I am Dr. Nathan P. Jones of Sam Houston State University and I will be discussing,

Combatting Dark Networks while protecting human rights

I would like to thank the government of Qatar for the invitation to speak and for being such gracious hosts.

Dark Networks, sometimes called illicit networks, include criminal and insurgent networks and hybrids thereof. Understanding how best to combat them is one of the critical challenges to the international state system and individual states, particularly those that are developing or weak. I argue that combatting dark networks is most efficacious when it includes the protection of civil liberties and human rights more broadly.

The network framework is useful because as clandestine actors these groups organize themselves as nodes in networks and embed themselves in broader networks geared toward illicit activities such as the distribution of drugs and in some cases the control of territory. They also engage in the compartmentalization of activities to minimize state detection, further increasing their network characteristics.

The dark networks literature as articulated by Everton argues that there are two general approaches to "disrupting dark networks" kinetic or offensive operations and non-kinetic approaches that focus on development and or eliminating the underlying causes and support for dark networks. I have been impressed at the 2015 DOHA conference by the desire to address underlying root causes of injustices that can lead to human rights violations. Many speakers have touched upon the themes of political solutions, social, economic and political development, etc. These calls should be applauded and can be viewed as examples of non-kinetic responses to dark networks.

From 2010 to 2011, I conducted fieldwork on organized crime in Mexico. I lived in Mexico City and Tijuana where I studied the Arellano Felix Organization better known as the Tijuana Cartel. In the process I learned important lessons for combatting dark networks that apply far beyond Mexico. These lessons apply to combatting dark networks that engage in human trafficking, drug smuggling, the territorial control of regions for extortion and kidnapping and how to address dark networks that directly confront the state.

There have been many successes in the fight against organized crime in Mexico but where there have been problems and where the nation has suffered setbacks, there were legal and human rights issues at play. For example, because organized crime was so powerful and local law enforcement was considered too weak or corrupted, the Mexican Military was used to combat dark networks. They made significant arrests and for better or worse significantly disrupted these organized crime networks, sometimes resulting in in-fighting between splintered groups. Where there were short term successes in disrupting some networks, the successes have been undermined by a failure to respect judicial procedures, e.g. the Mexican government should be lauded for its improvements to the judicial system, which included an overhaul of the criminal justice process in many states. Many of the military arrests made in the past 7 years did not hold up to judicial scrutiny under the new system and resulted in the release of many traffickers. This has resulted in the resurgence of drug trafficking networks once thought dead.

I am not arguing that the judicial improvements in Mexico were a mistake but rather that the reliance on the military untrained in judicial and legal procedures was problematic from a legal and human rights perspective. Over the long term, the judicial improvements will build legitimacy and respect for the rule of law amongst the population strengthening the government's capacity to provide justice.

Where there have been successes in Mexico against drug networks there have been carefully constructed bi-national taskforces and specialized units designed to target organized crime. These specialized investigative units such as those employed under Operation United Eagles have utilized sophisticated signal intelligence and well trained law enforcement to carry out arrests on both sides of the border. These bi-national taskforces are examples of kinetic operations that target the leadership of drug cartels.

In the United States these taskforces utilized laws such as RICO statutes designed to prosecute individuals as members of ongoing criminal enterprises. These statutes require strict rules of evidence but allow for the prosecution of individuals as part of larger criminal enterprises with stiffer sentences and greater resources for the state to prosecute them. These statutes also help to root out corruption, which strengthens the ability of the state fight dark networks.

As Moises Naim has argued in his book *Illicit*, dark networks take advantage of sovereign states by transcending borders. States can overcome the problem of stove-piping by creating multinational agreements and taskforces to target dark networks while respecting human rights.

It is important to remember in combatting human trafficking networks that non-kinetic approaches should also be utilized to address the push-pull factors, which drive people to leave one place in favor of another. It is only when the underlying factors are addressed that the overall situation can be resolved. While traffickers are nefarious actors, if they are responding to market forces, their removal via kinetic operations, will be met with their replacement by new traffickers. Thus, underlying root causes such as a lack of economic and social development and legal mechanisms for migration must be addressed, in regions from which large scale migration occurs. Thus, non-kinetic options that address root causes are best in mitigating the effects of dark networks.

Thank you for having me.