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Panel 19: Crossing Borders: comparative intelligence and the need for new chapters

### **Kosovo and Amexica: a tale of two countries.<sup>1</sup>**

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#### **Introduction: multi-agency intelligence at the margins**

Democratising intelligence in former authoritarian regimes and after conflict faces a number of well-documented challenges including initiating or reforming law on organisation, mandates, and personnel but also making deeper changes to political and organisational cultures. Where these challenges are overlaid by violence, possible challenges to nationhood, the presence of foreign security and intelligence personnel and private intelligence units, the prospects for democratic intelligence governance look bleak indeed. This paper compares Kosovo and Mexico in order to examine the implications for both the study and governance of intelligence.

Even if the point of comparing the apparently ‘most different’ is to look for common elements, it might seem very odd to compare a southeast European country with a mainly Muslim population of fewer than 2m that declared independence in 2008 with a large (120m population), mainly Catholic north American country independent since 1810. But, to be more precise, the comparison here is between Kosovo and the Mexico-U.S. borderland which is, of course, not a ‘country’ at all. However, central to the analysis is the need to look beyond national state architectures if we are to understand the full complexity of contemporary intelligence. Therefore, this comparison is entirely relevant: Kosovo is still establishing state structures and its independence is not recognised by all others. For our purposes the Mexico-U.S. border provides an apt comparison; in Ed Vulliamy’s words, *Amexica*: ‘... is a territory in its own right, astride the line, estranged from both Washington and Mexico City, the centres of power whence decrees about its daily life are issued often without much understanding of how the borderland works or fails to work.’<sup>2</sup> So this paper considers intelligence structures and processes occurring in both that support the proposition

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<sup>1</sup> This paper is an edited version of chapter four in *Intelligence Governance and Democratisation: a comparative analysis of the limits of reform*, Routledge, 2016.

<sup>2</sup> Vulliamy, 2010, xxi.

that there are, indeed, general issues of governing intelligence that transcend national peculiarities.

### **Some aspects of political economy**

Kosovo was an autonomous region within Yugoslavia until 1989 when President Milošević forcibly attempted its reintegration into the then Federal Republic of Yugoslavia (FRY). Kosovar Albanian resistance was mainly passive until 1995 when it was disappointed that the Dayton Accords (achieving ceasefire in Bosnia-Herzegovina) recognised the territorial integrity of FRY and paid no heed to the Kosovo issue. This added impetus to the combined resistance from both the Kosovo Liberation Army (KLA or UCK<sup>3</sup>) and much smaller Armed Forces of the Republic of Kosovo (FARK), increasing violence with the FRY police and military.<sup>4</sup> By mid-1998 the number of refugees fleeing Kosovo in the face of FRY violence was estimated at 300k. After Milošević rejected the Rambouillet Agreement in Feb 1999, the KLA established a Provisional Government, war ensued and was brought to an end only with the aid of 78-day NATO bombing campaign. The United Nations Interim Administration Mission in Kosovo (UNMIK<sup>5</sup>) took over all governance in Kosovo in 1999 with a brief for political and economic liberalisation while operations would be managed by different international organizations. The first Pillar of UNMIK was led initially by the UN Office of the High Commissioner for Refugees (UNHCR), focusing on humanitarian assistance, but turned into an UN-led police and justice pillar in 2000. Pillar II for civil administration was also under UN leadership. The Organization for Security and Cooperation in Europe (OSCE) administered the third Pillar on democratization and institution-building and the EU administered Pillar IV, responsible for economic reconstruction and development, which amounted to a large-scale privatisation programme.<sup>6</sup> Delays in UNMIK deployment and the failure of NATO's Kosovo Force (KFOR<sup>7</sup>) to act contributed to 'reverse ethnic cleansing' of Serbs and both communities established parallel governance structures.<sup>8</sup>

Kosovo declared independence in 2008 which has now been recognised by 110/193 UN and 23/28 EU states. Since 2008 the International Civilian Office (ICO) has taken over some

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<sup>3</sup> Ushtria Çlirimtare e Kosovës. See Pettifer, 2013 for a detailed history.

<sup>4</sup> Hehir, 2010, 6-7.

<sup>5</sup> <http://www.un.org/en/peacekeeping/missions/unmik/>

<sup>6</sup> Knudsen, 2013.

<sup>7</sup> [http://www.nato.int/cps/en/natolive/topics\\_48818.htm](http://www.nato.int/cps/en/natolive/topics_48818.htm)

<sup>8</sup> Bono, 2010, 134.

UNMIK tasks including security and justice and EULEX has been created, financed mainly by the EU with 2000 police, judges and administrators, some from the U.S., with a broad rule of law mandate including public order, security, war crimes cases, terrorism and organised crime. However, slow deployment and residual differences between international actors (UNMIK, ICO, EULEX, KFOR) combined with Serb resistance have meant that the potential for successful reform of the security sector is low. Even if suggestions that it could be a “failed state” in the making<sup>9</sup> prove inaccurate, Kosovo’s location in the European ‘borderland’ will remain a crucial determinant of its future.

Kosovo’s population is 1.8 million, 92% ethnic Albanian. Its circumstances and location within the regional economy are highly conducive to crime, for example its place on the heroin route from Afghanistan, social dislocation caused by war and the subsequent massive presence of international troops (brothels, trafficking ...) all distort the economy and provide international personnel with immunity.<sup>10</sup> It is estimated that organised crime creates 25% of Kosovo’s GDP and is dominated by about a dozen clans headed by former KLA members or close associates. While the immediate postwar period was characterised by large-scale violence, this has declined as crime has become more a matter of networks of business, security and politics.<sup>11</sup> The resulting corruption reaches to the centre of government, specifically that Hashim Thaci, political director of the of KLA during the war, Prime Minister 2008-14 and now Deputy Prime Minister in the 2014 coalition government, organised the funding of the insurgency through crime, including the heroin trade, and that senior KLA personnel remain central to postwar criminal networks.<sup>12</sup> Most luridly, these involve a trade in organs removed from killed Serb prisoners, allegations supported by a report for Council of Europe in December 2010<sup>13</sup> but dismissed as Serb propaganda by the accused.<sup>14</sup>

Unsurprisingly, Mexico’s economic wellbeing is dependent on the U.S. One manifestation of this is the central role played by Mexican migrants in the U.S. labour force. From the start of

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<sup>9</sup> Bono, 2010.

<sup>10</sup> Friesendorf, 2010, 128.

<sup>11</sup> cf. Friesendorf, 2010, 105-8.

<sup>12</sup> KFOR intelligence assessments written in 2004 and leaked in January 2011 detail the involvement of Thaci and his colleague Xhavit Haliti.

