



IDENTIFYING EFFECTIVE MEASURES TO COMBAT ORGANIZED CRIME IN POST-CONFLICT NEPAL

A case study from Kathmandu

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LIST OF ABBREVIATIONS

ACTS	Applied Conflict Transformation Studies
AR	Action Research
CA	Constituent Assembly
CDO	Chief District Officer
CPA	Comprehensive Peace Accord
CPM-U	Communist Party Maoist-United
CPN-UML	Communist Party of Nepal-United Marxist Leninist
CSC	Community Service Centre
DDR	Disarmament, Demobilization & Reintegration
NC	Nepali Congress
NPA	National Police Academy
PGDPS	Post Graduate Diploma in Police Sciences
R&P	Research & Planning
SALW	Small Arms & Light Weapons

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Security in post-conflict phases has become critical to peace-building. The study of aspects of policing in post-conflict situations has becoming an interesting topic to security academician. Being a police officer for more than 16 years, this action research paper is an outcome of my endeavor to complete a Master of Arts Course in conflict studies. The support and inspiration I have received has been tremendous during the course of my research. The faculty and team of tutors have encouraged me with their valuable time, insights, comments and criticism. I would like to express my gratitude to my team of tutors, namely, Ms Monica Alfred, Dr Chona Echavez, Mr Soth Plai Ngarm, Ms Tania Miletic, Ms Ayesha Saeed and other members of the faculty of Paññāsāstra University for their guidance. I would like to recall all the resource persons during the entire course who opened and extended my horizon of knowledge. I would especially like to thank Mr. Peter Woodro for his enriching insights on system dynamics in Reflecting Peace Practices (RPP) training that I attended, which also helped me to understand the shifting dynamics of the system.

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EXECUTIVE SUMMARY

In 2006 the Comprehensive Peace Agreement was signed between the state of Nepal and the Communist Party of Nepal (also known as the Maoists). This agreement signified the end of a decade long armed conflict and Nepal transitioned into a post-conflict phase. Since the signing of this agreement, Kathmandu, the capital of Nepal, has witnessed a tremendous rise in organized crime and there has been a relatively low level of public trust in the police. Ineffective mechanisms used by the police to deal with organized crime have caused public trust and confidence to decline further. Although a number of studies have been made to understand the security situation in Nepal, no studies have been conducted that focus on the growing levels of organized crime, specifically in Kathmandu. This study focuses on identifying the factors responsible and the measures that can be adopted to deal with organized crime in Kathmandu.

This study also makes an effort to understand the trends and patterns of the organized crime, which is critical to gain a comprehensive understanding of the security of the nation. This study is based on the rising trend of organized crime and low levels of security caused by organized crime in Kathmandu. Both qualitative and quantitative data was gathered for this study. Results from the desk review of secondary data and the opinion survey conducted with police officers serve as quantitative data while data gathered from focus-group discussions and reflection sessions serve as qualitative data. The research activities were structured in three cycles. The first cycle included the crime data analysis of the five years before and the five years after the signing of the Comprehensive Peace Agreement (CPA).

In the second cycle, two separate focus-group discussions were held where the findings of the opinion survey were further discussed with two police groups; one with the senior police officers and the other with junior officers participating in the Post Graduate Diploma in Police Sciences (PGDPS) Course.

Research findings show that the Nepal Police are encountering compounding problems due to the post-conflict situation and that the measures used by police to deal with organized crime are impeding the ability of the police to gain support and cooperation from the public.

As a police officer, I used this study to highlight the need for key interventions to be made, particularly focused on enhancing police capacity through training

activities, allocation of resources and the creation of appropriate laws and community approaches that can assist the police to deal with organized crime and foster an increased level of security within society. The study shows that public support and confidence is based on professionalism, transparency and people friendly behavior conducted by the police.

Chapter 1

INTRODUCTION

1.1 Background

With the end of armed conflict in 2006, Nepal is currently in a post-conflict restructuring phase after experiencing more than ten years of armed struggle between the state of Nepal and the Communist Party of Nepal (now the United Communist Party of Nepal/the Maoists). Although the large scale violent armed struggle came to an end after the signing of the Comprehensive Peace Agreement (CPA) in November 2006, crimes like robbery, murder and extortion continue to rise in Kathmandu (People's Review, 2010). Kathmandu is experiencing tremendous challenges to security, the rule of law, hooliganism and general anarchism due to these crimes. The pervasive criminality and increase in criminal groups has had a negative impact on public confidence in the police as the public perception towards police is largely based on how effectively the police deal with crime in any given area.

The state is recovering from conflict and has limited capacity, which is weakened further by political instability and the policies adopted by state agencies. The weakening of state capacities in the post-conflict period facilitated the emergence of new forms of crime and consequently systems of violence. In this context, it is important to prioritize security and the rule of law to reduce serious crimes that could further destabilize society and undermine the reconstruction effort for lasting peace.

During the post-conflict phase, the activities of organized criminal groups severely weakened the state institutions, undermining their effectiveness and legitimacy.

Consequently, efforts to combat organized crime are essential to bring lasting peace. In other words, combating organized crime should be part of peace-building throughout the conflict continuum, i.e. from conflict prevention, to conflict management and then to post-conflict peace-building. Increased criminalization in Kathmandu Metropolitan City has become a huge challenge to policing. This situation clearly warrants the need for appropriate mechanisms to deal with the rising levels of organized crime in Kathmandu; motivating an in-depth study. Due to the post-conflict situation, allowing such incidents to continue could further compromise security and the levels of trust that the public have with the police. It is my belief that this cannot be solved solely on the basis of philosophical reasoning but, rather, must be analyzed in detail with facts and evidence.

Therefore, being a responsible officer in the police, through this research, I try to explore the possibility for positive change and approaches to deal with the situation detailed above. As a first step to a vast change in society, this research will specifically make an effort to identify effective measures to combat organized crime in post-conflict situations using Kathmandu as a case study.

This paper will specifically help to understand the state of organized crime in Kathmandu Metropolitan City in its current post-conflict situation. I have also tried to analyze the factors that are responsible for the rise of criminality and then identify appropriate measures on how these can be managed to reduce the increased level of organized crime.

1.2 Country Context

Nepal is a multi-ethnic, multi-lingual, multi-religious country, situated north of India and south of China. It is land-locked and one of the developing countries in the world. The country is divided into three regions: mountainous in the north, hills in the central regions and plains in the south. Administratively, it is divided into five regions, 14 zones and 75 districts. Almost 80% of the population are Hindu, around 10 % are Buddhist and the remaining 10% of the population is made up of Christians, Muslims and others groups (Central Bureau of statistics, 2011). Nepal is a new republic and currently in the process of post-conflict reconstruction.

The signing of the CPA in November 2006 formally ended ten years of violent armed conflict between the state of Nepal and the Communist Party of Nepal (currently the United Communist Party of Nepal/the Maoists). With the enactment of the Interim Constitution in January 2007 an interim government was formed in April, 2007. Nepal has entered a new era of transformation, with the aim of establishing the country as a peaceful, democratic, and lawful society.

Although high-intensity conflict has ended, significant problems exist in the social order and the people's trust in the police is declining throughout Kathmandu due to ineffective police mechanisms to deal with organized crime. In this post-conflict situation, Kathmandu faces tremendous challenges to security and general lawlessness and increased criminalization of society.

The Nepal Police, the leading security agency for law enforcement, has been impeded by limited logistical and human resources to deal with new forms of crime in the post-conflict situation. During the conflict, the Nepal Police spent ten years fighting as a party of the conflict. Currently, the police lack the material resources, training and more importantly effective mechanism to handle new dimensions of organized crime.

While organized crimes are not new, political protection of these groups and the use of criminals by political actors appear to be on the rise. Crime is becoming increasingly politicized. Increasing political interference and criminal activities further impede policing (Cochran-Budhathoki, 2010). As a result, civilian security as well as criminal investigation is compromised on a daily basis. Further, declining public trust in the police is caused by the public perception that the police are ineffective and cannot deal with new forms of crime. The emergence of criminal groups in Kathmandu after the signing of the CPA led the Kathmandu police force to initiate plans to deal with new criminal groups. Unfortunately, most of the attempts were unsuccessful.

A police report on 100 high profile organized crime members in the Kathmandu Valley categorized these individuals in three grades; 26 individuals were classed as 'A' grade organized crime members, 25 as 'B' grade and the remaining 49 were categorized as grade 'C' reflecting the level of insecurity in Kathmandu (Metropolitan Crime Branch, 2011). A survey study conducted by the Kathmandu School of Law revealed that 480 cases of criminal activity took place in the capital in the three months following the signing of the CPA. Among these cases 187 involved armed robbery, 16 cases were murders, 49 cases were gang fights and there were more than 50 cases of extortion reported (Kathmandu School of law, 2006). The rise of crimes such as kidnappings and extortion indicate that new mechanisms are needed to deal with the structural changes in criminality. As a consequence of the post-conflict violence and rising crime, new and often conflicting demands are made on the police forces which often require more authoritarian and repressive tactics to fight violence and social order. Disrespect for the law and social order has fostered a culture of violence and has rewarded the use of force.

The context of Kathmandu clearly stands out as a post-conflict society where insecurity is prevalent and organized crime is connected with the post-conflict environment. The alarming rise of organized crime and the ineffective use of conventional strategies by the Nepal Police to deal with these crimes in Kathmandu is a huge challenge. To put an end to this culture of violence and to address security concerns, efforts have to be made to ensure the public gain trust and confidence in the police.

1.3 Work Context

The Nepal Police have been the leading security agency for law enforcement and maintaining the rule of law since their inception when Ram Dal¹ of the Nepal Army detached creating the Nepal Police. The culture and working pattern of the police uses military standards even though policing is very different from the military. The Nepal Police have a total of 60,070 police personnel deployed across the country with 2058 police personnel working in Kathmandu (Metropolitan Police Range, 2011).

