



Workshop
Organized Crime and its Impacts on Peacebuilding Endeavours
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FINAL REPORT

Introduction

While the corrosive effects of organized crime on states and societies in fragile contexts is recognized, there has been growing attention towards a more nuanced approach concerning actors involved in organized crime. This perception has partly developed from a better understanding of the dynamics of armed violence, the diversity of roles of territory-bound armed groups and gangs, and the governance through hybrid political orders. However, even if the importance of organized crime in peacebuilding contexts seems evident, addressing this issue in practice is very challenging. The lack of expertise and clear definitions, as well as the call for a holistic approach to the complex nature of organized crime and its consequences are just a few examples of many other challenges.

Given these challenges, the Human Security Division of the Swiss Federal Department of Foreign Affairs convened an exploratory workshop with the aim to provide an opportunity for programme and project coordinators coming from the fields of human security, development, or law and justice to openly discuss and brainstorm on the relation between organized crime, and peacebuilding and development, as well as on the way states deal – and might deal – with the issue in programmes and projects. The workshop did not aim to develop policy guidelines but focused on exchanging experiences and perspectives.

This document provides a synthesis of the workshop to facilitate and give inputs for further discussion and dialogue on the topic of organized crime and peacebuilding. It focuses on conceptual, field, and institutional perspectives and closes with an outlook on opportunities and challenges for action.

1. Conceptual perspectives

Overall conceptual challenges

The characteristics and significance of organized crime are closely related to the historical trajectory and the socio-cultural, economic, environmental and geopolitical context. Organized crime manifests itself differently if it has evolved on the margins of a civil war, as a part of a process of state formation, as a response to social exclusion, as a livelihood strategy or in response to other context-specific situations. Geographic location or natural environments are often important elements in the emergence and evolution of organized crime. Given that organized crime is characterized by a combination of socio-cultural, economic, environmental and geopolitical circumstances in a certain time and space, finding generalized definitions and characteristics is highly challenging.

The dividing line between concepts and categories has become increasingly blurred. In many contexts, it is simply impossible to distinguish between 'transnational organized crime' or 'organized crime', between the activities of 'non-state armed actors' or 'urban gangs', or between 'parallel' and 'regular' economic activities. Sometimes even the issue of 'terrorism' and 'civil war' are intricately linked to 'organized crime'. This leads to the realization, that a singular, isolated approach is not an adequate response to such a complex challenge.

There is no consensus on terminology and definition of organized crime. Besides the confusion on definitions of organized crime, this phenomenon is also approached from many different angles in local, national, regional and international legal instruments and practice. They include approaches focusing on the 'organized criminal group', or on organized crime as a 'criminal offence', 'transnational' activity, or 'market transaction'. Definitions and approaches also change over time, making it even more complicated to find a common understanding. Despite the terminological difficulties, it is well understood that organized crime is an integral part of globalization, and that in many contexts it has become an integral part of societies. Analyzing the need for organized crime to protect illicit markets is central to an understanding of the phenomenon.

The experience from development and peacebuilding practitioners in contexts marked by organized crime is frequently overlooked. In consequence, there is a disconnection between the conceptual analysis and international perspectives on organized crime, and the views and experience of municipal officials, community leaders or victims in specific contexts. Knowing more about how local actors are dealing with and are affected by organized crime in their life may help better understand the issues and options for addressing organized crime, and the strategies for strengthening peace, stability, and development despite the presence of organized crime.

How conceptual challenges affect peacebuilding endeavours

The terminological ambiguity often confuses discussions instead of clarifying them. The blurring of concepts and phenomena and the lack of a consensus make it not only difficult to identify actors involved in organized crime but also to find a common ground to cooperate between institutions and on different Track-Levels.

What is – and is not – defined as organized crime is a political decision with implications for strategies of states, institutions and civil society. The act of defining individuals, groups or markets as criminal is often political. No activity, not even killing is ontologically defined as criminal but

has to be defined as such by law, politics and institutions. So-called actors of organized crime may not define themselves as criminals, because they may see their activities as the only possible strategy to sustain or improve their livelihoods under specific given circumstances. In many contexts, the term 'organized crime' is used as a label to pressure individuals or groups and to facilitate the application of judicial, law enforcement or securitized strategies to these actors. Labelling, however, usually does not help actors on the ground to understand the problem. When contexts change, decriminalization is also an active decision. The decriminalization of actors involved in organized crime creates new challenges for reconciliation and transitional justice, but also new opportunities for peace and the reduction of armed violence.