<sup>13</sup> <http://www.euinside.eu/en/news/hashim-thaci-kosovos-leader-or-a-mafia-boss> December 20, 2010 accessed January 29, 2015

<sup>14</sup> E.g. Lewis, 2011, 19.

the Second World War the Bracero programme enabled U.S. employers to contract Mexican immigrants for work and regulated the process until it was ended in 1961 and many migrants returned to Mexico. Mexican governments then drew up programmes to attract U.S. corporations to northern Mexico with loans, tax concessions and free zone status for goods imported to U.S. and the Border Industrial Program was put into effect in 1965. As a result thousands of *maquiladoras* (sweatshop assembly plants) were constructed along the border but with minimal associated infrastructure. The factories attracted migration from the south since the wages were good by Mexican standards, if close to slave labour by U.S. standards. Eighty percent of those employed were women (leaving many unemployed men as potential foot soldiers for alternative employment...) and was a kind of pilot project for the North American Free Trade Agreement (NAFTA) which, in 1994 created the free trade area of U.S., Canada and Mexico. Neo-liberalism had been initiated by the Miguel de la Madrid administration (1982–1988) and continues to determine the instruments of economic policy.<sup>15</sup> This steadily undermined Mexican corporatism which may well have improved the prospects for electoral competition but degraded state capacity.

Once NAFTA was signed, the country almost collapsed: an insurgency in the southern Chiapas State ensued, exposing the reality of the exclusion of peasants and Indians from the *Partido Revolucionario Institucional* (PRI) regime and within the year the currency fell so far that Mexico almost defaulted on its debt.<sup>16</sup> The economies of Mexico and the border were transformed by much increased cross-border trade with minimal bureaucracy which had the side effect of facilitating both legal and illegal economic activity: ‘The drug trade appears to be an integral part (and a leading beneficiary) of Mexico’s economic restructuring and integration with the United States.’<sup>17</sup>

When the longstanding Mexican governments of the PRI were ousted by the opposition in 2000, it was hailed as a sign of democratisation by some but the consequences warn against any simplistic association of electoral democracy with peace and social progress. The autocratic seventy-year rule of the PRI had achieved a measure of social and political order through successfully incorporating many interest groups who negotiated the application of law for their benefit. As such, the Mexican ‘state’ never enjoyed the monopoly of legitimate

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<sup>15</sup> Moloeznik, 2003, 9.

<sup>16</sup> Gill, 2000, 48-52.

<sup>17</sup> Andreas, 1999, 128.

force. While certain aspects of PRI dominance were dismantled after 2000, they were not successfully replaced with alternative effective institutions. For example, under PRI state governors were essentially viceroys for the centre while after 2000 they exercised such autonomy as to become ‘strong men’ with little accountability.<sup>18</sup>

One of the key links under the PRI were the unwritten agreements between public authorities and criminal organisations which achieved a kind of *pax Mafiosi* with the drug cartels who are the key nonstate actors in Mexico, especially around the border but anywhere in the country where drug trading takes place. These emerged from the late 1980s as the Caribbean routes for drugs from Central America into the North were disrupted but initially they were largely incorporated into PRI governance: ‘Under the PRI, the major cartels in Mexico, each with their assigned territories (plazas) remained subordinate to a state whose officials and elite families quietly profited from the illicit narcotics trade.’<sup>19</sup> These were disrupted by the Fox (2000-06) and Calderón (2006-12) *Partido Acción Nacional* (PAN) governments as, with much U.S. encouragement, they declared ‘war’ on the cartels. Because of the fragmentation of political power, incompetence and corruption of the security forces, and resilience and firepower of the cartels, however, this resulted in a massive increase in violence and casualties.<sup>20</sup> The PRI returned to power after the 2012 election and President Enrique Peña Nieto promised to adjust the current U.S.-Mexican security strategy to focus on violence prevention. But, despite some rhetoric to the contrary, policies have changed little including continued law enforcement and intelligence sharing with U.S. counterparts.<sup>21</sup>

Collecting accurate figures on illegal, clandestine activities is impossible but some estimates give an indication of the security crisis, albeit one experienced very unevenly throughout the border region, which has resulted in ‘areas of impunity’ effectively controlled by the cartels, not the state.<sup>22</sup> There were 11,000 organized crime-related killings during 2007-2010 despite (or because of...) the presence of 7,500 Mexican soldiers, 17,200 U.S. National Guard troops and over 20,000 U.S. border patrol. The annual flow of illegal drugs is estimated at US\$3.2 million and of the 100,000 illegal weapons seized 2007-11, two-thirds were sourced from the

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<sup>18</sup> Aguirre & Herrera, 2013, 222-231.

<sup>19</sup> Bunker, 2013, 129.

<sup>20</sup> Moloeznik, 2013, 177-78; see also Arzt, 2010, 357.

<sup>21</sup> Seelke & Finklea, 2015, 1.

<sup>22</sup> Bunker, 2013, 130; Moloeznik, 2013, 178; Sullivan, 2012.

U.S.<sup>23</sup> An academic study of the flow of arms published in 2013 found that thirteen per cent of the 51,300 licensed gun stores in the U.S. are in the four border states (Mexico has one gun store) and some 2.2% of all U.S. gun sales are to those smuggling them into Mexico.<sup>24</sup>

## **Intelligence actors**

### *Domestic party actors*

Insurgent groups necessarily establish intelligence units and Kosovo had several. The largest was the Kosovo Information Service (SHIK<sup>25</sup>) set up by KLA initially as a military intelligence organisation in the mid-1990s.<sup>26</sup> There seems little doubt that K-SHIK was supported by the United States during and in the aftermath of the war but it became widely involved in political spying, intimidation and election fraud. According to a BND report in 2005:

‘The SHIK developed its present form in the second half of 1999 in Pristina on THACI’s initiative. THACI and [former KLA leader and prime minister Ramush] HARADINAJ, among others, used it to recruit suitable candidates for the Kosovar police service and the TMK [the Kosovo Protection Corps, see below]. In reality, the service is primarily involved in spying activities, intimidation, and physically eliminating democratic forces.’<sup>27</sup>

K-SHIK announced that it was disbanding in June 2008 when the statutory Kosovo Intelligence Agency (KIA) was established after the independence declaration but it is widely assumed that its former personnel remain active in politics, business and crime.<sup>28</sup>

The Institute for Strategic Research of Public Opinion was formed in the Defence Ministry of Kosovo’s government-in-exile in 1990s.<sup>29</sup> ‘Homeland Security’, identifying with FARK, announced itself in July 2004, claiming to oversee the Democratic League of Kosovo (LDK) by enforcing party discipline and threatening ‘deserters’ with violence.<sup>30</sup> Compared with K-SHIK, IHSOP recruited older staff including more former employees of the security services of FRY, consistent with LDK’s greater political base in the Communist Party. There has been

<sup>23</sup> Bronk & González-Aréchiga, 2011, 159; Olson & Lee, 2012.

<sup>24</sup> Johnson, 2013.

<sup>25</sup> Shërbimi Informativ i Kosovës. This is sometimes referred to as K-SHIK to distinguish it from the former Albanian government intelligence service.

<sup>26</sup> Qehaja, 2012, 4.

<sup>27</sup> McAllester, 2011b.

<sup>28</sup> e.g. McAllester, 2011b; Sofalia, 2011.