The Nepal Police headquarters consists of a Police Inspectorate, Administration Department, Human Resource Department, Crime Investigation Department, Operations Department, Technical Department and the National Police Academy (NPA). The metropolitan police commissioner's office and five regional police offices take direct control of policing across the country. There are 14 zonal police offices, 75 district police offices and more than 2000 police units are responsible for day to day policing at the local level.

The NPA, which is an apex training institution of the Nepal Police, conducts basic police training for police inspectors and runs various inductions and advanced level training for policy, supervisory and action level police officers. It also supervises and monitors affiliated training programs conducted by the Regional Police Training Center. The organizational structure of the NPA has a Research and Planning (R&P) Division as one of its key structures along with Training, Administration, and Extra Curriculum Divisions. The R&P Division conducts analysis and research in the field of policing with the aim to improve police practices and to identify the training needs of various policing subjects on a regular basis.

Being a Deputy Superintendent at the NPA, I work as a training coordinator of the PGDPS. This action research paper is well connected to the mission and shared vision of the NPA. The mission of my organization is to train and develop officers

¹ The Nepal Army Battalion transitioned into the Nepal Police in 1950.

into professional individuals and effective leaders. Continuous research in the field of policing can serve this purpose. The NPA envisions being a center for excellence in the field of policing within the country and abroad, and the NPA aspires to be an academic center that other training institutions can use as a benchmark for best practice. It hopes that its graduates will be capable and adaptable, ready to serve the community and meet the changing needs of the operating environment. This clearly sets a platform for support of perpetual academic activities exploring contemporary policing topics.

Conflict, peace and development are therefore cross cutting areas that affect policing. As a police officer, I am always interested to see whether the outcome of any police related research agenda could be utilized to achieve better practices of policing at the field level. The NPA, being a nationwide organization, encounters new situations every day and faces challenges motivated by changes that have emerged since the signing of the peace agreement. The need to cope with changing on the ground dynamics characterized by the rise of new forms of crime and the demand for new and integrated approaches to policing is obvious. In light of this changing context, NPA can be understood as an apex training institute where research is its first priority after training activities.

Being involved at the R&P Division as a senior team member and a trainer and having more than five years work experience in the Kathmandu Metropolitan Division before and after the signing of the CPA in 2006, I took this project as an action research project for the course of Applied Conflict Transformation Studies (ACTS). The outcome of the research will help others to understand the rise of organized criminality and assist in carrying out the daily policing in Kathmandu.

1.4 Research Problem

The Metropolitan Police in Kathmandu are unable to gain trust and support the population as organized crime continues to increase. The Metropolitan Police have undertaken the remarkable challenge of gaining support from the people as well as attempting to minimize organized crime in the current post-conflict situation.

1.5 Research Goal

The aim of this research is for the Metropolitan Police Range in Kathmandu to become successful in handling organized crime together with the support and trust of the people.

1.6 Objectives of the Research

This research paper will undertake the following actions in an attempt to achieve the goal outlined above. The paper examines the state of organized crime and the trust and confidence of the public towards the police in Kathmandu metropolitan city, analyzes the underlying factors responsible for the rise of organized crime in Kathmandu, studies the present approach of the Nepal Police in tackling the increasing levels of organized crime and assesses potential measures that appear relevant and appropriate to deal with organized crime in Kathmandu after the CPA.

Chapter 2

LITERATURE REVIEW

2.1 Theoretical Background

The theoretical framework adopted for this action research paper is based on some crucial conceptual areas that need to be taken into consideration in the analysis of organized crime in Kathmandu.

The conceptual areas relating to organized crime in post-conflict Kathmandu include the types and nature of post-conflict organized crime, sociological perspectives of organized crime, the community policing approach and systems thinking in the context of post-conflict situations.

2.2 Organized Crime in Post-Conflict Situations

In many post-conflict countries, the period after the signing of a peace accord is characterized by an unprecedented rise in violence, criminality and insecurity leading to disorder in the society. The real challenge of post-conflict rebuilding is not only the reincorporation of former combatants, the rule of law, policing and good governance, but rather concerns increases in post-conflict crime, which depend on two main interrelated conditions. The first condition is structural and deals with the inclusivity of the rule of law, good governance and its role in mitigating social antagonism of socio-economic and political structures. The second condition is arguably more important and concerns agency or defining the instrumental role of groups that exist in a system of violence (Richani, 2010:433).

The field of law enforcement has been evolving from taking a reactive approach to crime to a preventive approach to reduce crime and improve community safety. This means continuing to address ongoing issues of crime while simultaneously mobilizing support from the community for law enforcement and crime-prevention efforts.

In post-conflict situations of violence and rising disorder new and often conflicting demands are made on police forces. On one hand, police forces are increasingly pushed towards legality, accountability and respect for human rights. On the other hand, rising crime and increasing public fear and insecurity often demands police forces to be more authoritarian and use repressive tactics in policing.

Coletta and Muggah (2009) point out that conventional security mechanisms used to promote security on their own are insufficient. Employing measures such as Demobilization, Disarmament and Reintegration (DDR), peace agreements, Security Sector Reform (SSR) and peace keeping can overlook contextual issues such as complex social and political dynamics found in local contexts. They highlight the importance of identifying contextual issues in order to avoid exacerbating the existing security situation.

Post-conflict situations, irrespective of their general commonalities, remain unique and come with new prospects and challenges. Conventional strategies to deal with post-conflict situations appear ineffective and the use of conventional strategies as a tool for intervention could exacerbate security concerns in the existing post-conflict situation.

The foundational to any theory of policing is the idea that policing is not simply a matter of formal laws that the police enforce or the kind of state that the police has jurisdiction over. Policing also entails informal, on-the-spot decisions which sometimes are not considered to be part of policing. In this sense the police act outside their bureaucratic role as enforcer of the formal written law (McGoldrick & Meardle, 2006:5).

Nepal is most likely to adopt a militarized policing model and repressive policing strategies given the military history of the Nepal Police. Therefore, to enforce the rule of law and protect citizens against crime and violence, post-conflict policing needs to align with the changing context.

Generally the following four aspects are considered to distinguish organized crime from other types of crime (Beare & Naylor, 1999:32).

Economic Crime: Appearing like other commercial crime to increase economic activity. However, the increase in economic activity may, as a consequence of the offence, be unfairly distributed and involve predatory acts.

Use of Violence: Violence or the threat of violence is regarded as an element that distinguishes organized crimes from others crimes. Depending upon the type of organized crime, violence occurs at different stages and society is directly and deliberately threatened.

Corruption: Corruption is a very common phenomena associated with organized crime. Corruption occurs either facilitating the conduct of the offence or helping to cover it up afterwards.

Money Laundering: In all organized crime, some form of money laundering occurs. The criminals first hide and later launder money to evade detection and enjoy the proceeds.

The characteristics of societal stability and order is intimately related to how societies limit and control crime and violence. Ways of dealing with violence are embedded in institutions and organizations. Therefore, the effects of organized crime on society as a whole is the focus of this study. Criminality in post-conflict environments must be dealt with in a broader sense. Issues need to be considered in a holistic way in order for change to become sustainable. Therefore, it is important to examine the holistic pattern of criminality in the post-conflict situation that existed during the research period.

2.3 Sociological Perspective of Organized Crime

A society that can not solve a problem and achieve a basic level of stability to maintain peace and to function in an efficient way may descend into anarchy and will soon cease to exist. In general, societal stability and order is maintained through culture and power (Smith & Natalier, 2005:9).

Maintaining social order is primarily created through the use of positive sanctions and socialization (Smith & Natalier, 2005:9). The majority of people within a society are happy to conform to the social order. Individuals who deviate from a social order usually incur negative sanctions decided on by the society, which act as a deterrent to future deviation (Smith & Natalier, 2005:9).

This research is more focused on the policing of organized crime and criminal groups responsible for orchestrating the organized crime. Within this sphere there are various criminology theories based on vast research of this subject. I believe social control theory and alliance theory are the most useful examples for examining the current situation in Nepal.

Social control theory is a criminology theory where social control refers to those processes by which the community influences its members to conform to established norms of behavior. According to Abadinsky (as cited in Gottschalk, 2010:3), social control theorists argue that the relevant question is not why people become involved in crime, organized or otherwise, but rather why people conform to societal norms. If, as control theorists generally assume, most people are sufficiently motivated by the potential rewards to commit criminal acts, the relevant question concerns why a few people make crime a career. According to control theorists, delinquent acts occur when an individual's bond to society is weak or broken. The strength of this bond is determined by internal and external restraints. In other words, internal and external restraints determine whether people move in the direction of crime or abide by the laws of their society (Gottschalk, 2010:3).

In the same way, alliance theory is concerned with partnership, often referred to as an alliance, which has been noted as a major feature of criminal organizations. Partnership can reduce the risk of inadequate contractual provisions. Trust is critical for success in partnerships and criminal organizations are often based on trust between their members (Gottschalk, 2010:3).

According to Das and Teng (as cited in Gottschalk, 2010:3), the conditions of an alliance change over different stages of alliance development and can be understood as a development process. Das and Teng (as cited in Gottschalk, 2010) explain the alliance development process as consisting of the following stages.

Formation Stage: During the formation stage, partner firms approach each other and negotiate an alliance. They then engage in an agreement and set up the alliance by committing various types of resources. This involves a high level of collective strength, a low level of inter-partner conflict and a high level of interdependency.

Operation Stage: During the operation stage, partner firms collaborate and implement all agreements of the alliance. The alliance is likely to grow rapidly in size during this stage, similar to the growth stage of organizational life cycles.

Outcome Stage: During this stage, the functionality of the alliance becomes tangible and can thus be evaluated with some certainty. There are four possible outcomes for an alliance at this stage—stabilization, reformation, decline, and termination. A combination of outcomes is also possible, such as a termination after reformation.

The social perspective of crime, particularly social control theory's explanation for why people chose crime as a career is very crucial when studying the underlying causes behind organized crime. In the same way, alliance theory is useful to understand the partner concept in the group and the different stages of alliance development accounting for the way organized crime begins to function.