It is crucial to conceptualize organized crime in an appropriate way, taking into account all context-specific and actor-specific circumstances. Organized crime can be conceptualized as parallel state-like structures and not only as economic enterprises or as violent criminal actors. In countries and regions where state structures are weak, informal structures, often based on organized crime, may take over state-like functions and integrate themselves completely into societies. They not only control markets and economic opportunities but also provide governance, social services and, in their understanding, even justice. They sometimes have political goals, sometimes they act purely to maximize economic profit, and sometimes engaging in criminal activities is perceived as the only way to survive. Violence is often a means to an end, rather than an end itself. This has to be considered and analysed, because only focusing on one dimension, such as the economic or the violent aspect of organized crime, may not help to solve the problem.

Organized crime often fills the shortfalls in state capacities and thus actors involved in organized crime may enjoy some legitimacy. Actors involved in organized crime are not only profit maximizers, but perform multiple roles. In addition to economic activities (e.g. extortion, trafficking, forgeries) organized crime groups can also represent the *de-facto* judicial, social, and political authority and thus provide governance in a specific setting. In most contexts, organized crime takes over those niches, which the state cannot or does not want to control. This is why, for instance, territory-bound groups in urban settings can enjoy a certain degree of legitimacy in the eyes of the people who are living in zones they control. This is especially relevant in territories or zones that have never experienced a constructive presence of state institutions.

Conclusion Panel 1

Definitions and concepts of organized crime and its actors are powerful as they have implications for concrete actions by states and institutions. They define who is an acceptable partner in dialogues, which degree of value divergence is tolerable and justifiable, and which services are provided to whom. While one should refrain from labelling actors too quickly, there is the dilemma that if the activities of actors involved in organized crime are not regarded as criminal, they enjoy a degree of legitimacy which then may affect the rights of victims of organized crime negatively. Since normative definitions and approaches always have consequences for a society, they have to be made carefully and based on a clear analysis of the context and the actors involved. Additionally, enabling factors of the context in which organized crime occurs, the specific goals of the actors involved and the humanitarian consequences of both organized crime and the countermeasures need to be considered adequately. The principle of "do no harm" must apply. Furthermore, there is a consensus that especially in fragile contexts, an isolated, law enforcement centred approach has not been successful in addressing the issue.

2. Perspectives from the field

Main experiences and insights from the field

Corruption is one of the most powerful tools of organized crime. Corruption is used as a strategy to operate in criminal markets or to protect and drive specific transactions. It can reach a wide spectrum of state and societal institutions, or be functionally limited to institutions that matter for transactions, such as law enforcement, police, or security agencies. Corruption occurs both in demand and supply contexts, but in context of weak institutions, corruption can in the long term erode of state capacities, trust in the state, and the social fabric.

Building resilience is difficult when organized crime becomes a parallel structure competing with the government. State authorities have the power to define the bounds of organized crime, but their ability to enforce these bounds depends on their de-facto control of territory and populations. In some contexts, state institutions have the power to regulate (criminal) markets; in others, (criminal) markets are regulated through informal structures. This can lead to competition between the state and the state-substituting actors over the taxation of markets and the provision of security, justice, and welfare to people. It may also lead to negotiated agreements about the 'rules of the game' between state agents and actors involved in organized crime. When organized crime competes with the state, however, it is extremely difficult to assist building resilience, especially on a local level.

The mixed results of national economic growth strategies provide the backdrop for the growth in parallel markets captured by organized crime. In many conflict-affected and fragile states, a large part of the population does not benefit from the overall economic growth and remains economically marginalized. As a result, for this segment of the population economic and livelihood opportunities, and social mobility, depends on parallel markets or illicit activities. Actors involved in organized crime often control such markets and activities, and may also provide governance services, especially in the absence of any meaningful state presence. In consequence, actors involved in organized crime can become dispensers of their own justice and providers of economic opportunities. These activities usually fall outside of normative frameworks associated to democratic values, human rights, or justice.