<sup>29</sup> Dugolli & Peci, 2006, fn 4.

<sup>30</sup> International Crisis Group, 2005, 15.

continuing controversy as to whether these former party-based intelligence services are still active and, if so, how far they may manipulate elections as well as being involved in a business/crime nexus.<sup>31</sup> It has been reported that they had established a ‘kickback system of centralised parallel control and oversight of government tendering already perfected at municipal level.’<sup>32</sup> Similarly, the UN Development Programme (UNDP) security sector survey in 2007 concluded that their links to high profile assassinations and other subversive activities had created an atmosphere of political instability.<sup>33</sup>

UNMIK’s position until 2005 was to tolerate these groups but then the pressing question became whether their personnel and assets could be professionalized as part of Kosovo’s future intelligence service. Was ‘dismantling, osmosis or integration’ the preferred alternative? Shadowy structures cannot be tolerated because they erode the rule of law, undermine democracy, feed mistrust in security institutions and generate fear among citizens. But since, it was argued, there would be much resistance to dismantling in order to protect vested interests, integration was suggested as the best way forward.<sup>34</sup> The UNDP review also recommended that some members of parallel structures be permitted to join the new agency after a transparent vetting process incorporating competency criteria.<sup>35</sup> When UNMIK announced in December 2005 that Kosovo could establish new justice and interior ministries, *Balkan Insight* reported that the leaders of IHSOP and K-SHIK saw this as a way of legitimising themselves and transforming into an official agency.<sup>36</sup> But, unlike recruitment to the Kosovo Protection Corps (KPC, see below) and Police, this is not what happened, at least according to the account given to this author by a senior Kosovo Intelligence Agency (KIA) official in May 2011. Some K-SHIK people had applied to join KIA and had clean records but it was decided not to recruit them because the agency feared the negative publicity once it became public. Yet there are still public fears that K-SHIK members have colonised KIA.<sup>37</sup> As we see below, a succession of civilian agencies played a similar intelligence role for the governing party.

### *Main statutory agencies*

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<sup>31</sup> This phenomenon is not restricted to Kosovo or even the Balkans, see Gill, 2013.

<sup>32</sup> International Crisis Group, 2005, 16.

<sup>33</sup> International Security Sector Advisory Team, 2007, 7.2.32.

<sup>34</sup> Dugolli & Peci, 2006, 4-6.

<sup>35</sup> International Security Sector Advisory Team, 2007, 7.4.2.

<sup>36</sup> Xharra, Jeta, 2005.

<sup>37</sup> Qehaja, 2012, 8.

KIA was established in June 2008 as an intelligence agency without police powers, under an accelerated legislative process; the fact that the original law was written in English rather than the local languages fuelled the belief that the law was effectively written by the international agencies with insufficient input from locals. It also rendered the law unclear once it was translated into Albanian. A Director, Deputy and Inspector General were not appointed until February 2009. KIA employs about 200 people and has a very broad mandate regarding ‘threats to the security of Kosovo’ including political violence, espionage, organised crime, trafficking and ‘severe threats to public health or safety’.<sup>38</sup>

It is suggested that KIA has sought to embed good governance in its control mechanisms and the parliamentary committee has been proactive but were few public communications, and not even a web-site until 2015. The Assembly oversight committee has nine members, who need to be security cleared, and is chaired by an Opposition member, but has only two staff. An initiative to investigate K-SHIK was taken in the Kosovo Assembly and gathered some cross-party support<sup>39</sup> but not enough to initiate an investigation. Civil society, media, judiciary, and other state institutions such as the Ombudsman have made little contribution to oversight.<sup>40</sup>

The periodically-published Kosovo Security Barometer tests public views on security institutions including KIA: in 2013 44.3 % had no opinion on whether or not they were satisfied with the agency, the rest of the respondents were evenly split between yes, no or ‘balanced’ and there were similar figures for trust in the agency (41% no opinion).<sup>41</sup> But KIA has been unable to escape scandals similar to those in other security institutions and recently there have been calls for reform. These eventually led to the resignation in January 2015 of KIA’s first head, Bashkim Smakaj, reportedly at the request of the new Prime Minister, Isa Mustafa.<sup>42</sup>

There has been a long line of civilian intelligence agencies in Mexico since 1918<sup>43</sup> which, during the PRI’s long hegemony, faced no legislative or judicial oversight and were, in effect,

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<sup>38</sup> Law No. 03/L-063 on the Kosovo Intelligence Agency, 2008.

<sup>39</sup> Sofalia, 2011.

<sup>40</sup> Qehaja, 2012.

<sup>41</sup> Kosovo Centre for Security Studies, 2013, 3. Such indefinite outcomes would almost certainly be mirrored in most other countries.

<sup>42</sup> Peci, 2014. Also Kosovo-Press-Today, 2015.

<sup>43</sup> Hussain, 2008, 81, Table 4.



the PRI's political police force.<sup>44</sup> The extent of the surveillance of dissidents and of the PRI produced archives which have been compared with those of the Stasi.<sup>45</sup> Impunity reached its crescendo in the 1970s when the Federal Security Directorate (*Dirección Federal de Seguridad* or DFS) carried out its 'dirty war' against dissident movements. Its endemic corruption and illegal side activities ultimately led to its dissolution in 1985, when it gave way to an interim intelligence service until the government created the *Centro de Investigación y Seguridad Nacional* (CISEN) in 1989. There was still no oversight and the agency remained throughout the 1990s at the centre of a largely unreformed intelligence system which expanded with the addition of other agencies.<sup>46</sup> Omar Rodríguez<sup>47</sup> identified seventeen agencies within the Mexican 'intelligence community', the same number as at the federal level in the U.S. The CISEN web-site for the civilian Mexican intelligence agency, states that its mission is 'to produce strategic intelligence for decision-making, in order to preserve National Security, Governance and the Rule of Law'.

Efforts were made to professionalise CISEN through the recruitment of personnel who were qualified rather than personally recommended and underwent careful screening and testing, a change in hiring policy that led to a steady increase of university graduates.<sup>48</sup> The National Security Law 2005 institutionalised CISEN supervision of civilian intelligence on illegal migration, drug trafficking and organised crime, although CISEN does not control counter drugs trafficking measures and spelt out CISEN functions which include gathering information on national security threats, analysis, identifying risks and threats to territory, institutions, rule of law, pursuing inter-agency cooperation at home and abroad, and developing specialised investigative and communications techniques.<sup>49</sup> CISEN prepares the national security threat assessment but, despite the web-site statement about strategic intelligence, the agency clearly does more via '...its investigation directorate which handles informants in a wide variety of organizations, groups, and social movements throughout Mexican corporations, unions, student movements, farmer associations and civil service.'<sup>50</sup>

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<sup>44</sup> Leroy, 2004, 107.

<sup>45</sup> Padilla & Walker, 2013, 4.

<sup>46</sup> Rodríguez, 2003, 243.

<sup>47</sup> Rodríguez, 2013.

<sup>48</sup> Leroy, 2004, 109; see also Rodríguez, 2003.

