transparency, break the corruptive power of transnational criminal networks, and sever state-crime alliances.
4. Defeat transnational criminal networks that pose the greatest threat to national security by targeting their infrastructures, depriving them of their enabling means, and preventing the criminal facilitation of terrorist activities.
5. Build international consensus, multilateral cooperation, and public-private partnerships to defeat transnational organized crime.

Key actions include measures to:

A. Reduce the demand for illicit drugs in the United States, thereby denying funding to illicit trafficking organizations.
B. Continue to attack drug trafficking and distribution networks and their enabling means within the United States to reduce the availability of illicit drugs.
C. Sever the illicit flow across U.S. borders of people, weapons, currency, and other illicit finance through investigations and prosecutions of key TOC leadership, as well as through the targeting of TOC networks’ enabling means and infrastructure.
D. Identify and take action against corporate and governmental corruption within the United States.
E. Work with Congress to secure ratification of the Inter American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials.
F. Seek accession to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the UN Convention against Transnational Organized Crime.

The strategy’s other priority actions seek to:

- Enhance Intelligence and Information Sharing;
- Protect the Financial System and Strategic Markets Against Transnational Organized Crime;
- Strengthen Interdiction, Investigations, and Prosecutions;
- Disrupt Drug Trafficking and Its Facilitation of Other Transnational Threats; and
- Build International Capacity, Cooperation, and Partnerships.
III. RECENT VICTORIES AGAINST ILICIT TRAFFICKING

A. The Arrest of the World’s Most Wanted Drug Lord – “El Chapo” Guzmán

On February 22, 2014, Mexican Marines, with cooperation from and information sharing with U.S. government agencies, including the Drug Enforcement Agency (DEA), arrested “El Chapo” Guzmán, notorious leader of Mexico’s most powerful Sinaloa Cartel.\(^5\) The takedown of “the most wanted drug lord in the world” marked a major victory for U.S. and Mexican authorities, who had been hunting him down over the past 13 years when he managed to escape from a Mexican prison. The Sinaloa cartel is said to be responsible for as much as one-third of the cocaine, marijuana, heroin and methamphetamines entering the U.S. With operations in Europe and Asia, the cartel flaunts an international presence unmatched by any other criminal organization. Guzmán built an extensive network that can smuggle tons of drugs into the country of his choosing.

The DEA believes the Sinaloa cartel sells more narcotics today than Colombian drug dealer Pablo Escobar did at the height of his career. Former undercover DEA agent Bob Mazur said the U.S. drug market is too attractive for a cartel like Guzmán’s to stay underground for too long, despite this takedown. Just as an example, the Sinaloa cartel buys a kilogram (2.2 pounds) of cocaine in Colombia or Peru for about $2,000. It then can get as much as $10,000 for that kilo in Mexico and as much as $30,000 in the U.S. Marked up for retail, a kilo of cocaine in some U.S. cities can reach $100,000. Colombian and Mexican cartels can achieve as much as $39 billion annually in drug sales from the U.S. alone, according to the Justice Department. If Sinaloa actually is responsible for about one-third of all U.S. narcotics, it could be making $13 billion a year.\(^6\)

While the capture of “El Chapo” is a significant milestone in the fight against the Mexican drug cartels, illicit drug trafficking by the Sinaloa cartel will continue due to the lucrative nature of the business and their well-established trade routes and networks throughout the Western Hemisphere. The hunt is on for two of the possible leaders to replace “El Chapo” Guzmán. Sinaloa cartel kingpin, Ismael Zambada, known as “El Mayo,” is considered a probable successor to Guzmán. He helped run the cartel when Guzmán was in prison from 1993 to 2001. Zambada’s son, Vicente, or “El Mayito,” is facing a federal


\(^6\) Ibid.
grand jury indictment in Chicago and has claimed he was a DEA informant.⁷

Juan Jose Esparragoza, “El Azul,” or “Mr. Blue” is another possible successor. He is a former Mexican federal police detective, believed to be the top negotiator and moneyman for Sinaloa, with strong ties to Colombian gangs and other Mexican smugglers. The U.S. Treasury Department calls him the “godfather of Mexican narcotics,” and has designated him a narcotics kingpin.⁸ U.S. agencies are offering rewards of up to $5 million for information leading to the arrest of Esparragoza. Mexican and U.S. authorities are analyzing how the capture of “El Chapo” will affect the Sinaloa cartel and monitoring movements, telecommunications, and money movements among its members.