2.4 Post-Conflict Community Based Policing

In countries that are emerging from conflict or are transitioning to democracy, the police often have a history of being a tool for repression and this may tempt any incumbent regime to continue using the police in this way. In these contexts especially, the historic legacy of the police force therefore necessitates the adoption of a different philosophy of policing removed from the regime they support and party politics and with a clear role that is distinct from that of the military. This philosophy focuses on communities, the public and their needs and providing policing as a service to the public in an accountable manner and through respect for human rights (Mathias, Kendrick, Peake & Groenewald, 2006:3).

“Community policing is a philosophy of policing, based on the concept that police officers and people working together in creative ways can help solve contemporary community problems related to crime, fear of crime, quality of life, and neighborhood conditions” (Kappeler & Ganes, 2009:5). It incorporates a philosophy that broadens the police mission from a narrow focus on crime and law enforcement to a mandate encouraging the exploration of creative solutions for a host of community concerns including crime, fear of crime, perceptions of disorder, quality of life and neighborhood conditions. Community policing, in its ideal form, not only addresses community concerns, but it is a philosophy that turns traditional policing on its head by empowering the community rather than dictating to the community. In this sense, policing derives its role and agenda from the community rather than dictating to the community.

In post-conflict situations such as Argentina and Guatemala there has been a lack of police enthusiasm for community policing. Police officers are focused on a more

result oriented approach during post-conflict situations and community policing is seen as a gradual process that takes time to produce results.

2.5 Conflict Analysis Using Systems Thinking

A system is an interconnected set of elements that are coherently organized in a way that achieves something. It consists of three things: elements, interconnectedness and a purpose (CDA, 2012:3).

According to Anderson and Johnson (CDA, 2012:3), the principles of system thinking are characterized by thinking of the big picture, balancing short term and long term perspectives, recognizing the dynamic and the complex and interdependent nature of systems, taking into account both measurable and non-measurable factors and the function and influence of each part of the system to influence each other.

System thinking is a way of understanding the reality that emphasizes relationships between parts of a system rather than the parts in isolation (CDA, 2012:3). System analysis helps to explore dynamic relationships among different factors. It has the potential to help bridge the gap between programming by including analysis of points of leverage and approaches for interrupting or changing the system.

According to the CDA resource manual, the characteristics of a system include interconnectedness, purpose, dynamic casualty and feedback loops. Interconnectedness described as a system consists of elements, things tangible or intangible and relationships or connections that hold the elements together and carry out some specific purpose. The most important characteristics of a system is that the relationship between causes and their effects are not linear. The feedback loop makes a casual connection from a factor or element that comes back to effect that element.

Further, the loop can be reinforcing, which is dynamic where all the factors tend to build on each other, each one contributing to or even augmenting the overall dynamics. The balancing loop is dynamic and serves to return to a state of equilibrium or to counteract the dynamic of a reinforcing loop (CDA, 2012:4).

Therefore, systems thinking is the process of understanding how things influence one another within a whole. Systems thinking has been defined as an approach to problem solving, by viewing problems as parts of an overall system, rather than reacting to a specific part. Outcomes or events are seen as potentially contributing to the development of unintended consequences. Consistent with systems

philosophy, systems thinking attempts to understand the system by examining the linkages and interactions between the elements that comprise the entire system.

The cause and effect of the relationship is very relevant when looking at points of intervention. In the context of Kathmandu, viewing underlying causes behind organized crime and the effects of the crimes in the community in a systemic loop helps to identify a point of intervention, which according to system thinking is a point of leverage. Identifying points of leverage is one area that this study aims to address in order to bring about change in the existing system of dealing with organized crime.

2.6 Operational Definition and Measurement of Selected Concepts

2.6.1 Definition of Organized Crime

Currently there is no globally accepted definition to organized crime. The United Nations Convention on Transnational Organized Crime was initiated in September 2003 and is to-date the most important international legal instrument attempting to form a definition of organized crime.

The Convention is a legally binding document committing states that have ratified it to take measures against transnational organized crime. This applies to any "serious crime" defined as "conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty" if the offence is transnational in nature and involves an organized criminal group (United Nations, 2001:5).

An "organized criminal group" is defined as a "structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit" (United Nations, 2001:5).

2.6.2 Organized Crime in the Nepalese Context

In Nepal organized crime is defined as an offence committed by a structured group, in concert with a criminal group, or the involvement of an individual as a founding member or a member of the criminal group in order to obtain financial or other material benefits directly or indirectly. Organized crime has a minimum sentence of three years of imprisonment and covers offences related to corruption or money laundering (Law Commission of Nepal, 2011:5).

Based on the above definition of organized crime, the following 11 crimes have been categorized as organized crime by the Nepal Police and the definitions of the crimes included in this study are outlined in Table 1, detailed below.

Table 1: Organized Crime List

	Organized Crimes	General Definitions
1	Murder	The unlawful killing of another human being with malice aforethought (premeditation); killing a person during the commission of a felony also constitutes murder—even when the killing is unintentional.
2	Robbery	Taking of property from a group of four or more persons by the use of force or the fear of force.
3	Fraud	An intentional misrepresentation or deception employed to deprive another of property, a legal right or to otherwise do him or her harm.
4	Counterfeit currency	Smuggling of fake currency.
5	Drug offence	Offence related to drug use, possession or smuggling.
6	Extortion	Crime of obtaining something from someone, especially money, by using force or threats.
7	Kidnapping	To take someone away illegally and by force, usually to hold them prisoner in order to demand something.
8	Offence regarding bombs and explosives	Offence in relation to explosions and the use of explosives.
9	Offences related to firearms and ammunitions	Illegal possession of fire arms and ammunitions.
10	Gambling	Illegal act or activity of betting money.
11	Aggravated theft	Theft committed by a person who either steals on a professional basis, commits the offence as a member of a group formed for the purposes of carrying out repeated thefts or carries a firearm or other dangerous weapon with him for the purpose of committing theft.

Source: CID, NP

Chapter 3

RESEARCH METHODOLOGY

3.1 Research Design

An action research design was applied to this research. The participatory method was used to gather the ideas and opinions. In addition, a review of relevant literature provided a comprehensive idea of the subject and analysis of secondary data highlighted the current levels of crime in Kathmandu. The primary data consisted of an opinion survey that was conducted through a questionnaire (annexure no.1 & 2). Those who participated in the opinion survey were police officers working in the Metropolitan Police Range in Kathmandu and civilians from the community service center in Kathmandu. Focus-group discussion and review meetings were undertaken separately with senior police officers (police inspectors and above) and junior offices (sub-inspectors and assistant sub-inspectors) who were studying the PGDPS. In addition, there were meetings held with the project team members and a research journal was kept to record reflections on the research processes. The opinion survey focused on the identification of appropriate measures that could be used to deal with organized crime in Kathmandu as well as measures that could effectively enhance police capacity to deal with organized crime.

The answers from the participants, observation made by the researcher and the rest of the team and reflections during the group discussions were the main tools used to answer the research question. The surveys and discussions were conducted by the project team members with the support of other units concerned.

3.2 Research Questions

Based on the overarching goal of gaining awareness about the factors responsible for the rise in organized crime in Kathmandu, three research questions were posed:

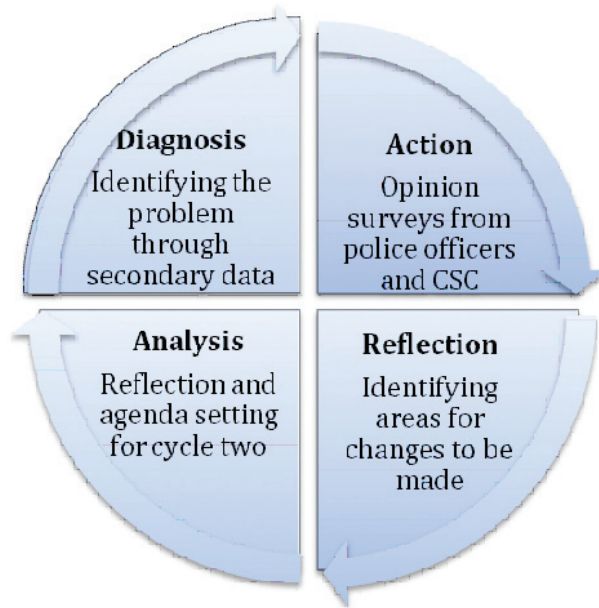
1. How does the Metropolitan Police Range in Kathmandu handle organized crimes in the current post-conflict situation?
2. What effective measures could be developed to deal with organized crime in the present post-conflict situation in Kathmandu?
3. How can the police build trust and increase cooperation with the public to address crime more effectively?

3.3 Action Research Cycles

Three Action Research (AR) cycles were designed for this research. The first cycle involved identifying the challenges posed by current levels of organized crime through secondary data. This included a review of the crime statistics on organized crime in Kathmandu before and after the signing of the CPA. The criminal trends of the five years before the signing of the CPA were taken and compared with trends that emerged in the five years after the CPA.

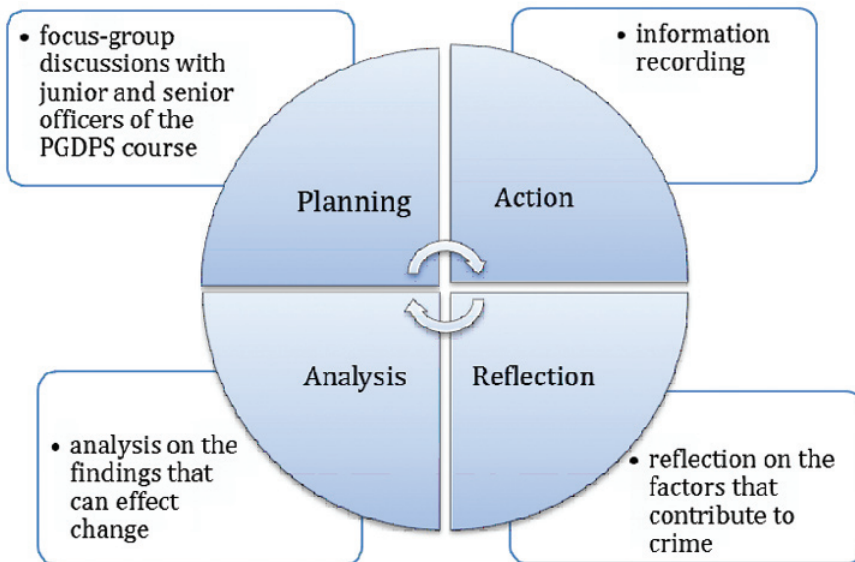
The first cycle also included an informal project briefing with other project members. This was by an opinion survey conducted with the respondents. The respondents were police officers working in the Metropolitan Police Range in Kathmandu and civilians from the Community Service Centers (CSC) of Kathmandu. Through action, reflection and interpretation, further agendas were identified for the second cycle. The first cycle is shown in Figure 1.