<sup>49</sup> Hussain, 2008, 83.

<sup>50</sup> Leroy, 2004, 110.

It is impossible to identify a single U.S. federal equivalent to CISEN, all the main federal agencies are involved to a greater or lesser extent in border intelligence, but, as far as drugs trafficking is concerned, the Drug Enforcement Administration (DEA) is central. The El Paso Intelligence Center (EPIC) was created in 1974 and was initially staffed by representatives of the DEA and what is now Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS) to focus on the development of all-source intelligence regarding the border. This remains the central focus but its remit has extended far beyond the border in response to shifts in trafficking. A National Drug Pointer Index has been operational since 1997, the object being that agencies can find out if others are already investigating the same targets with a view to sharing information and safeguarding personnel. EPIC is also the home for the Federal Bureau of Investigation's (FBI) South West Intelligence Group since its creation in 2009.<sup>51</sup> 'EPIC now incorporates over 20 agencies who develop tactical, operational and strategic intelligence for sharing with Federal, State, local, tribal, and international law enforcement organizations.'<sup>52</sup>

Another Justice Department Bureau with specific interests in the border is Alcohol, Tobacco and Firearms (BATF). As we have seen, it is flows both North and South that render the border so insecure: people and drugs going North to supply U.S. demand for labour and narcotics, firearms going South to supply cartels demand for guns that cannot be satisfied domestically because of Mexico's much stricter firearms control. A review of BATF's 2007 project to improve the tracing of seized weapons reached dismal conclusions:

'... ATF has not integrated the Project Gunrunner activities of its four Southwest border divisions and ATF's Mexico Country Office into a coordinated approach. ATF's Project Gunrunner strategies and plans do not effectively address coordination, joint operations and investigations, or information sharing across these units. We believe this has been a contributing factor in several other shortfalls addressed in this review, including the ineffective intelligence and information sharing within ATF, unclear roles for border liaison personnel, inadequate and disparate staffing in Mexico, failure to focus on complex conspiracy firearms trafficking investigations, and poor coordination with other U.S. and Mexican law enforcement agencies.'<sup>53</sup>

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<sup>51</sup> (<http://www.fbi.gov/news/stories/2010/september/on-the-southwest-border-part-8>)

<sup>52</sup> <http://www.dea.gov/ops/intel.shtml>

<sup>53</sup> Office of the Inspector General, 2010, viii.

Shortly after this report BATF found itself immersed in another controversy when its Operation ‘Fast and Furious’, which intended to track ‘straw buyers’ of 2,000 weapons in Phoenix with the objective of following them to their destination in the Sinaloa cartel, unravelled. BATF lost track of the weapons and two were found where a Border Patrol officer was killed in December 2010 and other agents blew the whistle. The subsequent Inspector General’s review criticised a ‘series of misguided strategies, tactics and errors of judgement’ and recommended disciplinary action against fourteen people.<sup>54</sup>

The U.S. Central Intelligence Agency (CIA) has a Crime and Narcotics Center within its Directorate of Intelligence.<sup>55</sup> How successfully, or not, the product of these agencies is integrated through multi—agency initiatives such as EPIC depends on a multitude of factors including the competing priorities of different agencies and the amount of actual information sharing. For example, the FBI has been formally directed much more to counterterrorism since 9/11 and, before that, the CIA was not permitted to act within the U.S. at all. The period since then has seen much chopping and changing within the federal intelligence community and, beneath lie the even more fragmented state and local intelligence architectures.

### *Police*

In Mexico CISEN is a very long way from being the most significant intelligence player in borderland, the fragmentation on both sides of the border makes coordination difficult, and there is the constant threat of penetration by cartels.<sup>56</sup> The Ministry of Defense (SEDENA), the Navy (SEMAR), Attorney General (*Procuraduría General de la República* or PGR), and the Public Security Ministry’s (SSP) Federal Preventive Police all have intelligence capabilities of their own. The SSP overshadows CISEN in terms of budget and personnel and was described in a 2009 U.S. Embassy cable as ‘becoming a major player on the intel block’ although CISEN attempts to facilitate coordination, for example, by establishing a fusion centre with representatives from all the other agencies.<sup>57</sup> CISEN did not retain the counternarcotics mandate of the DFS in 1989 and it passed to the PGR which

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<sup>54</sup> BBC, 2012; Horwitz, 2012.

<sup>55</sup> <https://www.cia.gov/offices-of-cia/intelligence-analysis/organization-1/the-cia-crime-and-narcotics-center.html>

<sup>56</sup> Hussein, 2008, 79-80.

<sup>57</sup> 09MEXICO3195, November 10, 2009 <https://wikileaks.org/index.en.html>

created an intelligence unit of its own, the Antiterrorist Group (GAT), whose primary missions also include border security, drugs, human trafficking, and cybercrime.<sup>58</sup>

Historically there was no co-ordinating structure for intelligence and, although a number of formal changes have been made such as the National Security Law 2005, it is not clear to what extent this is still a problem. In 2013 the secretariat of public security was dissolved and the federal police and intelligence functions were placed within the interior ministry (*Secretaría de Gobernación*) which also formally houses CISEN. A new national gendarmerie has been created within the federal police, and the PGR's police put within its new investigative agency. Potentially the ministry is now the focal point for security collaboration and intelligence-sharing with foreign governments, as well as state and municipal authorities.

Local and municipal policing in Mexico has been blighted by a reputation for being not only violent but also ineffective, not using intelligence but rounding up suspects who may be coerced into making false confessions or 'eliminated'.<sup>59</sup> Low salaries and inadequate resources have hindered the development of professionalism, especially when local political control changes every 3 years. 'Being a police officer translates into having a temporary job and having a gun for self defense. The delegitimization of municipal public security is profound.'<sup>60</sup> Attempting to reduce corruption and increase effectiveness, the Calderón Administration increased police budgets, raised selection standards, and improved police training and equipment at the federal level. It also created *Plataforma Mexico*, a national database through which police at all levels can share information and intelligence, and accelerated implementation of a national police registry. The states have in turn been divided into five regions and encouraged to create unified state police forces.<sup>61</sup>

But institutional fragmentation, poor information sharing and corruption are not found only among police on the Mexican side of the border. Each of the four U.S. Border States has a state police and multiple municipal police forces and county sheriffs, many of which will be very small departments. To take Texas as an example, the fourteen sheriff's offices in the

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<sup>58</sup> Leroy, 2004, 116.

<sup>59</sup> Pion-Berlin & Trinkunas, 2011, 45.

<sup>60</sup> Aguirre & Herrera, 2013, 233.

<sup>61</sup> Seelke & Finklea, 2015, 4, 11; see also Moloeznik, 2013, 188; Villarreal, 2009, 64.

border counties were often relatively large and provide the main liaison between local agencies (55 local police departments and 65 constables' offices), state police and DHS offices. U.S. Customs and Border protection (CBP) has thirty-one designated Border Patrol stations within the fourteen counties. The Texas Department of Public Safety with responsibility for counterterrorism, counter-narcotics, and anti-gang operations runs an integrated criminal intelligence network along the border but, compared with other state police, has very little power to compel the cooperation and coordination of local law enforcement agencies.<sup>62</sup> Another federal-led effort to use funding to encourage agencies to cooperate is the Southwest regional High Intensity Drug Trafficking Areas programme dating from 1988 which covers the four Border States.