B. 2014 NFL Super Bowl XLVIII Crackdown on Sex Trafficking

Human trafficking, often referred to as “modern slavery,” is considered the second most lucrative illicit activity in the world after drug trafficking. Human trafficking is defined in the U.N. Trafficking Protocol as "the recruitment, transport, transfer, harboring or receipt of a person by such means as threat or use of force or other forms of coercion, of abduction, or fraud or deception for the purpose of exploitation." According to the UNODC, the most common form of human trafficking (79%) is sexual exploitation. The State Department believes that there are an estimated 27 million victims of human trafficking around the world, but only 46,570 were identified in 2012.⁹ Earlier this year, an active public awareness campaign to focus attention on sex trafficking and extensive local, state, federal law enforcement operations to pursue human traffickers was launched ahead of Super Bowl XLVIII held at the Meadowlands. High-profile special events like the Super Bowl, which draw large crowds, have become lucrative opportunities for child prostitution criminal enterprises, according to Ron Hosko, assistant director of the FBI’s Criminal Investigative Division. He stated the FBI and its partners remain committed to stopping this cycle of victimization and putting those who try to profit from this type of criminal activity behind bars.¹⁰

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Twenty-five child prostitutes between the ages of 13 and 17 were rescued and forty-five “pimps” and others associated with exploiting teens as sex workers were arrested in New Jersey. The arrests were the result of a 10-month investigation that targeted sex trafficking ahead of Super Bowl XLVIII, according to FBI’s Newark Division spokeswoman Special Agent Barbara Woodruff. Many of the girls were reported missing from New York and New Jersey. Investigators did not find any links between the traffickers and organized crime. Most of the suspects were either members of trafficking rings who traveled to New Jersey to profit from tourists attending the Super Bowl, or offenders who normally operate in the area, according to Thomas Hauck, a supervisory special agent with the Newark field office. The advertisements were scattered around websites like CraigsList and BackPage, promising romantic rendezvous at New Jersey casinos, hotels and homes with women who were “just legal.” For all the pretty phrasing, federal investigators say they knew exactly what the people behind each post were offering — child prostitutes, some as young as 13-years-old. The operation was part of the Innocence Lost National Initiative, established in 2003 by the FBI’s Criminal Investigative Division, in partnership with the Department of Justice and the National Center for Missing and Exploited Children, to combat child prostitution.\footnote{James Queally, \textit{Federal sting leads to rescue of 25 child prostitutes, arrest of 27 suspects in N.J.}, \textit{The Star-Ledger}, Feb. 4, 2014, available at http://www.nj.com/news/index.ssf/2014/02/federal_sting_leads_to_rescue_of_25_childProstitutes_arrest_of_27_in_nj.html.}

In Super Bowl-related vice operations in New York, law enforcement made 200 arrests for sex trafficking and related crimes. New York Police Department vice units trained in dealing with sex trafficking and prostitution converged on certain parts of the city conducting both street busts and high-end, undercover call girl stings to try and curtail some of the sex trafficking business in anticipation of the Super Bowl. The NYPD and the Federal Bureau of Investigation say they have dedicated more resources to the issue and have been working cases to target traffickers who victimize young women and men in the sex trade. Most of the operation has focused on johns and sex trafficker, and the police have stressed that in most cases, they treat sex workers as victims.\footnote{Shimon Prokupecz, \textit{NYPD conducts pre-Super Bowl crackdown on sex trafficking}, CNN, available at http://www.cnn.com/2014/01/28/justice/pre-super-bowl-sex-trafficking-busts/} The public education campaign along with these law enforcement operations were accredited with shining the spotlight on the scourge of human trafficking, particularly the exploitation of minors in the sex trade.
IV. PARTNERING TO COMBAT ILLICIT TRAFFICKING

While cooperation among government agencies and nations to combat illicit networks has been underway for years, more actors in the private and civic sectors should be engaged to contribute to this fight. In the age of globalization, illicit trafficking has thrived in open markets and societies. Since their activities take place in the global marketplace, private enterprises and civil society can play an important role in detecting, disrupting, and deterring these illicit actors. Depending on the geography, industry, or service sector, non-government actors often have important and useful information on illicit trafficking that could assist government agencies in combating illicit trafficking.