Figure 1: First Cycle



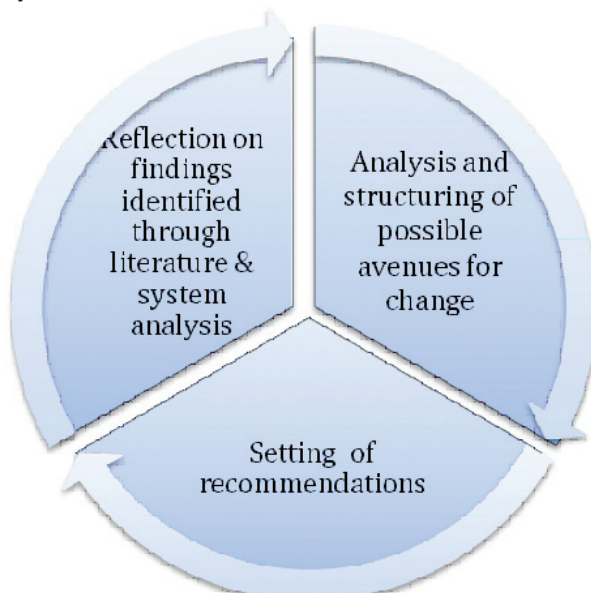
The second cycle involved focus-group discussions with the police officer participants of the PGDPS at the NPA. The participants of the PGDPS included senior officers (police inspectors and above) and junior officers (assistant sub-inspectors and sub-inspectors). They were chosen due to their posting in Kathmandu. There were two focus-group discussions conducted, one for the junior officers of the course and another for the senior officers participating in the same course. This cycle reinforced the learning of the first cycle. The information gathered was systematically analyzed and presented and learning was fed into the next cycle. The second cycle is detailed in Figure 2.

Figure 2: Second Cycle



The third cycle involved reflections, analysis and suggestions. In this cycle the arrangement of the research paper was decided through systematic analysis to show and present findings that detail approaches to deal with post-conflict organized crime in Kathmandu. The third cycle is detailed below in Figure 3.

Figure 3: Third Cycle



3.4 Sampling

The samples used for the research were from the NPA, the Metropolitan Police Range in Kathmandu and CSCs, as these groups were the focus of the study. The questionnaire respondents were selected from different groups comprising of police personnel and civilians from community service centers. A total of 335 police personnel completed the questionnaires from a total of 2058 police personnel working in the Metropolitan Police Force. In addition, a total of 192 civilians completed the questionnaire from a total of 367 working as volunteers in the CSC. Both the sample sizes were determined through Slovin's sample size formula.² Before administering questionnaires, a pre-test was conducted on a small group of respondents in the adjoining district of Lalitpur³ and Bhaktapur⁴ as both of these districts have similar criminal trends as those seen in Kathmandu.

3.5 Data Collection Tools and Techniques

In the research the qualitative and quantitative information was gathered through various methods. The opinion survey was carried out through a questionnaire. The collection and compilation of information was conducted at different levels of action and reflections. My personal observation, reflection from the project team members and the participants of the focus group discussions were the main source of information. Qualitative data was comprised of focus-group discussions, case studies and journals, whereas crime records and survey questionnaires were the principal methods used to collect quantitative data.

3.6 Mode of Data Analysis and Reflections

Data analysis and interpretation are critical stages in the action research process and were involved at different levels of the research process. A research journal was kept and detailed key observations during all stages of research. The reflections of the project team members were also collected. The notes of each were analyzed after each stage of research was completed. The data consisted of reflections about each event, case studies and sharing of the findings of the research with the police officers working in Kathmandu. However, rethinking, reflecting, discussing, replanning, understanding and learning were undertaken throughout the action research process. This action research project was a cycle of actions and reflections.

² Slovin's sample formula is a statistical formula used to determine an appropriate sample size when little is known about the group. The formula is $n = N / (1 + Ne^2)$ where n is the appropriate sample size, N is the total number of the population and e is the margin of error that is acceptable in the study.

³ Second largest district of Kathmandu Valley.

⁴ One of the three district of Kathmandu Valley.

Therefore, definite actions were planned in every cycle and reflections were noted in all of the phases.

3.7 Limitations of the Study

In this research only crimes defined as organized crime under Nepal's official definitions were used. The research isolates organized crime that has arisen due to the post-conflict situation. No specific categories exist in the Nepal Police system for measuring the size or impact of organized crime due to the conflict. Thus, the survey and focus-group discussions do not provide encompassing results.

This research does not examine specific measures to deal with each specific type of crime. The causes of organized crime are considered in this research but the focus is on the enhancement of measures to deal with organized crime in the post-conflict situation in Kathmandu. Further, this research is limited to the jurisdiction of the Metropolitan Police Range in Kathmandu.

Chapter 4

DESCRIPTION OF THE RESEARCH

Prior to this research the Nepal Police had instigated various plans and strategies to combat rising levels of organized crime, but their efforts had not been effective. Because of this, I questioned whether the police approaches to organized crime were relevant to the post-conflict environment and if the police had done enough to foster public support. To answer these questions, I formulated AR cycles with a reflective action research design. The objective of the research was to help develop a strategy by identifying effective measures that could combat organized crime in Kathmandu. Given the topic of this research, I have organized the research design to include both qualitative and quantitative data analysis.

4.1 Actions and Reflections

This action research study primarily focuses on actions and reflections. Therefore, definite actions were planned in every cycle and reflection drawn in all of the phases. My action research focuses on three levels of application.

4.1.1 Reflections From My Own Experience (Inner Feelings and Responses)

At this level, from my own learning and current position in the police force I reflected on how to effectively deal with organized crime in Kathmandu.

My experience in working at the Metropolitan Police Range in Kathmandu, both before and after the signing of the CPA, provided valuable insight into the state of organized crime and appropriate measures to deal with the situation.

4.1.2 Reflections From Personal Actions and Interactions with the Project Team

At this level, I interacted with the project team members (including myself and other members of the R&P division of the NPA) and also with the peer group who were working at NPA and who had experience policing in Kathmandu. I chose different tools, both formal and informal, to increase the level of interaction and build unity. Opinions and reflections of the team members was another area that contributed to the findings of this study and helped to set the agenda in subsequent phases. The follow-up meetings with the team helped to clarify our aims and to revise our plans for further activities.

4.1.3 Reflections from Participants

At this level, the participants considered how they felt the problem should be addressed during the research. They also considered how the existing mechanisms could be developed to bring about change. Reflection at this level was very useful to identify appropriate measures to deal with the research questions.

The study identified structural changes necessary to the existing police system, including changes to core policing duties that, if undertaken, would help policing strategies to deal with organized crime in the post-conflict situation in Kathmandu.

4.2 Analysis of Quantitative Data

Quantitative data consisted of two sets of data. The first set of quantitative data consisted of secondary data; the crime records from the Crime Record Section held at police headquarters. These were organized crime records of Kathmandu, five years before the signing of CPA in 2007 and the five years following the agreement. The analysis of the crime statistics provided an overall picture of organized crime during both the conflict and post-conflict phases in Kathmandu.

The second set of quantitative data consisted of data gathered in a questionnaire. The collection of this information provided more objective analysis of the state of organized crime, reasons behind these crimes and effective measures that could be adopted in the post-conflict situation.

4.2.1 Analysis of Secondary Data

The following tables present data on various forms of organized crime recorded from the Crime Record Section of police headquarters in both the five years before the signing of the CPA and the five years after the agreement was signed.

Table 2: Organized Crime Before the CPA (2002-2007)

Organized crime from 059/060 (2002-2003) to 063/064 (2006-2007) (Kathmandu District)							
Crime	059/060 (Mid-July 2002- 2003)	060/061 (Mid-July 2003- 2004)	061/062 (Mid-July 2004- 2005)	062/063 (Mid-July 2005- 2006)	063/064 (Mid-July 2006- 2007)	Total	
	No.	No.	No.	No.	No.	No.	Average
Theft	58	63	81	118	194	514	102.8
Robbery (Dacoit)	28	18	27	30	51	154	30.8
Murder	32	35	28	41	31	167	33.4
Gambling	6	6	1	2	0	15	3
Counterfeit currency	8	12	10	16	11	57	11.4
Fraud related	48	42	54	54	66	264	52.8
Drugs	21	20	28	49	94	212	42.4
Explosives	4	6	8	4	3	25	5
Extortion	2	8	4	9	4	27	5.4
Kidnapping	0	0	0	0	0	0	0
Weapons possession	3	5	8	11	21	48	9.6

Note : The time-period covered in this table is from mid-July 2002 to mid-July 2007.