### *Military*

The Kosovo Protection Corps (KPC) was established after the war with a mandate as a civil emergency force including reconstruction. Ninety percent of its recruits were from the KLA (3k personnel plus 2K reservists)<sup>63</sup> but despite the 'demobilising intentions of the international community, it was regarded by the majority population as representing the legacy of the KLA – as a national 'army-in-waiting'. This resulted in public approval ratings for the KPC among the majority population that exceeded almost every other institution in Kosovo<sup>64</sup> but Serb opposition for the same reason. After 2008 the KPC rapidly became the Kosovo Security Force (KSF)<sup>65</sup> which took about fifty percent of its recruits from KPC. Deeming the maximum age as 30 had the effect of excluding many former KLA members.<sup>66</sup>

The democratisation literature in Latin America centres on the need for civilian control of the military as a key determinant of change and also as an applicable model for the democratisation of intelligence. Mexico is something of an exception to this in that, under the PRI, there was civilian control. The Mexican military have been accustomed to dealing with internal threats as part of PRI strategy but have been used less for repression than many Central American militaries. In response to police ineffectiveness and increased cartel activity, the military was involved increasingly from the mid-1990s in counternarcotics operations and received training from the U.S. military and CIA. SEDENA develops

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<sup>62</sup> Mabrey, Hepner & Ward, 2006, 209.

<sup>63</sup> Crossley-Frolick & Dursun-Ozkanca, 2012, 125.

<sup>64</sup> Kosovo Center for Security Studies, 2009, 18.

<sup>65</sup> <http://www.mksf-ks.org/?page=2.1> January 29, 2015

<sup>66</sup> Crossley-Frolick & Dursun-Ozkanca, 2012, 131-2.

intelligence centrally but, according to U.S. officials, this is not necessarily shared with local units for fear that they have been penetrated by the cartels, and the local units themselves do not have their own intelligence units.<sup>67</sup> Significant numbers of military officers were caught up in corruption as well as perpetrating human rights abuses and their interventions did not appear to be any more effective than those of police.<sup>68</sup> Human Rights Watch documented just a small proportion of the cases where people were reported missing during the Calderón Administration and found that all branches of the security forces were involved and that in over sixty cases state agents collaborated with criminal organisations to ‘disappear’ people and extort money from their families.<sup>69</sup> Yet military cooperation with the U.S. has been increasing: Defense Department (DOD) training and equipment programs to support the Mexican military continue and DOD has sent unmanned aerial vehicles into Mexico to gather intelligence on criminal organizations.<sup>70</sup>

#### *Foreign intelligence actors*

Kosovo is the place where many local national, transnational and supranational bodies collided after 1998. In the words of Kadri Veseli, head of K-SHIK 1999-2008, ‘We had a lot of partners – 25 intelligence services...The US, they help us a lot.’<sup>71</sup> The French foreign intelligence agency (DGSE) provided military training for K-SHIK members, who, allegedly, later became an assassination squad.<sup>72</sup> The military in Kosovo became more involved in policing and the UNMIK police were paramilitarised as they converged on law enforcement where intelligence-sharing was crucial and yet problems resulted from the large number of actors involved, short rotation periods and turf wars. In the context of Kosovo’s disputed status and the existence of parallel structures in Serb-majority areas, the activities of the main Serbian military and counterintelligence agency (VBA) can also be assumed to have worked actively against the search for sovereignty; in early 2004 chief of Serbia’s VBA publicly claimed that in the previous year VBA had re-established its network of agents in Kosovo.<sup>73</sup>

The uncertain impact of this collection of variously friendly, hostile or just self-interested national agencies was reinforced by what Cornelius Friesendorf describes as an extensive

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<sup>67</sup> 09MEXICO3195, November 10, 2009, para. 5 <https://wikileaks.org/index.en.html>

<sup>68</sup> Mares, 2003, 67; Moloeznic, 2013, 181-86.

<sup>69</sup> Human Rights Watch, 2013.

<sup>70</sup> Seelke & Finklea, 2015, 24.

<sup>71</sup> MacAllester, 2011b.

<sup>72</sup> Borger, 2014.

<sup>73</sup> International Crisis Group, 2004, 7.

‘international intelligence architecture’ based around the UN and NATO respectively. UNMIK was reluctant to authorise any national intelligence agency and domestic structures evolved *ad hoc*. The Internal Security Sector Review (2006) set up by UNMIK and UNDP did recommend an agency for national security intelligence, as did Ahtisaari’s proposals.<sup>74</sup> Nato-led KFOR had both military and policing tasks and 50,000 troops from 30 countries at its peak, falling to below 5,000 by 2013. The commander had limited authority and it was common practice for officers to send intelligence to their own capitals before sending it to KFOR command, if at all.<sup>75</sup> Each of the so-called Quint nations (France, Italy, Germany, UK, U.S.) maintained a National Intelligence Cell (NIC) for material gathered by its own KFOR troops. International officials complained that these served primarily national needs and intelligence was not properly shared; rather that foreign nations treated local criminals primarily as assets for national purposes and protected them from arrest by local police.<sup>76</sup> Some of the national ‘contributions’ were even more destructive of any common purpose, for example, three *Bundesnachrichtendienst* agents were arrested in November 2008 on suspicion of bombing the ICO office but their motivations seem obscure.<sup>77</sup>

The most secretive of KFOR’s special teams was an Intelligence, Surveillance and Reconnaissance Unit (ISR) including UK Special Forces conducting covert surveillance of those suspected of involvement in serious crime, leaving arrest to KFOR/UNMIK’s ‘special weapons and tactics’ teams.<sup>78</sup> KFOR’s responsibility for the overall security situation included overseeing the disarming, demobilising and reintegrating of the KLA leading to its transformation into the KPC. After the 2004 intercommunal riots KFOR established local Liaison and Monitoring Teams (LMT) for a ‘hearts and minds’ campaign to assist with quick impact projects but also for information gathering. KFOR’s Multinational Specialised Unit (MSU) had over 300 members led by Italian Carabinieri operating across the country who were tasked to gather information on organised crime by the usual means plus exchanging material development aid for information and intelligence. MSU had a key capacity-building role with KPS in terms of surveillance and intelligence equipment and techniques though

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<sup>74</sup> Qehaja, 2012, 6. Martti Ahtisaari, former President of Finland, presented a Settlement Proposal to the UNSC in 2007 after extensive discussions. This was largely accepted by Kosovo, and formed the basis for their declaration of independence the following year, but was rejected by Serbia.

<sup>75</sup> Friesendorf, 2010, 94.

<sup>76</sup> Friesendorf, 2010, 122-3.