To foster collaboration among the public, private and civic sectors, the following five elements should be part of a concerted strategy for promoting partnerships to combat illicit trafficking:

1. Public Education and Awareness Campaigns
2. Reporting and Information-Sharing Mechanisms
3. Feedback Loops
4. Dissemination of Lessons Learned/Best Practices
5. Political Will

   A. Public Education and Awareness Campaigns

   Illicit trafficking takes place because there is a market for illicit goods and services; therefore, every effort must be made to prevent or curb the demand that encourages drug, counterfeit, and human trafficking. Public education campaigns can play an important role in raising awareness of issues like human trafficking and drug trafficking. These educational programs can be designed, promoted, and implemented by the public, private, and civic sectors
to reach as wide an audience as possible.

Regarding drug abuse, although cocaine use has decreased over the past decade, the U.S. continues as the number one consumer of cocaine; meanwhile, prescription drug abuse is the fastest-growing drug problem in the U.S. and has been classified as an epidemic by the Centers for Disease Control and Prevention. On the national level, drug deaths have doubled in the past decade to surpass automobile fatalities and gun homicides as the leading cause of accidental death in America. The reason is not that more people are using drugs, but that people are using more dangerous combinations. "Substance abuse in America has become more dangerous, more addictive, and more deadly than any other period in our lifetimes," says James N. Hall, a drug epidemiologist at Nova Southeastern University, who recently warned of an "emerging heroin epidemic" in Florida.

Prominent actor, Philip Seymour Hoffman, was discovered on February 2, 2014 dead on the bathroom floor of his Greenwich Village townhouse with a needle stuck in his arm. What was initially reported as a suspected fatal heroin overdose turned out to be a polydrug death, involving not only heroin, but also cocaine, amphetamine, and prescription tranquilizers. The actor had entered a drug rehabilitation program in 1989 when he was 22 and had been sober for more than two decades until he relapsed in 2013. Celebrities are not the only ones consuming these dangerous drug cocktails; ordinary consumers are increasingly turning to perilous polydrug use. In Florida, there were 117 heroin-related deaths in 2012 (the last year for which numbers are available), only one of which was heroin on its own, a single case in Sanford, according to the Florida state medical examiner's office. In Miami, there wasn't a single cocaine-related death that didn't involve other substances. The most common ingredient found in fatal drug mixes is the prescription tranquilizer benzodiazepine (followed by alcohol, oxycodone, and cocaine), not surprising perhaps because in recent years Florida has stood at the epicenter of a massive wave of prescription drug abuse that only now is subsiding.

To prevent drug abuse and curtail demand, the White House Office of Drug Control Policy has stepped up its prevention efforts through public awareness campaigns. It launched a National Youth Anti-Drug Media Campaign, known as Above the Influence that balances broad prevention

messaging at the national level with targeted efforts at the local community level. The Above the Influence brand remains one of the most widely recognized youth brands in the country and continues to strengthen teen anti-drug beliefs.\textsuperscript{16} The accidental drug-induced death of prominent celebrities like Philip Seymour Hoffman can serve as a teachable moment to educate others on the dangers associated with abuse of heroin, cocaine, prescription painkillers, and polydrug use.

\section*{B. Reporting and Information-Sharing Mechanisms}

Since illicit trafficking takes place in free markets and open societies, the private and civic sectors often detect illicit activity before government authorities do. They know their industry, market, and community better than anyone and can serve as the eyes and ears for law enforcement. Tip lines to law enforcement agencies have been in existence and useful for decades, and the “see something, say something” slogan instituted after the tragic attacks of September 11, 2001 has encouraged average citizens to be more aware of their environs and report suspicious activities. The FBI website has a means by which the public can report violations of U.S. federal law or submit information in a criminal or terrorism investigation as follows: Submit a tip electronically; Contact your local FBI office; Contact your nearest overseas office; or Report online crime or e-mail hoaxes. For specific types of illicit trafficking, more mechanisms for information sharing from the public must be established with government authorities at the local, state, and federal levels. In addition, the public needs advice on how best to report suspicious activity and what details to include.