Often, political actors are involved in activities of organized crime. Organized crime has the capacity to sneak into all structures of a society. Especially when high ranking political actors of a country are involved, taking action against organized crime becomes extremely difficult. Furthermore, especially in fragile and conflict or post-conflict settings, former rebels or actors involved in organized crime may take over politically high ranking positions. This may be controversial and these people may still have contacts with their former partners within the networks of organized crime. However, value change always takes time and one cannot expect from these people to completely withdraw from their social networks and social milieus overnight.

Key elements for considering organized crime in peacebuilding endeavours

Using appropriate wordings may help to involve people in addressing organized crime. Experience from the field shows, that if negative wording and narratives (such as 'fighting organized crime') is changed to positive wordings and narratives (such as 'transformation of context'), far more people are willing to participate in measures to prevent the causes and consequences of organized crime, and thus become stakeholders and take ownership of the process.

The consequences of organized crime for victims and society need to be taken into account.

Too often, organized crime is only assessed as a relatively abstract phenomenon, without considering the victims and the humanitarian impacts it may have. It must be part of the role of development and peacebuilding efforts to consider the voice of victims and to address or at least alleviate the humanitarian consequences of organized crime, especially on a local level.

Intrinsically motivated local governments and civil society activities should not be underestimated in their role of addressing both the causes and consequences of organized crime and building resilience.

Bottom-up approaches are often more successful in addressing organized crime, because they are based on the perception and the values of the people directly affected by organized crime in their daily life. It is evident, that local peacebuilding and development efforts can hardly combat the global phenomena of organized crime alone. However, addressing organized crime entails a cultural dimension. A value shift from quick money towards education is required. Generally, the means of a culture of peace and tools for non-violent conflict transformation must be made available to children and youth from an early age on and continue through all ages and social status of community members. Measures like creating ownership, providing education and job opportunities, raising awareness and empowering communities are important instruments for preventing activities and the negative impacts of organized crime in a given area.

Institutional memories cannot be changed overnight.

Measures from justice and law that may work perfectly in some places do not necessarily work in other contexts. Regions, countries and communities have institutional memories and specific societal settings, which need to be incorporated or at least considered in law enforcement and justice measures.

Giving incentives or providing social and economic opportunities to actors involved in organized crime may have controversial results.

While in some places providing incentives, income-generating opportunities, and/or social services to potential or active actors in organized crime may be an effective method of preventing or combating organized crime, in other places such incentives may also motivate people to newly engage in organized crime. It is thus important, that the community, country or region is improved equally and that no one is left behind. This can help to ensure that incentives cannot be interpreted as livelihood improvements by people not yet involved in organized crime.

More attention is needed to support local peacebuilding and crime reduction efforts with initiatives at other levels.

The needs for holistic strategies to tackle organized crime are well known, but local efforts are often not adequately linked to other levels. Organized crime is rarely confined to the boundaries of one single state. Activities originating in one state may create economic and social problems within another. Similarly, victims of activities in one state may reside in their countries. Since crime is transnational, understanding its networks is crucial. Connecting efforts across district, national, regional and international boundaries are vital means of ensuring sustainable crime reduction in specific contexts.

Existing tools can be used to facilitate exits from, or address the causes and consequences of organized crime, but have to be adapted carefully.

The experience of amnesties, transitional justice, plea bargains, peace zones, as well as disarmament, demobilization and reintegration (DDR) and security sector reform (SSR) or human rights programmes can be brought to bear on peacebuilding and development in the context of organized crime. As in situations of civil war endings,

such tools are sensitive and require adequate consideration for the treatment of perpetrators and victims of violence or abuse, as well as the power of symbolic acts, prosecutions, and apologies. Generally, experience shows that organized crime actors try to legalize their illicit business. In this perspective, amnesties have led to mixed results. They can be an adequate means to open space for negotiation and be incentives to disengage from illicit activities for insurgents that fund their insurgency through criminal activities. At the same time, they can be counterproductive as organized crime groups seek a hitherto unattended political dimension solely in order to obtain impunity for past actions.