<sup>77</sup> Artmann, 2009.

<sup>78</sup> Friesendorf, 2010, 110.

operational co-operation was limited because of a lack of trust of KPS.<sup>79</sup> As an example of mixed motives, MSU was seen by some as an Italian instrument against ethnic Albanian organised crime in Italy.<sup>80</sup>

At KFOR HQ the Joint Intelligence Operations Center (JIOC) was the main clearing house for information and intelligence development. A Criminal Intelligence Unit (CIU), consisting mainly of law enforcement civilians, acted as an analytical centre intended to pool UNMIK's and the Kosovo Police Service's (KPS) information on organised crime with relevant JIOC material. It produced a six-monthly Strategic Threat Assessment. In general, sharing intelligence with KPS was limited owing, on one hand, to the widespread suspicion of its links with criminal organisations but on the other hand, to the KFOR aim of protecting agents and wartime allies. For example, after some police arrests of people with K-SHIK connections in 2004, CIU insisted on a 'flagging' system in which KPS had to give it prior notice of investigations and detentions. In 2008 the CIU database was to be passed to the incoming EULEX mission but was destroyed in an unexplained fire at a NATO base in Prishtina.<sup>81</sup>

### **Private security**

Both 'countries' reflect the increase in the privatisation of security since the end of the Cold War; but there are also distinctive supply and demand elements. Given the reputation of local police forces in Mexico, the NAFTA-inspired increase in trans-border business was associated with increased demand from U.S. corporations for personal and property protection and more affluent communities demanded security for their gated communities. More recently, the process had received a massive boost as a result of the Merida Initiative signed by the countries in 2007, the objectives of which are to disrupt organised crime, institutionalize the rule of law, create a 21st century border and build strong and resilient communities.<sup>82</sup> At least in the early stages, most of the \$2.5 billion appropriated for 2008-2015 by the U.S. Congress was to be spent on private contracts, mainly for equipment and training. The immigration legislation still under consideration in Congress in 2015 envisaged another \$4.5 billion to be spent on border security over 5 years.

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<sup>79</sup> Friesendorf, 2010, 112-4.

<sup>80</sup> Friesendorf, 2010, 123-4.

<sup>81</sup> Borger, 2014.

<sup>82</sup> Seelke & Finklea, 2015.



Much of this money is actually spent in the U.S. in contracting the large security companies such as Raytheon, Lockheed Martin and General Dynamics for radar, long-range camera systems, and drones (even if, in this case, Homeland Security did not have enough personnel able to operate them). Earlier attempts by Boeing to create a ‘virtual fence’ were not entirely successful but this has not discouraged further applications to secure the border. Of course, this came at a good time for the companies as the wars in Afghanistan and Iraq wound down.<sup>83</sup> The conditions for operating in Mexico are somewhat different from the Middle East, for example, non-citizens are forbidden to carry arms but, although there are clear laws regulating private security, they are barely enforced. Both Mexican and foreign companies routinely evade any restrictions, for example, firms can locate outside Mexico because their operations in Mexico are not high visibility and armed but deal more in prevention and intelligence. Eighty percent of Mexican security companies are not registered, many employees work on a very short term basis and companies make no effort to train them. Despite the formal prohibition on jobs going to former police dismissed for negligence or criminality, they often can get jobs through lack of enforcement.<sup>84</sup> In such circumstances, private ‘security’ may well add to the volume of uniformed and armed people but the potential for links between companies and cartels gives no reason to believe there is any general improvement in public safety and security.<sup>85</sup>

When large state security bureaucracies ‘downsized’ after the collapse of authoritarianism, many personnel moved into the corporate security sector which rose to meet the demand for ‘security services’ from both smaller states and corporations newly-active in ‘free markets’. Yugoslavia did not simply follow this pattern since the country fragmented and wars ensued, providing plenty of employment for all, and authoritarian structures remained in place in FRY and Croatia until the turn of the century. In Kosovo former ethnic Albanian Yugoslavian security officers found their way mainly into the KLA and, in 1999, the issue became less of what to do with former state employees than one of what to do with former insurgents. As we have seen, many found employment in the KPC and about half of the 8000 Kosovo Police were recruited from KLA.<sup>86</sup> But this still left somewhere in the region of

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<sup>83</sup> Lipton, 2013; also Miroff & Booth, 2012.

<sup>84</sup> Perret, 2013, 167-71.

<sup>85</sup> cf. Villareal, 2009, 56-57.

<sup>86</sup> Crossley-Frolick & Durun-Ozkanca, 2012, 125.

10,000 former KLA members to be demobilized, some 4000 of whom now work in the private sector.<sup>87</sup>

UNMIK instituted a process for licensing private security companies – there are known to be many unlicensed firms operating -- and vetting employees and forbade Kosovar citizens or those from other former Yugoslav countries from carrying arms. Research by the Kosovo Center for Security Studies (KCSS) undertaken in November 2008 found that the industry lacked designated regulatory and control mechanisms, ineffective vetting procedures for the members of PSCs, and almost non-existent oversight by the Assembly of Kosovo. Yet public attitudes to the companies were generally positive: some 73% of survey respondents said that PSCs have a positive role in the overall security in Kosovo and the majority of Kosovans were satisfied with the performance of PSCs. 57% believed PSCs contribute to the lowering of crime rates in Kosovo, yet 31 % said they had experienced or seen cases of misconduct and breach of human rights by PSCs.<sup>88</sup>

A Law on Private Security Services was passed in July 2011<sup>89</sup> and refers to licensing and vetting for personal and property guarding, and events security. There is no specific reference to private intelligence activities and, indeed, the KCSS report did not specifically discuss the private security issue in relation to K-SHIK members. There is no literature specifically in relation to intelligence activities within the private sector in Kosovo and therefore definite conclusions about its significance may not be drawn but there are reasons for hypothesizing that it will be significant. First, given that many members of KLA did find their way into KPC, the police and into private security sector, it would be sensible to assume that some of these had been in K-SHIK. Similarly, the involvement of criminal groups in trafficking in Kosovo and the associated corruption of public officials would necessarily entail some ‘counter-intelligence’ component in the face of national and international law enforcement. (Counter-surveillance is similarly deployed by the Mexican cartels. The larger among them have a long history of recruiting ‘agents of influence’ at local, state and federal levels of both Mexican and U.S. Governments. In effect, none of the intelligence organisations discussed above has been immune from having their staff recruited in sophisticated operations more

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<sup>87</sup> Kosovo Center for Security Studies, 2009, 7.

<sup>88</sup> Kosovo Center for Security Studies, 2009, 8.