Institutions in the non-profit sector are getting more involved in anti-trafficking initiatives and serving as vehicles to report illicit activities. One such organization is the Polaris Project committed to combating human trafficking and modern-day slavery. This non-profit organization operates a confidential, centralized 24-hour national human trafficking hotline for the United States. This national model is now regarded as one of the best-functioning anti-trafficking hotlines in the world, and it has played a role in identifying over 11,000 survivors of trafficking over the course of fielding over 85,000 calls. The Polaris Project also connects professionals, victims, and community members to information and services to address human trafficking. For the victims, it offers comprehensive clinical social services through specialized local offices in Washington, D.C. and New Jersey and provides lessons learned, promising practices, and counter-trafficking strategies to local, national, and international

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audiences. Organizations like the Polaris Project should be applauded for their active campaign to combat human trafficking and offers of assistance to victims.

C. Feedback Loops

Government agencies must establish secure and appropriate feedback loops for members of the private and civic sector to inform them on how information sharing actually impacts efforts to combat illicit trafficking. These feedback loops would demonstrate how information provided by the public directly contributed to a law enforcement operation against an illicit actor. To maintain the integrity of the chain of custody of evidence in these cases, government officials must judiciously decide what details of the case can be shared with non-government entities who assisted in the operation. In the post-9/11 environment, the public has played an important role in “seeing something and saying something” to thwart homegrown terrorist plots, but often times complained that they never knew how their assistance or tips affected an investigation. These feedback loops would encourage more active engagement by the private and civic sectors to collaborate with government authorities to combat illicit trafficking.

D. Dissemination of Lessons Learned/Best Practices

To illustrate the benefits from public, private, and civic sector partnerships, lessons learned and best practices developed to identify and counter illicit trafficking need to be documented and disseminated. One sector that has successfully implemented this system is the financial services industry to combat money laundering and terrorist financing in the U.S. Through trade associations and compliance training programs, the financial services industry is sharing case studies that highlight methods employed by illicit actors that abuse international financial systems to launder criminal proceeds or finance terrorist groups. With emerging financial innovations such as mobile payments, prepaid/store of value cards, and virtual banking, anti-money laundering practitioners are identifying how illicit traffickers might use these systems to move, store, and spend their dirty money and are disseminating these lessons learned to best protect financial institutions from aiding and abetting money launderers.

E. Political Will

The most vital aspect of partnering to combat illicit trafficking is political will. While all the other key elements such as education programs, reporting mechanisms, feedback loops, and sharing best practices may be in place, they will only succeed with real commitment in these collaborative partnerships from the public, private, and civic sectors. Participants must be active stakeholders. Public pledges to fight drug, arms, counterfeit, and human trafficking are not enough. Partners must be committed to allocate the time, effort, and resources necessary to work toward the common goal of addressing illicit trafficking.

V. Conclusion

Over the past decade, we have witnessed the proliferation of illicit trafficking that threatens the security and prosperity of citizens around the globe. Drug, arms, counterfeit, and human trafficking endangers consumers, economies, and citizen security. Historically, governments were charged with ensuring the security of its citizens, markets, and territory. With globalization breaking down traditional barriers to allow the free flow of people, goods, services, and capital, nation states are no longer able to effectively combat illicit trafficking alone. Therefore, a concerted effort by all sectors of society—public, private, and civic sectors—must be mobilized to address the scourge of illicit trafficking. As described above, a multi-faceted strategy for partnering must been designed that includes educational campaigns, information-sharing mechanisms, feedback loops, best practices/lessons learned, and political will to actively engage various stakeholders to combat illicit trafficking in its various forms. National security is everyone’s responsibility in this globalized world, and effective partnerships among the public, private, and civic sectors can cultivate a “whole of society” approach to combat illicit trafficking.