Conclusion Panel 2

Local initiatives can do a lot to prevent the causes and alleviate the consequences of organized crime within a certain area. Through this work, even the prevalence of organized crime in a certain area is challenged. In order to address organized crime in a more widespread manner, leadership from the local and national government is needed, as is transnational cooperation in law enforcement, peacebuilding and development efforts. Approaches proposed by local governments alone might not be a solution since they sometimes lack the necessary information about the global chain and dimension of their problems. Whatever the specific measures adopted may be for addressing organized crime in a sustainable manner, long-term engagement and efforts at all levels are needed, as patterns of organized crime cannot be changed overnight.

3. Institutional perspectives

Insights from institutions in dealing with organized crime

Many international actors and institutions maintain programmes and projects in contexts where organized crime is an issue. Yet little is known about their experience. This may be explained by the fact that their engagements are not generally framed by the issue of organized crime, and that many international organizations or government departments working on human security, peacebuilding or development do not integrate organized crime as an explicit cross-cutting lens into their policy planning or programme development.

Negotiated engagements with actors involved in organized crime are more common than is generally assumed. Practice evidence relates to plea bargaining, arrangements over the control of markets, territory and people, or negotiations with non-state armed actors drawing their financing from criminal activities. The demystification of negotiations with organized crime groups starts with an awareness about the labels used to characterize actors. Mediation practitioners refrain from categorising individuals as part of their engagement with parties to a conflict. Options for negotiated strategies depend on the distribution of power between the actors, and their capabilities to negotiate.

The mandates of many international institutions restrict their ability to explicitly address organized crime despite maintaining activities in contexts marked by organized crime. Mandates relating to human rights, humanitarian relief, or politically motivated violence bring with them a series of legal and action frameworks that do not easily accommodate the issue of organized crime. Institutional responses to organized crime created in the 1990s are no longer appropriate and would need adaptation to today's circumstances. However, addressing organized crime may also include measures that affect the state's sovereignty and thus clearly lie outside the legal purpose or mandate of certain institutions.

The changing nature of armed violence prompted some organizations to rethink their programming options to engage in contexts of organized crime. Pressed by rising levels and consequences of criminal violence and the concentration of various types of violence in urban settings, many international and national institutions are confronted with the need to review their human security, peacebuilding, or development policies. Such efforts include developing capacities to better respond to the humanitarian consequences of criminal violence and the need to protect people affected by such violence. There is also a realization that organized crime is an obstacle to development and human security. Ensuring the safety and security of local and international staff in organized crime contexts is another major concern of institutions.

Approaches of institutions active in the peacebuilding and mediation fields emphasize the importance of building strategies from the context upward. These approaches emphasize local perceptions and sensitivity to historical and development trajectories and the need to consult all actors that have the power to affect process dynamics and outcomes. They also emphasize that the concept of organized crime is too large and vague, and that transformative processes are shaped by the bounds of what societies are willing to accept.

Not referring to organized crime sometimes is a deliberate choice by states and institutions.

Explicitly naming activities that directly or indirectly address patterns or actors of organized crime as such may trigger unwanted consequences. First, they may generate law enforcement responses which are delicate, especially in contexts in which the dividing line between criminal or politically motivated violence is blurred. Second, for effectively addressing organized crime in peacebuilding, development or humanitarian efforts, the acceptance and approval of the state concerned for the activities to be undertaken is usually a precondition. Activities falling under the label of addressing organized crime may be interpreted by some states as interference in their domestic state affairs and thus be rejected. Not explicitly categorizing measures addressing organized crime as such may thus create entry points.

Peacebuilding and development efforts should consider humanitarian aspects.

Evidence shows that while in some cases there may be no space to talk with actors involved in organized crime about their business activities or about their political motivation, usually there is some space to talk with them to reduce their humanitarian impact. At the same time, opening humanitarian spaces in an environment dominated by organized crime and engaging with relevant actors is a highly delicate manner. Through the lack of coherence and in the absence of an internationally recognized definition, humanitarian actors might face serious legal consequences when engaging in these contexts.

The desirability of negotiated engagements of actors involved in organized crime is contested.

From one perspective, negotiations are a pragmatic response to create islands of stability or an integral part of a process of social transformation. From another perspective, negotiations are a derogation of laws, values, and principles which may be compromised or undermined if accompanied by unsustainable agreements. These perspectives are not easily reconciled and finding a common ground between them is part of the challenge of building lasting peace in contexts determined by organized crime.