<sup>89</sup> [http://www.mpb-ks.org/repository/docs/Ligji%20per%20Sherbimet%20Private%20te%20Sigurise%20\(anglisht\).pdf](http://www.mpb-ks.org/repository/docs/Ligji%20per%20Sherbimet%20Private%20te%20Sigurise%20(anglisht).pdf) February 2, 2015.

akin to foreign intelligence than simply the corruption of law enforcement.<sup>90</sup>) Second, research in the Serbian context found extensive intelligence links between political parties and private security companies.<sup>91</sup> The issue here as elsewhere in understanding intelligence networks is ‘informalism’ – even if K-SHIK and Homeland Security had wound up as organizations, their former members in KPC/KSF, Police and private security would constitute a formidable network between political, security and business worlds.<sup>92</sup>

### **Militias and vigilantes**

Given the frequent failure of states to provide protection for people in marginal borderlands, there is nothing new in citizens forming self-defence or vigilante groups and these are found now throughout Amexica. Groups such as the American Border Patrol was set up in Arizona in 2002 and concentrated on surveillance missions near the border. Volunteers position themselves near ground sensors and film migrants on video cameras; they also use a drone equipped with cameras and GPS technology and the resulting videos are displayed on the group’s web-site. The Minuteman Project (MMP) is probably the best known of these groups, to which others have attached themselves, and it maintains various anti-immigrant operations both at the border and in cities throughout the United States. In 2005, for example, many groups campaigned against the hiring of day labourers who gather at various locations throughout U.S. cities hoping for work.<sup>93</sup>

On the Mexican side, as we saw above, a kind of *pax Mafiosi* existed between PRI and the cartels but, once that collapsed, violence increased both between cartels and between them and state forces resulting in a general increase in impunity. In response there has been an increase in *autodefensas* (self defense groups or vigilantes) sponsored by businessmen, farmers or rival cartels which are estimated to operate in at least 68 *municipios* in 13 of the 32 Mexican states.<sup>94</sup> Some of the violence visited on victims by the cartels has been truly gruesome with decapitated bodies being hung from motorway bridges but most citizen vigilantism does not go that far. Lynchings do take place but, according to a recent study, are not noticeably increasing and the extremes of ‘community justice’ reflect more on local despair at their insecurities and the inability of authorities to provide protection. Police may

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<sup>90</sup> Stratfor, 2015.

<sup>91</sup> Petrović, 2011.

<sup>92</sup> Cf. Friesendorf, 2010, 98-99.

<sup>93</sup> Doty, 2007, 117-22.

<sup>94</sup> Sullivan, 2014, 7.

well turn a blind eye to attackers or even cooperate with them.<sup>95</sup> In other cases the state may seek to ‘legalise’ vigilantes by recruiting them, for example, more than 3,000 signed up for a new rural police force in Michoacán in 2014 where *autodefensas* had mobilised against the Knights Templar cartel a year earlier.<sup>96</sup>

### **Intelligence cooperation and conflict**

Their multinational memberships and separate command structures meant that UNMIK and KFOR had problems in sharing information even though their mandates converged on law enforcement and crime. For example, successive KFOR intelligence assessments identified Thaci’s centrality in organised crime but the apparent desire for political stability took precedence, for example, the CIA sought to prevent NATO soldiers arresting Sami Lushtaku, former KLA commander in the Drenica cell, but his arrest and prosecution went ahead. He was convicted but a UN official in 2008 ordered the suspension of the prison sentence because it would have prevented him from being local mayor.<sup>97</sup> More generally, there was the frustrating experience for operatives of developing intelligence on people during the day and then finding themselves at the same social gathering in the evening.<sup>98</sup>

The KFOR culture of secrecy and mutual distrust with UNMIK was later transferred into its relation with EULEX<sup>99</sup> and there were other reasons to suppose that sharing might not improve much, for example, as with KFOR some EU countries were presumed to use it to put national needs above local. EULEX is currently prosecuting former KLA soldiers for murder in a case in which Nazim Bllaca, who has himself claimed to have committed murders on behalf of K-SHIK in the early 2000s, is a protected witness. In November 2014, EULEX started further investigation of Bllaca’s allegations of involvement in murder, intimidation and blackmail by senior KLA commanders turned Democratic Party of Kosovo (PDK) politicians.<sup>100</sup> To complicate matters, a EULEX judge has been accused by a whistleblower of taking bribes.<sup>101</sup>

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<sup>95</sup> Grayson, 2011.

<sup>96</sup> BBC, 2014.

<sup>97</sup> McAllester, Matt, 2011a.

<sup>98</sup> Friesendorf, 2010, 119-20.

<sup>99</sup> Friesendorf, 2010, 120-21.

<sup>100</sup> McAllester, 2011b; Borger, 2014.

<sup>101</sup> Collaku, 2015.

For KIA, a new agency in a small country seeking to assert its sovereignty, cooperation would be absolutely necessary yet, in the circumstances, even more fraught with difficulties than usual. For example, Mellon noted that KIA would have to be careful to maintain autonomy in relation to foreign services and organizations such as KFOR: ‘Despite their good intentions and their substantial assistance, some foreign organisations may directly or indirectly attempt to influence the plans and priorities of the (new agency).’<sup>102</sup> Media have reported that KIA has signed cooperation agreements with police and customs and the KIA Director has said publicly that sound cooperation exists with regional counterparts, especially Albanian SHISH,<sup>103</sup> but little is known of how relations with international intelligence actors have developed.

A central element in the functioning of intelligence co-operation everywhere is that informality rules. Even this brief survey indicates that ‘the formal SSG architecture of Kosovo has been highly complex.’<sup>104</sup> Similarly, although the first formal rules for sharing between Mexico and the U.S. were drawn up in a 1987 ‘memorandum of understanding’, practical relationships developed much more slowly, if at all: a DEA covert operation in 1995 led to the arrest of 22 banking officials and recovered \$110m but at the cost of angering the Mexican President.<sup>105</sup> In the context of greater integration, both nations drew up the ‘Brownsville Agreement’ in 1998 which agreed ‘Measures of Effectiveness’ to be implemented to follow up on sharing commitments but, according to Sigrid Arzt, ‘were the beginning of still deeper mistrust amongst agencies on each side of the border.’<sup>106</sup> Part of the problem was that the Agreement obliged U.S. agencies to notify the Mexican Attorney General’s office, via the U.S. embassy in Mexico City, of their undercover investigations and active informants. Intelligence agencies such as the CIA were exempt but, given the belief that the Mexican government was heavily infiltrated by cartels, it was not surprising that the Agreement was poorly followed.<sup>107</sup> In such a climate it is hardly surprising that collaboration tended to take place bilaterally, if at all.

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<sup>102</sup> Mellon, 2007.

<sup>103</sup> Qehaja, 2012, 9-10.

<sup>104</sup> Friesendorf, 2010, 129.

<sup>105</sup> Hussain, 2008, 74.

<sup>106</sup> Arzt, 2010, 353.

<sup>107</sup> Vulliamy, 2010, 92-93.