Source: Crime Record Section, Crime Investigation Department, Nepal Police HQ. Naxal

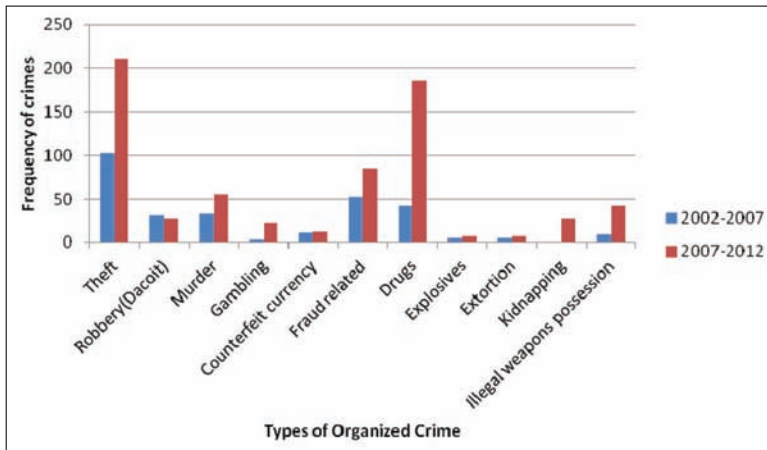
Table 3: Organized Crime After the CPA (2007-2012)

Organized crime from 064/065 (2007-2008) to 068/069 (2011-2012) (Kathmandu District)							
Crime	064/065 Mid-July 2007- 2008	065/066 Mid-July 2008- 2009	066/067 Mid-July 2009- 2010	067/068 Mid-July 2010- 2011	068/069 Mid-July 2011- 2012	Total	
	No.	No.	No.	No.	No.	No.	Average
Theft	190	175	258	230	201	1054	210.8
Robbery (Dacoit)	37	19	23	27	33	91	27.8
Murder	49	59	52	58	62	280	56
Gambling	0	6	23	63	23	115	23
Counterfeit currency	16	12	12	11	11	62	12.4
Fraud related	62	43	81	139	99	424	84.8
Drugs	124	140	195	285	184	928	185.6
Explosives	9	6	4	8	11	38	7.6
Extortion	3	7	8	9	12	39	7.8
Kidnapping	38	46	24	19	13	140	28
Weapons possession	44	42	50	49	28	213	42.6

Note: The time-period covered in this table is from mid-July 2007 to mid-July 2012.

Source: Crime Record Section, Crime Investigation Department, Nepal Police HQ. Naxal

Figure 4: Organized Crime Before and After the CPA



The average number of crimes per year in the five years before the CPA was 103. This number doubled in the five years after the CPA rising to 206. A significant rise is observed in gambling where the initial average rose from 3 in the five years before the CPA to 23 in the five years after the agreement was signed. The highest increase is seen in crimes relating to drugs where the average rose from 42 before the agreement to 185 in the time period after the agreement was signed. In addition, an increase in kidnapping can be seen clearly. There was no record of kidnapping before the CPA, but after the CPA the average number of kidnappings rose to 28 per year. The analysis also showed a sharp rise in possession of illegal weapons with the average increasing from nine per year in the five years before the signing of the agreement to an average of 92 per year in the five years after the agreement was signed. Robbery, crimes related to bombs and explosives and counterfeit currencies also rose moderately in the five year time period after the agreement was signed.

4.2.2 The Questionnaire

To obtain meaningful feedback, a set of questions was carefully formulated. In constructing the questionnaire, issues were selected in order to capture all views by offering respondents a wide choice of options and thereby encouraging a greater range of responses.

The same questionnaire was given to police personnel working in the Metropolitan Police Range and CSCs in Kathmandu. The questionnaire consisted of five open ended questions, respondents were not limited in the length of their response and were encouraged to have as much input as they desired.

The five areas covered in the survey questionnaire were the state of organized crime, police efficiency, underlying reasons for crime, obstacles to dealing with crime and effective measures to be adopted. The questionnaire was given to two participant groups; one to the police officers and the other to civilians involved in a CSC. The study encouraged participants to respond openly and honestly and assured participants that there would be no power manipulation.

There are 23 CSCs with 367 representatives and the total number of police personnel working in the Metropolitan Police Range in Kathmandu is 2048. Findings from the opinion survey conducted with the police participants showed that the police perceived the most frequent organized crimes as smuggling and trafficking of drugs, red sandalwood, wildlife and human trafficking whereas the civilian group thought the most frequently occurring organized crimes related to firearms. Findings also showed that both groups perceived a rise in serious crime and theft of property. With regard to police efficiency, both groups expressed the opinion that the police lacked the capacity to deal with organized crime.

The findings showed that both the police and the civilian participants viewed the reasons behind organized crime as political including political criminality, interference, liquidity and political transition. Group opinions varied with respect to other reasons behind the organized crime. Police participants indicated that inadequate laws were the second most significant reason for organized crime whereas civilian perceptions included a lack of police skill in investigation, weak police morale, lack of resources and poor coordination within the police force. The civilian group also identified social factors like unemployment, migration, evolution of newer technology, less awareness and youth attitudes as significant factors.

Table 4: Opinion Survey Results - Organized Crimes in Post-Conflict Kathmandu

S.N.	List of Crime	Police Perception		Civilian Perception	
		No.	%	No.	%
1	Smuggling / Trafficking	111	33	46	24
2	Crime related to firearms	97	29	108	56
3	Property crimes	70	21	19	10
4	Serious crimes	50	14	31	16
5	Other	10	3	8	4

Source: Field Survey, March, 2012

Table 5: Opinion Survey Results - Reasons Behind Organized Crime

S.N.	Reasons Behind the Rise of Crime	Police Perception		Civilian Perception	
		No.	%	No.	%
1	Political	188	56	79	41
2	Inadequate law	114	34	8	4
3	Police factors	37	11	69	36
4	Social factors	24	7	37	19

Source: Field Survey, March, 2012

Table 6: Opinion Survey Results - Major Obstacles to Mitigate Organized Crime

S.N.	Major Obstacles in Dealing With These Crimes	Police Perception		Civilian Perception	
		No.	%	No.	%
1	Political	111	33	25	13
2	Lack of resources	77	23	23	12
3	No effective control on weapons	87	26	44	23
4	State sponsored crime	20	6	0	0
5	Lack of police skill / Low moral / Corruption	13	4	88	46
6	Lack of civic responsibility	13	4	12	6
7	Other	13	4	0	0

Source: Field Survey, March, 2012

Table 7: Opinion Survey Results - Measures To Be adopted

S.N.	Measures to be Adopted	Police Perception		Civilian Perception	
		No.	%	No.	%
1	State measures	127	38	42	22
2	Organizational measures	87	26	63	33
3	Separating policing from politics	70	21	0	0
4	Breaking the political-criminal nexus	0	0	17	9
5	Root cause solutions and broader perspective	54	16	50	26
6	Other	0	0	19	10

Source: Field Survey, March, 2012

The police viewed political obstacles as the most important factor obstructing police ability to deal with organized crime. In addition, the police also identified a lack of resources as impeding police capacity to deal with organized crime. Conversely, the civilian group indicated that corruption was the most significant obstacle. Police and civilians agreed that the effective control of weapons was one factor that needed to be addressed. Police also highlighted a lack of citizen responsibility as a prominent obstacle to police efforts to deal with organized crime.

When discussing possible measures that could be taken to address organized crime in Kathmandu, police opinions emphasized the need for a strong state security sector, while civilians mentioned organizational reform of the police force.

Surprisingly, police participants emphasized the need to separate the police from politics. In addition, without using the same terminology similar opinions were also expressed by civilian participants who emphasized the need to break the political-criminal nexus. The survey results strongly identified the root-causes of organized crime as being linked to broader law and order problems.