State institutions are a critical driver of strategies to deal with organized crime in some contexts.

Especially in places where state institutions are strong, law enforcement and criminal prosecution can act as a credible deterrent. In contexts with weak institutions, state-building assistance can strengthen strategies against organized crime, especially in law enforcement, security, and police sectors. Some African settings are witnessing the emergence of militarized approaches against organized crime, sometimes connected to fighting terrorism. These approaches risk repeating the Latin American experience, where militarized approaches have proven largely ineffective in addressing organized crime. State institutions may also be infiltrated by organized crime. This emphasizes the necessity of integrating a political economy dimension into peace- and state-building endeavours.

There is a strong need for regional and international cooperation in contexts where organized crime has transnational connections.

Organized crime rarely stays within the boundaries of one single state. Hence the well-known need to exchange information and to coordinate policies across institutions and states. One of the major challenges is to operationalize effective bilateral, regional or international cooperation to address organized crime, especially by strengthening proactive and preventive approaches.

Conclusion Panel 3

While there is a clear agreement that states and institutions are often not properly equipped to respond to the new challenges that organized crime poses to peacebuilding and development, the proposition that explicitly labelled “organized crime” strategies are useful and needed is disputed. There is a consensus that different state institutions need to work closer together and to include also the civil society in international institutions and instruments. Addressing organized crime in peacebuilding and development activities should not start from scratch but should use and adapt existing instruments and lessons learnt in other domains.

4. Looking ahead: Opportunities and challenges for action

Many development and peacebuilding actors recognize the need to better integrate the issue of organized crime into their policy planning and programmes. While development efforts have long deliberately excluded security issues from their programmes, this focus is shifting. The experience in conflict-affected and fragile states demonstrates that organized crime is a development and peacebuilding challenge and poses a danger to valuable investments in human security and development programmes. At the same time, the nature of armed violence has changed and a rising number of countries and cities are undergoing fluid and unpredictable transition processes. Such changes underline the hybrid nature of political orders that blur distinctions between politics, business and crime. Many development and peacebuilding actors are still struggling to adjust to these new realities. While organized crime is not a new challenge, these new realities made organized crime a concern for the development and peacebuilding fields.

The framing of an issue as a 'political' or 'organized crime' problem has strategic implications. This is because each framing triggers a different kind of tool box which can include mediation and national dialogue processes for political problems, and law enforcement and criminal prosecution for organized crime problems. Within the UN system and states, political and organized crime problems also fall within different mandates of specialized agencies or government departments which in turn generate leadership claims at the policy and field level. In many contexts, operations or support provided under a 'political' or 'organized crime' label exist side-by-side.

Organized crime implies different levels of complexity. Thinking in black and white is therefore nearly impossible. Sometimes actors pursue a legitimate end by illegitimate means. Sometimes the exact contrary is the case. Sometimes the most important partners in addressing organized crime are themselves involved in criminal activities. Sometimes regions are so much affected by transnational dynamics that building resilience to organized crime seems impossible. Organized crime is mainly involved in economic dynamics. The supply, transit and demand side are geographically spread around the globe, making it a highly dynamic network. Sometimes communities are so accustomed to the governance of actors involved in organized crime, that they might not perceive the lack of peace, safety and democratic values as an abnormality anymore. Humanitarian impacts and the rights of victims pose important dilemmas when trying to talk to actors involved in organized crime. Given this complexity and context-specificity, thinking in black-and-white terms is not always helpful. Yet most policy, development and legal approaches and instruments are not well adapted to deal with uncertainties and such complex trade-offs. Dealing with these spaces of uncertainty and long-term and context-specific dynamics is one of the major challenges in addressing organized crime.

There are different levels and approaches of engagement which need to be linked much better. There are different levels of possible engagement (local, national, regional and international) which are all equally important and can focus in a complementary way on different aspects of organized crime. There is also a range of instruments and approaches to address organized crime, coming from sectors such as law enforcement, justice, police, peacebuilding, humanitarian, development and even the economy. These approaches are not necessarily compatible. Furthermore, civil society, international organisations and states often do not cooperate, even when working in the same contexts and for the same cause. Exploring innovative approaches through new partnerships across sectors and institutions related to discussions at the global level or to programmes in specific contexts may help to bridge this divide.