However, some Mexican officials are now located at EPIC and in the Border Enforcement Security Task Force (BEST) organised since 2006 by U.S. ICE with teams from several U.S. agencies and the then Mexican Ministry of Public Security.<sup>108</sup> Mexican intelligence officials serve in U.S. Northern Command, Operation *Armas Cruzadas* is a bi-lateral law enforcement and intelligence-sharing operation to counter the flow of arms from the U.S. into Mexico and the U.S. Department of Treasury provides training for Mexican government officials' financial analysis and investigation of drug cartel activities.<sup>109</sup> A \$13 million cross-border telecommunications system for sister cities along the U.S.-Mexico border that was funded by the Mérida Initiative is facilitating information-sharing among law enforcement in that region.<sup>110</sup>

The problems of intelligence sharing are well-known: different agencies have different mandates and priorities, they are concerned that if they share information they lose control of how it will be used and their sources may be compromised. All this is complicated when different laws, languages and cultures are involved but there may be baser motives: agencies competing for success and therefore budgets. These problems are aggravated where one side fears corruption on the other side of the border: 'In all the interviews conducted with Mexican and U.S. officials the recurring theme was personal trust and building partnerships.'<sup>111</sup>

Thus, intelligence cooperation is always primarily informal rather than formal. An interesting example of this is the use of rendition by the U.S. to bring suspects to the U.S. for trial which had been long used before the process became so controversial in the 'war on terror' after 2001. Mexico and U.S. had an extradition treaty but its time-consuming and open proceedings led to greater use of the 'quieter option' of rendition from the 1970s onwards. This was almost always carried out with the cooperation of the Mexican police despite the occasional formal protest at the infringement of Mexican sovereignty.<sup>112</sup> But informalism exacerbates problems of accountability.

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<sup>108</sup> Arzt, 2010, 359-61.

<sup>109</sup> Bronk & González-Aréchiga, 2011, 171.

<sup>110</sup> Seelke & Finklea, 2015, 10.

<sup>111</sup> Arzt, 2010, 368.

<sup>112</sup> Nadelmann, 1993, 436-56.

There are serious asymmetries in terms of funding, staffing, and investment in immigration, customs, and other border institutions and other structural issues such as the difficulties national intelligence agencies experience when working with law enforcement. As we have seen, ‘(t)he constituency of government agencies associated with border security is numerous and widely dispersed and involves a diversity of agents. There is no common understanding among them of the problems or a shared perspective for a solution at the strategic or tactical level.’<sup>113</sup> This is compounded by the significance of non-state actors, so while it can be argued that bilateralism can only go so far when there is no binational authority with sufficient monitoring, evaluation, and problem solving functions, it is very difficult to envisage how that will come about, however critical it is for border security. Apparently, what is happening instead is that U.S. agencies are pushing their operations deeper into Mexico, for example, through stationing more officers there and running informants, embedding contractors in Mexican police units and flying drones deeper into Mexico. Mexican federal police and military have themselves been using drones since 2002.<sup>114</sup>

### **Conclusion**

Borderlands such as Amexica and Kosovo have always had special significance for intelligence: they might be areas in which the precise location of ‘the border’ is unknown and thus be favoured by smugglers and illegal migrants; they might represent contested territory and be particularly subject to periodic threats, and they might be the places inhabited by ‘marginal’ populations defined in terms of nationality or ethnicity with uncertain loyalties. Therefore they have always received close attention from security, border and police intelligence agencies to the extent that resources permit.

Yet intelligence has its limits and it is not the only mechanism by which borders will be guarded. Especially significant in recent years has been the construction of security fences or walls. Perhaps the best known modern example is that erected along the east-west border in Germany but, more recently, Israel has been constructing a high and highly controversial wall around Palestinian settlements in the West bank which have the effect of extending Israeli territory. The construction of walls started on the U.S.-Mexico border in the 1990s, for

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<sup>113</sup> Bronk & González-Aréchiga, 2011, 158.

<sup>114</sup> Thompson, 2011a, 2011b; Guevara, 2015.

example, Operation Gatekeeper in 1994 at the Tijuana-San Diego border constructed a three metre high wall from steel plates that had originally been designed to create temporary runways during the first Gulf War.<sup>115</sup> The Secure Fence Act, 2006 legislated for double-layered fencing along one-third of the 2,100 miles border from ten miles west of Calexico, California, to 5 miles east of Douglas, Arizona.<sup>116</sup> Between 2007 and 2012 the length of fencing increased from 140 to 650 miles.<sup>117</sup> In other areas, the ‘wall’ is provided by electronic surveillance.

Walls and fortifications are somewhat redolent of security in the Middle Ages and are clearly complementary to the idea of intelligence as a process for enhancing security (or, do walls represent the failure or the limits of intelligence?) But, as we have seen, there are other aspects of security in *Amexica* that indicate we must look beyond state-centred intelligence in order to understand the current situation and the challenges it poses for democracy. It is not that the borderland has been abandoned by state agencies, to the contrary, there is a veritable profusion of national, state and local agencies but they are often working to conflicting agendas. Intelligence sharing is a complex and confused business at the best of times but the multi-agency competition in Kosovo, with many national and multinational personnel tending to serve national before Kosovar interests, rendered it often non-existent. We do not know enough about the performance of the new KIA to know what it has been able to achieve in this intelligence kaleidoscope. Even if Kosovo progresses towards sovereignty and increased recognition, its political economy and geographical location suggests that it will always experience multifarious contests between official and unofficial intelligence bodies.

*Amexica* is not seeking sovereignty but, otherwise, the same conclusion can be drawn there. On the U.S. side, there are numerous attempts at coordinating activities but the cultural and organisational distance between national intelligence agencies headquartered in Washington DC and local policing agencies responding to populations in the southwest states is great indeed. In Kosovo the national contingents of multinational intelligence actors may have priorities similarly distant from those of localities.

The presence of significant non-state actors, some corporate, some citizen-based, complicates the situation further. It is argued that the monopoly of the use of force does not belong to the

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<sup>115</sup> Gill, 2000, 51.

<sup>116</sup> Doty 2007, 127.

<sup>117</sup> Olson & Lee, 2012, 22.



state in Mexico but, rather, ‘to a myriad of social groups that negotiate the application of the law for their personal benefit.’<sup>118</sup> Neo-liberalism has seen states retreat from providing services directly and enter into a myriad of contracting relationships with corporations whose abilities vary from the wholly professional to the dangerously amateur. Where states fail, or are perceived to have failed, to provide security and/or justice then citizen groups of vigilantes or *autodefensas* may step into the breach. Some of these groups, corporate or not may be no more able to resist infiltration by criminal organisations than are poorly-resourced state agencies and their effect is to complicate yet further a situation described by John Sullivan as ‘... neo-feudal ... where stratified governance exists: the gangs and cartels rule some functions while the state rules others.’<sup>119</sup>

Kosovo and Amexica might read like extreme cases of multi-sectoral, -level and –national intelligence but their analytical value, I suggest, is in showing up the current challenge for Intelligence Studies to move beyond state-centredness. There is no potential intelligence monopoly to compare with the Weberian monopoly of legitimate coercion and there will often be a disorderly clash of intelligence bodies which cannot be settled by law. This is a profound challenge for democratic governance.

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<sup>118</sup> Aguirre & Amador Herrera, 2013, 222.

<sup>119</sup> Sullivan, 2014, 7.

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