Figure 5: Opinion Survey Results - Organized Crimes in Post-Conflict Kathmandu

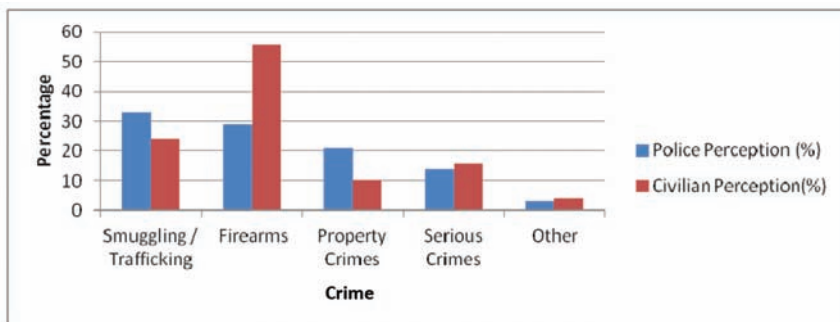


Figure 6: Opinion Survey Results - Reasons Behind Organized Crime

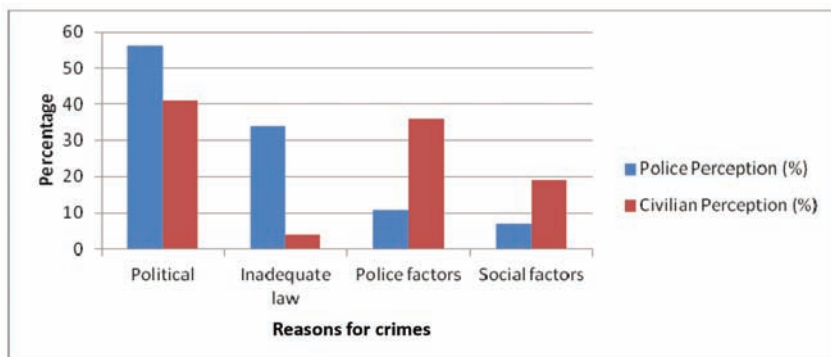


Figure 7: Opinion Survey Results - Major Obstacles to Dealing With Crime

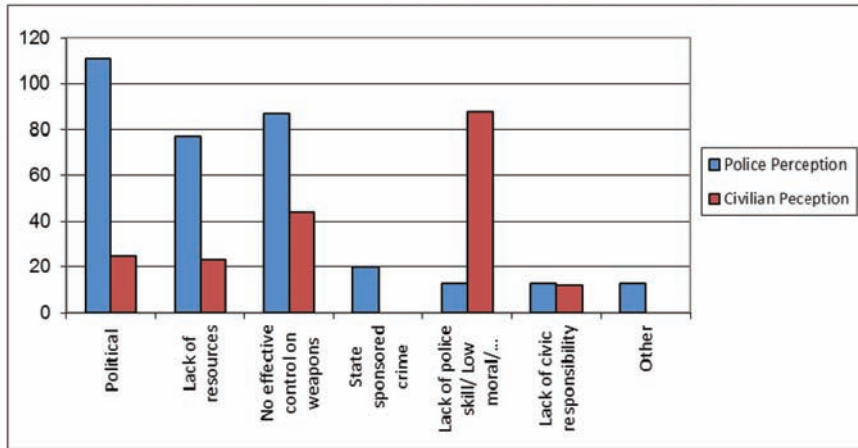
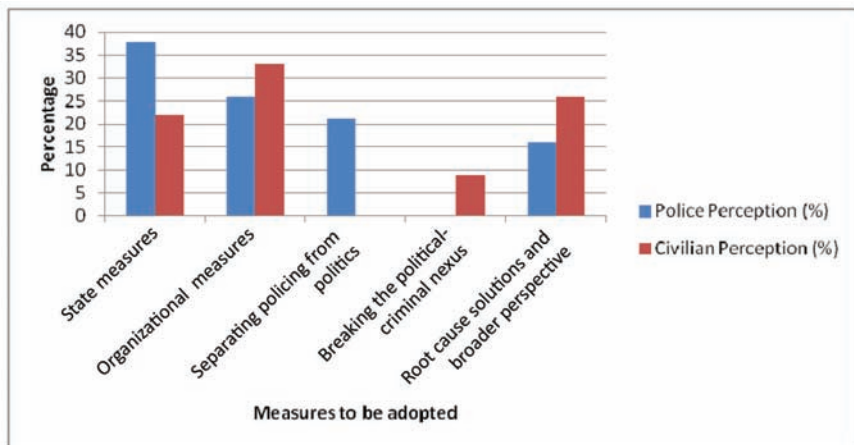


Figure 8: Opinion Survey Results - Measures to be Adopted



After the crime statistics were analyzed and the opinion surveys were conducted the findings were carefully considered to form the outline of issues that would be discussed in the focus-group discussions. In the next cycle, there were two focus-group discussions conducted with participants who were attending the PGDPS course. As the PGDPS course contained both junior officers and senior officers, separate focus-group discussions were arranged due to the hierarchical nature of the Nepal Police.

4.3 Analysis of Qualitative Data

The focus-group discussions with both junior and senior level police officers offered a wide range of qualitative data.

4.3.1 Focus-Group Discussion with Junior Officers

The focus-group discussion with junior officers had eight participants. The discussion focused on four areas. The first was the overall situation of organized crime, including the types of crimes that were increasing and reasons for the increase. The second area covered the relationship between the rise of organized crime with the CPA and the factors responsible for the rise. The third area investigated perceptions on the effectiveness of the police response to organized crime, including strengths and weaknesses. The final area discussed measures that could be undertaken in order to improve police effectiveness and capacity to deal with organized crime, including short and long term strategies. Follow up questions were made that asked 'why' and 'how' and answers were discussed among the participants.

In the discussion, participants expressed their opinions on the topics detailed above. Out of eight participants, five had positions in the field and they shared similar opinions on most of the issues.

During the focus-group discussion all participants shared the opinion that organized crime had risen after the CPA. Most of the participants stated that not all the crimes categorized under organized crime are complicated to combat and that crimes particularly involving fire arms and professional criminals need to be focused on. In addition they listed robbery, counterfeit currency, drugs, explosives, extortions, kidnappings and offences related to illegal possession of weapons as the next most important crimes to be addressed.

Many participants were of the opinion that the increasing number of new criminal groups in Kathmandu was one factor that had led the public to feel less secure. When asked why these crimes had risen, the police officers who worked in the field pointed out that the desire to earn money easily coupled with public perceptions of the life styles and wealth that criminals obtain and unemployment were all reasons for the sharp rise in organized crime. Some civilian participant suggested that the struggle to find livelihood activities was one reason for the rise of crime. One participant also mentioned that the power shortage (power cuts) was to blame for the rise in criminal activity. Conversely, police officers largely stated political instability, advanced technology, the open boarder and impunity as

the reasons for the rise in organized crime. One police officer even highlighted the bitter rivalry between India and Pakistan as a reason behind the rise of organized crime in Kathmandu.

When discussing the relationship between organized crime and the CPA, the participants pointed to a clear link between the CPA and almost all organized crime in Kathmandu. The accessibility of firearms that were readily available after the end of the conflict was reported to be a major factor contributing to organized crime.

Participants stated that while the Nepal Police are responding to every organized crime the response is not satisfactory. When asked about the strengths of police response, the participants reported that the dedication and devotion of the police personnel as the most noteworthy attribute. An additional area of strength was noted as the police receptiveness to adopt newer technologies in order to address organized crime. Police weaknesses were found to be the individualistic attitude held by the police in terms of cooperation and information sharing and a lack of resources.

The junior officers expressed that investigations into organized crime rely on intelligence. Therefore, organized crimes could be successfully investigated if a special focus is given to gathering intelligence, which is also a key factor in building the public's confidence in the police.

Two participants highlighted the inadequacies of media management in Nepal and stated that the media is not reporting effectively on organized crime. They expressed the opinion that proper media management was crucial for the effective control of organized crime. The media is responsible for shaping public perceptions of organized crime and of the police. Public trust in the police is largely shaped by information disseminated through the media. They also reported that in almost all cases, the media exaggerated facts, which in turn exaggerated perceptions of the levels of organized crime creating an environment of insecurity within society.

Next, participants discussed short and long term initiatives that could be taken to address the problem of organized crime in Kathmandu. Ideas for short term initiatives suggested by most participants included trainings sessions on organized crime investigation to be given to all field police personnel working in Kathmandu. Participants expressed dissatisfaction that advanced training is only given to senior officers when many junior officers work at the field level. Since criminals work in a covert way, intelligence-based investigation has to be strengthened. As a short term strategy, participants suggested robust surveillance monitoring of

the movements of suspected criminals. They also added that intensive awareness programmes should be conducted within the community so that the general public will gain information on police efforts to combat crime and the measures they use. Further, most participants said the quasi-judicial authority should be delegated to the police and should be held by the Chief District Officer (CDO). Participants felt that this authority would allow police to make appropriate sanctions based on the seriousness of the crime and the degree of involvement of the criminal in the crime.

Participants stated that long term initiatives must target black money⁵, which would lower motivation and financial incentives for criminals to engage in organized crime. Participants suggested that this could be achieved through strict enforcement of the money laundering act. Another, long term initiative that was suggested was investment in education of street children, which could prevent them from becoming criminals. Participants further suggested the development of a culture of professionalism inside the police organization. Participants were concerned about the connection between police officers and politicians, which was indirectly linked to organized criminals. Some respondents said that the restructuring of the police in accordance with the changing trends of crime would be beneficial.

In the discussion, the majority of participants expressed the view that organizational level measures will be more effective and they also expressed the need for support from the community to combat organized crime. They noted that the community mobile patrol must be initiated as a part of community policing. They said that discussions between the police and the public must be organized. Further, media has to be considered as a key stakeholder in the fight against organized crime. Almost all of the participants concluded that to gain trust and support from the public, the behavior of the police, which is largely considered to be very rude, has to be changed. Police actions must be undertaken with politeness at all times and should reflect the quality and type of service delivered to the people. One of the participants working in Kathmandu Metropolitan Police Range reported his experience:

“Last June, after the festival vacation of Dashain (biggest festival of Nepal), while I was returning from my home town to Kathmandu, I was so embarrassed to witness an incident at the check point at Nagdhunga (the major check point entering Kathmandu from the south). The traffic police stopped the bus he was travelling on and scolded the driver with very profane and offensive language. Later it turned

⁵ Wealth accumulated through illegal means.

uglier and developed into a physical scuffle. A large crowd gathered and all the people were pointing out the negative behavior shown by the police. The whole traffic circulation of one of the major checkpointst halted for an hour and later that particular police officer was asked to apologize for what he had done. It was so intriguing and still things have not changed so much.”

4.3.2 Focus-Group Discussions with Senior Officers

Six police inspectors who were posted as the Metropolitan Range in Kathmandu participated in the second focus-group discussion. During this focus-group discussion all police inspectors shared similar opinions regarding the overall security situation in Kathmandu after the signing of CPA. They reported that the security situation is deteriorating. They also expressed similar opinions that only a few types of organized crimes need special attention. In particular, criminals who have national as well as international networks should be dealt with as a priority because they pose the biggest security threat. Additionally, participants agreed that organized crime relating to counterfeit currency, drugs, kidnappings, extortions, weapons and explosives should be separated and prioritized in order to address each type effectively.

Conversely, participants had differing opinions on the reasons behind the rise of organized crime. They mentioned factors such as protection from political leaders, the police organization being overstretched and unable to maintain law and order especially due to protests that occur almost everyday from opposition parties and different rights groups. The participants reported that the three mainstream political parties namely the Communist Party of Nepal – Maoist (CPM-U)⁶, Nepali Congress (NC)⁷ and the Communist Party of Nepal – United Marxist and Leninist (CPN-UML)⁸ continued to seek out their own partisan interest after the signing of CPA. They also stated that the ineffective demobilization of the ex-combatants contributed to insecurity in Kathmandu. Participants stated that crime related to the bidding of tender⁹ forcefully is widespread. One of the participants shared his experience:

“During my tenure of nine month in Metropolitan Police Range, Kathmandu, I myself had arrested more than seven ex-combatants with their weapons in the suspicion of involvement in robbery and kidnappings.”

⁶ The largest political party of Nepal.

⁷ The second largest political party of Nepal.

⁸ The third largest political party of Nepal.

⁹ The process of offering a contract to the lowest bidder.

The senior officers, during the discussion, stated that unprofessional activities undertaken by officers in command are also to blame for the rise in crime.