There is an opportunity to increase synergies between repressive and empowering approaches. While there is no consensus on how best to deal with organized crime, there is an emerging convergence of views that strategies need to be flexible, adaptive, and context-specific. However, there remain important differences between criminal justice/law enforcement and development/peacebuilding approaches. The former approach tends to operationalize programmes from the concept of organized crime downward, while the latter tends to operationalize action from the context upward. Creating synergies between these two sectors would open many new entry points for holistic approaches to organized crime.

It is possible to strengthen human security and build peace in contexts marked by organized crime. Especially national, regional and international activities need to consider the global chain of organized crime, including also addressing the demand side of economic goods, which often lays in so called stable and safe countries in Europe and Northern America. Peacebuilding and development efforts on a local level, however, play an important role in addressing the causes and consequences of organized crime within a certain geographic area. This implies that context-analysis of peacebuilding and development efforts need to allow for the causes and consequences of organized crime to be included. Measures of building resilience and preventing organized crime, as well as addressing the consequences, including the humanitarian effects of organized crime, then also have to be included in local development and peacebuilding programmes, even if they may not explicitly be labelled as such.

Measures based on local values and norms and the context-specific situation may have better chances of achieving positive results than global overarching measures and instruments imposed on societies. Institutions with local roots can be important partners, as people may rather listen to them and they can have an important stake in changing social contracts. This applies equally to development and peacebuilding but also to law enforcement, justice and police programmes. Such efforts however depend on the risk-taking, persistence, and dedication of local leaders and remain very vulnerable to exogenous pressures.

There is a clear need for discreet and long term support for local initiatives. The need for discretion is underlined by the inherently delicate and sensitive nature of assisting exits from conflict, violence, and organized crime. Support may focus on strengthening horizontal connections (between different local efforts) and vertical connections (between local, district, national, regional and international levels). Also important is change in the vocabulary from the negative or problem oriented (i.e. 'combating organized crime') to the positive and opportunity oriented (i.e. 'strengthening cultures of peace'). A change in vocabulary can help development and peacebuilding actors focus on the reduction and prevention of the consequences of organized crime, without ever mentioning the term 'organized crime'.

Annex 1: Guiding questions for the workshop

Overall

- What is organized crime? How does it affect peacebuilding?
- How can organized crime be addressed in peacebuilding programmes and projects?
- What are the institutional challenges, risks and chances of addressing organized crime in peacebuilding?
- What can states do to render their peacebuilding programmes more effective in contexts where organized crime is an important actor?

Conceptual perspectives

- Which approach to organized crime follows your current research?
- What are the main conceptual challenges to understanding and working on organized crime?
- Do you think that these conceptual challenges affect peacebuilding endeavours?
- In your opinion, what are approaches and definitions worth following, and which approaches have not yet proved worthwhile pursuing further?

Field perspectives

- In what way is your practical work affected by issues and/or actors of organized crime?
- What are the main practical challenges when trying to address organized crime in your daily work?
- Based on your experience, should peacebuilding and development endeavours address the issue of organized crime? If yes, how?

Institutional perspectives

- What is your experience of institutional challenges and constraints your organization has encountered when working in contexts where organized crime is an issue?
- Is the issue of organized crime integrated into the operating mechanisms of your institutions in specific contexts (e.g. planning, operations, monitoring)?
- Has your government or institution developed peacebuilding and/or development policies that include issues of organized crime? If yes, what type of policy and what does it contain?
- From your institutional perspective, what do you consider the roles of different actors should be dealing with the issue of organized crime in specific contexts across state actors?

Policy implications

- How should peacebuilding and development actors reconsider the efforts in contexts in which organized crime is an issue?
- What are the major chances and threats of doing so?
- Which stakeholders play which role? Are there any actors with a particular comparative advantage in addressing organized crime?
- What are measures to enhance cooperation across sectors and institutions to better address the issue of organized crime in peacebuilding endeavours?

Annex 2: List of participants

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Souleymane Camara, Chief-Commissioner, National Police of Cote d'Ivoire

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Caty Clément, Senior Programme Adviser and Senior Fellow, Leadership in Conflict Management Programme, Geneva Centre for Security Policy (GCSP), Switzerland

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