In the current police system the leaders of the political parties are exploiting their ability to transfer, appoint and promote police officers and using this position of power to achieve their own aims. Participants reported that this dynamic has forced police officers to engage in unprofessional activities for the sake of their career development and that crime went unchecked due to the career aspirations of command level officers.

Participants also reported that the power to transfer, appoint and promote police personnel has been exploited to serve the interest of the government. They opined that this is clearly hampering the independence and autonomy of police, which is ultimately compromising their professionalism.

Participants clearly stated that coordination with the immigration and the customs and transport departments are vital in order to deal with organized crime. Updating the database detailing organized crime, the penetration of criminal groups by police units and surveillance of criminals are all short-term strategies that can be adopted. In addition, identifying root causes and conducting systematic analysis in specific communities, social boycotting of criminals and the effective implementation of the money laundering act were seen as long term initiatives that should be undertaken.

To win public trust participants unanimously agreed that transparency in police work, professionalism, a change in attitude and behavior and zero tolerance of corruption are factors that can be implemented to improve police performance in dealing with organized crime.

Chapter 5

FINDINGS & DISCUSSION

The findings of this study are based on the tools used during the research, my reflections as a police officer, the experiences of friends working in the National Police Academy and interactions with different people at different points in time.

5.1 High Organized Crime Levels and Increased Fear of Crime

Both the secondary data of the crime statistics from the Crime Record Section Unit of police headquarters, opinions from survey respondents and the focus-group discussions showed high incidences of organized crime. This reflects the overall law and order situation in Kathmandu.

One clear issue linked to the high level of organized crime was the presence of weapons and a structured network of insecurity in Kathmandu. The fear of crime has become one of the most important public policy issues in Nepal and insecurity has been one of the most important issues faced by the people of Kathmandu, which has increased since the signing of the CPA. Crime involving weapons and international networks involving counterfeit currency, drugs, extortions, kidnappings, offences related to bombs and explosives and offences related to weapons and ammunition possession are the primary source of insecurity that police are unable to combat effectively. In the post-conflict environment conventional strategies used by the police are no longer suitable to deal with the dynamics of organized crime. DDR and SSR alone cannot provide the intended result. Also, it is relevant to address the sociological perspective of organized crime and to consider factors that motivate people to become involved in organized crime. This is especially relevant during times of transition from conflict as individual's bonds to society become weak or broken and people are more likely to engage in criminal activity. As mentioned by control theorists, the bond between an individual to their society is determined

by internal or external constraints, the struggle for livelihood opportunities and financial incentives. All of these factors could lead individuals to partake in criminal activities with high economic incentives.

In Nepal, the emergence of new criminal groups further eroded public confidence in the police. Although the nature and causes of this fear varies, it is clear that a large segment of the population experience high levels of anxiety about criminality. Not surprisingly, the population of Kathmandu, with the rise of organized crime, showed higher levels of fear than the population of Nepal as a whole. During the focus-group discussions, it was expressed that undertaking trust building between the police and the public should be a priority in order to combat organized crime.

My own experience confirms that most organized crimes are dealt with using proactive investigation (an investigation that is conducted before or during the time that a crime is being committed) unlike other crimes, where the police employ reactive investigation (an investigation that is conducted after a crime is committed). The success of proactive investigation is higher than reactive investigation as it allows the investigator to control the entire investigation process.

When the frequency of crime increases, police efforts will be more effective if they are undertaken as early as possible. Alliance theory argues that the development process in organized crime goes through a formation stage where the group starts to set up an alliance. During the operation stage they grow rapidly, which results in a stabilized organization. Once the alliance stabilizes, it is hard to dismantle. Police efforts during the alliance stage, before the organization has had time to stabilize is one strategy that can be used to effectively deal with criminal organizations

5.2 Conventional Policing Strategies for Organized Crime

During the research, it was clear that both the police and the people were not satisfied with the outcome of the police strategies used to address organized crime. The police in Kathmandu devised many plans to deal with organized criminals, none of which met public expectations. My own reflections on the recent plans of the Kathmandu police are that conventional strategies to target criminals can not succeed due to significant gaps in these approaches.

Most of the police strategies were based on collecting information about criminals, their description and address and the short listing of criminals followed by surveillance at recreational centers including dance bars, pubs and discotheques. Additionally, arrest through unprompted checking, search and cordon, seal and arrest with different slogans were the operational strategies but criminals were able to evade arrest most of the time. These conventional strategies to combat

organized crime form part of an operational plan detailing how to locate criminals and are a small part of larger strategies to fight organized crime.

5.3 The Unethical Relationship Between Organized Criminals and Political Leaders

At some levels policing is fundamentally a political activity, representing the states legitimate force for maintaining law and order in society. However, this action research helped me to see that, at the time of transition in a post-conflict situation the police have been intensely politicized and criticized because they are the most visible presence of the state authority. The degree of direct political control over police activities varies. In the post-conflict environment the tendency for increased political influence and pressure has impacted on policing compromising police ability to act professionally, which decreases public trust in the police.

The most significant finding identified in this research is that politics impedes police capacity to deal with many policing issues including organized crime. The protection of organized criminals through political activities can be found in Kathmandu, where most of the criminal groups are associated with political parties and their partner organizations, particularly the youth wings.¹⁰ Instead of police having the ability to arrest criminals, political leaders exert pressure to keep criminals above the law. During this research it was found that some political leaders have a close link with the criminals and criminals are protected by these political leaders. This dire situation impedes police capacity to deal with organized crime effectively. As outlined during the focus-group discussions, it was observed that police autonomy was compromised to serve the interest of parties in the government.

5.4 Widespread and Easy Access to Small Arms

The easy availability of arms in Nepal's post-conflict environment is a major cause of insecurity in society. DDR and SSR combine as an internal peace and security program in the post-conflict climate and serve to deal with post-conflict insecurity. The obvious reason that demobilization might increase crime is because after armed conflict demobilized ex-combatants are not placed into employment and enter civilian life unemployed. This notion was supported in the findings of this research. It is likely that lower economic opportunity increases the propensity to commit crimes. In any post-conflict situation, most of the combatants are trained for fighting and this legacy of violence results in tendencies towards gun culture, which make the transition to criminal activity more accessible.

¹⁰ Youth sister organization of the main stream political parties.

The findings of this research show that one of the characteristics of the post-conflict situation is the high presence of small arms in society. This research also identified that ex-Maoist combatants were responsible for many organized crimes. This highlighted problems with demobilization because some of the crimes were carried out by ex-combatants with their own weapons. The proliferation of small arms in Kathmandu is one reason for the rise in organized crime.

5.5 Corrupt Practices and Lack of Police Skill to Address Organized Crime

Corruption within the police force is a very complex phenomenon which involves misuse of authority, misuse of official capacity and misuse of personal attainment. Corrupt practices with links to organized crime were found to be prevalent and create a serious threat to the police's ability to combat organized crime.

High levels of unethical and over-loyal behavior by police towards politicians due to corruption that benefited police officers was also observed during the research. The opinion survey revealed a very high percentage of people considered that corruption was a problem within the police force; junior police officers also perceived that there was a relatively high level of corruption within the police force.

In post-conflict situations institutions often have gaps in their capacity. Capacity development includes many aspects of reform but the development of human capacity is a higher priority. Training courses can function to build capacity. This research observed a lack in established police ethics as well as investigative skill that is necessary to deal with Kathmandu's rise in organized crime. Findings suggest that many police personnel, especially junior field officers, are not given any training. Without training these police officers lack the ability to deal with organized crime.

5.6 Absence of Laws Concerning Organized Crime and Ineffective Implementation of Money Laundering Act

One of the findings identified in this research is that the strengthening of the law is essential to fight organized crime effectively. Measures to strengthen the law are crucial to avoid a vacuum in the post-conflict transition. Based on observations from the data gathered, the law pertaining to organized crime has not been enacted. It was in the process of promulgation before the dissolution of the Constituent Assembly (CA) but now the status of the law is uncertain due to the dissolution of the CA. The law is a basic necessity because there is no applicable law; unlike experiences in other post-conflict states, where they had some applicable law, which only required reform. In the case of Nepal, there is no specific law to deal with organized crime, the creation of which is the most crucial mechanism needed

to combat the growing levels of organized crime in Kathmandu. A money laundering act exists although it is limited to money laundering related to the abuse of the authority held by civil servants.

5.7 Diminished Public Trust and Confidence in the Police

Trust and confidence of the public towards the police is often judged by the willingness of the public to cooperate with police and assist in preventing and responding to crime. This study showed that the level of trust and confidence held by the public towards the police is very low in Kathmandu. The opinion survey undertaken with the public and assumptions made by the police officers during the focus-group discussions highlighted the diminished state of trust and confidence that the public feel towards police. Low levels of transparency in police work, lack of professionalism, efficiency, effectiveness, response and unfriendly behavior were found to be the major causes behind diminished public trust and confidence towards the police.

Low levels of trust and confidence in the police within the community were evident in Kathmandu. Due to the post-conflict experiences of some Latin American countries such as Argentina and Guatemala, the prospect of community policing was not encouraged.

During my interaction with the senior officer police participants most of the participants expressed their doubts in the effectiveness of community policing in post-conflict situations as this approach fails to deliver the immediate results needed in the post-conflict stage.

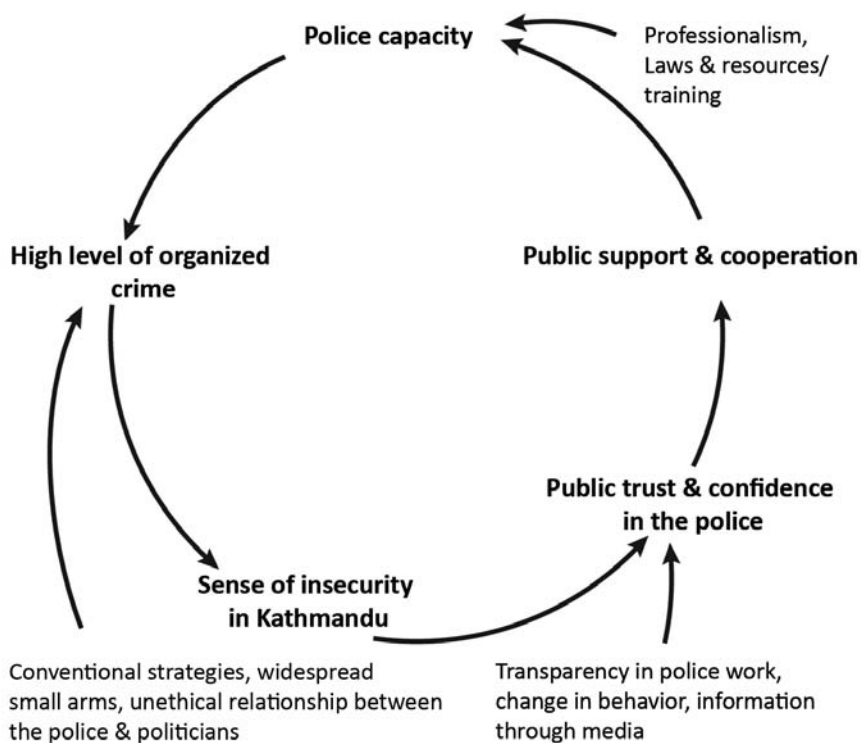
5.8 Media Reporting and Organized Crime

An institution responsible for reflecting events affecting society and the dissemination of information to society is always considered a gauge of democracy in democratic societies. This study explicitly outlined inadequacies with the media which reinforced the prevalent feelings of insecurity within society. Media reporting on organized crime through print and broadcast appears to hold vested interests. The media over reports the strength of criminal groups, their accomplishments and their influence, which results in an environment of fear. It was found that the news media exaggerated organized crime and simultaneously failed to report on initiatives taken by the police to combat organized crime.

Analyzing the Findings Through System Analysis

The findings have been considered using systems analysis, which presents an overall picture presented in Figure 9.

Figure 9: System Loop - Identifying the Measures to Combat Organized Crime



From a systems perspective, the dynamics of the system must be understood to bring about the intended change in a system. In this study, the rise of organized crime in Kathmandu after the signing of the CPA led to heightened feelings of insecurity within society, which led to less public trust and confidence in the police.

The system shows a perpetuating cycle. If the police can deal with organized crime effectively this will increase the level of security felt by the public and thus increase security and public trust felt towards the police. On the other hand ineffective dealings with organized crime will lessen peoples support and eventually heighten public feelings of insecurity within society. This forms a reinforcing loop between all factors, where they all build on each other, each one augmenting the overall dynamics. Through this study several measures were identified that would increase police effectiveness when dealing with organized crime, there are trainings on organized crime with all the police personnel, allocation of resources, formulation of relevant law and breaking the unethical nexus that exists between the police and political leaders. This set of interventions will increase police capacity and provide an opportunity for the police to better deal with organized crime.

Chapter

CONCLUSION & RECOMMENDATIONS

Based on the findings of this research, conclusions were drawn and a number of recommendations identify different interventions that can be undertaken in the future; these are outlined below.

6.1 CONCLUSION

This research identified several factors that can assist in dealing with organized crime in post-conflict Kathmandu. This study shows that the Nepal Police require capacity building as well as organizational reform in order to address organized crime in Kathmandu and to build trust with the public. The findings highlighted that some organized crime involves the use of firearms and professional criminal networks. Organized crime can be addressed more effectively with more proactive and well-coordinated police planning and with enhanced police capacity.

The findings presented in this research do not detail a holistic approach to dealing with organized crime, rather, they give direction that may offer improvements. Therefore, further research into some of the aspects highlighted in this study that detail how the Nepal Police can improve their capacity to deal with organized crime is needed.

6.2 RECOMMENDATIONS

The recommendations made here are based upon insights gained during all phases undertaken in this research.

6.2.1 Organizational Level Measures

The first recommendation is to categorize and develop a system plan for post-conflict organized crime and recognize the urgency to address organised crime in the initial phase.

Different types of organized crimes that Kathmandu is currently experiencing effect society to differing degrees. In order to combat the more serious organized crime identified in this research such as robbery, counterfeit currency, drugs, extortions, kidnappings, offences related to bombs and explosives and offences related to weapons and ammunition possessions the different types of organized crimes must be categorized and prioritized through well thought out intelligence gathering mechanisms following a proactive investigation process. While categorizing the effects of the crime with respect to economic activity, the level of violence it produces, the impact on corruption and money laundering activities has to be of primary concern as these constitute the majority of the organized crime in Kathmandu.

A plan based on this category with the mapping of interventions points is crucial to combat organized crime in the post-conflict situation in Kathmandu. Conventional operations alone remain ineffective in Kathmandu. The dynamics of organized crime in post-conflict Kathmandu showed three distinct aspects that need to be considered when developing a plan to address organized crime in Kathmandu. They are the increased levels of organized crime, the diminished state of public trust and confidence towards police and the low level of police capacity. As mentioned previously, the motivation for organized crime is heightened in the post-conflict environment and once a group forms and stabilizes an alliance it is difficult for the police to deconstruct. Hence, a system plan based on cause and effect relationships at an early stage is critical to combat organized crime.

The second recommendation is to recognize the impact of politics on organized crime and to provide discretion to fight crimes.

The influence of political leaders on the police is immense in Kathmandu, thus, a separate unit of the Metropolitan Police Force is recommended to handle organized crime in the capital. A special set of procedure and some discretion has to be provided to minimize the influence of political leaders when combating organized crime. The special procedures should contain a level of confidentiality in their work and some authority in the decision making process. The special provision must be implemented with careful checks and balances in order to retain accountability.

Given the extraordinary influence of politics on the police, it is pertinent to draw a clear demarcation between the areas of duties and functions that the government are responsible for and the areas where the police must act independently. The exclusive area where the police should act independently in order to combat organized crime are enforcement of law, investigation and prosecution in relation to any individual or group of individuals and decisions about individual police employees, which based on the findings of this study are areas where the government are currently interfering.

The next recommendation is to develop police professionalism and build police capacity to address organized crime.

Building police capacity to deal with organized crime was identified as a vital element to deal with organized crime necessary to build public trust and confidence in the police. Long and short-term trainings for police personnel on mechanisms to deal with organized crime were identified as ways that police capacity can be expanded.

Organized crimes require intelligence led investigation, therefore training areas must focus on how to collect, collate and analyze information, disseminate criminal intelligence with relation to organized crime and to pro-actively develop targets for investigation based on analyzed intelligence. Lack of police capacity was also linked to a lack of police resources. Since criminals are using developed technology to undertake organized crime, police must have access to the same level of technology for tracking and surveillance of the criminals.

Further, public trust and confidence depends highly on the transparency of the police work, ethical conduct and service motivated behavior. Therefore, timely press release on the development of investigations on organized crime and standing order procedure (SOPs) for all police personnel with regard to organized crime is crucial to fight organized crime.

The next recommendation is to identify various actors and ways to establish effective coordination with the key stakeholders. Given the complexity of organized crime, the actors associated with the process need to be identified and effective coordination among the actors is essential in order to address organized crime. In the case of Kathmandu, immigration is managed by civilian bureaucrats under the Department of Immigration and the Custom and Transport Division. In these departments most of the movements of criminals and transfer of properties work together through an integrated approach and can have a collective impact

to reduce organized crime. Therefore, a coordinated mechanism to deal with organized crime is recommended.

The next recommendation is to build public awareness of organized crime that is occurring within society. In order to raise awareness of organized crime the police, through community programmes, can increase public knowledge of the consequences of organized crime and the negative impacts that it has for society. Community programmes include awareness rallies, campaigns and awareness through posters. This will create an ongoing relationship between the police and the public.

The alienation of criminals from the public decreases the criminals influence within society and can increase the effectiveness of police efforts to combat organized crime. This will help further to foster the relationship between the police and the community, which is one fundamental measure that the police can take to combat organized crime.

An additional recommendation is to formulate media policies for reporting on organized crime. Public fear of organized crime was observed to be high in Kathmandu and identified as a key source of insecurity in the post-conflict environment. Therefore, initiatives by the police to effectively handle the dissemination of information could assist the police to control organized crime. A special media policy should be formulated which should include two main actions. The first is to restrict the media from sensationalizing organized crime. The second action is to consult the police before information concerning organized crime is shared through the media.

6.2.2 State Level Measures

Though the measures identified above are linked to the state level a number of recommendations are explained below that are aimed to directly affect change at the state level.

The first recommendation is to strengthen DDR and adopt SALW control strategies. Effective demobilization of weapons of the combatants is crucial as these weapons were found in many incidents of organized crime in Kathmandu. Effective DDR limits the chances of ex-combatants undertaking criminal activity. The easy access to small arms in the post-conflict situation is a notable factor of post-conflict societies and it is observed that Kathmandu is no exception. Therefore, SALW Control programmes should go beyond DDR and include cross border and arms transfer

control measures, SALW collections, destructions and stockpile management. DDR focuses on the ex-combatants whereas SALW programmes focus on supporting efforts to reduce or control arms and armed criminal or societal violence. Therefore, strengthening DDR and SALW strategies to control the arms prevalent in society will help to make organized crime less accessible.

The next state level recommendation is to prioritize the creation of a law pertaining to organized crime and to effectively implement existing laws. The proposed act concerning organized crime has been under the process of enactment for a long time. Without a functioning law, addressing organized crime effectively is very challenging. Priority must be given to creating a law as soon as possible. In the absence of an appropriate law, organized criminals have been charged as other criminals. This compromises the significance of law as an effective deterrent since other laws cannot address the complexities of organized crime.

The implementation of existing law such as the money laundering act has to be considered and used as a proactive measure like the provision of mandatory submission of income documents prior to investment. Preventing criminals from enjoying the proceeds of crimes, preventing criminals from building formidable economic power and challenges to societal security should be prioritized in order to deal with organized crime. This can limit the opportunity of investment of illegal money by criminals which restricts the ability of criminals to further expand their networks.

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