

1 *The Reality of Peaceful Borders and Illicit Transnational Flows*

Introduction

Scholars and practitioners of international relations have increasingly pointed out significant links between armed conflicts and different types of criminal and terrorist activities in many regions of the world, including the Caucasus, South-West Asia, the Middle East, Western Africa, the Balkans, Central America, and the Andean region in South America (see Andreas, 2011a; and Shelley, 2018). Their underlying logic has been that illicit transnational activities thrive under conditions of war. In historical terms, the occurrence of illicit transnational flows had preceded our current age of globalization, even before the end of the Cold War. As Peter Andreas cogently argues, “the connection between illicit trade and conflict is not a post-Cold War invention. It goes back not just decades but centuries” (Andreas, 2011b: 421). In a similar vein, Louise Shelley has unfolded the sweeping historical trajectory of the “dark commerce,” or illicit trade of transnational flows, ranging from ancient times in the Middle East more than four thousand years ago, all the way to the end of the Cold War (Shelley, 2018: 14–60).

In contrast to the *long durée* analyses of Andreas and Shelley, in this book we specifically address the relevant links between the existence of peaceful borders and illicit transnational flows in the post-Cold War period, since the early 1990s. Most of the time, these illicit transnational flows are carried out by transnational criminal and terrorist violent non-state actors (VNSAs), engaged in drug trafficking, human trafficking and smuggling, and arms trafficking. The reality of peaceful borders and transnational crime stands in contrast to most of what has been traditionally argued in sociology, psychology, and international relations about how war and conflict, rather than peace, leads and affects crime within and across countries (see, for instance, Andreas, 2011a and 2011b; and Shelley,

2018). Hence, the major research question we address in the book is: Under which conditions might peaceful borders enable the occurrence and proliferation of transnational illicit flows, usually carried out by violent non-state actors, including transnational criminal groups and terrorists? We answer this question by providing a novel systematic empirical cross-regional analysis of the enabling conditions for the linkages between peaceful borders and illicit transnational flows, including the types of borders, state capacity and political willingness, and the socioeconomic characteristics of the neighboring states.

Across the globe, the terms of the security debate have shifted dramatically over the last thirty years. Since the end of the Cold War, many countries in different regions of the world have confronted new types of security challenges that they have been hard-pressed to tackle effectively. Traditional issues of war and peace have become irrelevant to cope with *intermestic* (international and domestic) problems of national and international security. The end of the Cold War brought with it a more permissive strategic environment that led many states to focus on a different and broader menu of interests and challenges in their foreign policy agendas, such as the global War on Terror or the War on Drugs. It also brought new actors to the forefront of the security environment, including the proliferation of VNSAs. At the same time, this new post-Cold War era exposed the fragility and institutional underdevelopment of many of these states in terms of feeble governance that failed to address issues of human security, crime, and domestic violence (see Felbab-Brown, 2017a: 2; and Shelley, 2014 and 2018).

The conceptualization of security has broadened since the end of the Cold War. An expanded concept of security allows us to include and address the so-called new security threats and risks emerging with the intensification of globalization and regionalization processes. For instance, according to the Managua Declaration of 2006 at the Seventh Conference of the Ministers of Defense of the Americas, “terrorism, drug trafficking, human trafficking, organized crime, money laundering, corruption, and the proliferation of small arms and light weapons all pose significant threats to the security of the American countries” (quoted in Kacowicz and Mares, 2016, 26). All these threats transcend state jurisdictions, so they are transnational by nature, and they are linked to the activities

(both licit and mostly illicit) of non-state actors across peaceful borders.

In this book, we delineate and systematically test the links between peaceful borders and the occurrence and proliferation of transnational illicit flows usually carried out by VNSAs. These non-state actors include transnational criminal organizations (TCOs), such as drug trafficking organizations (DTOs), as well as terrorist cells, which exploit the looseness and demilitarization of the borderlands, by taking advantage of the “jurisdictional arbitrage” created by sovereign borders, so they can engage in transnational illicit activities across peaceful borders. By jurisdictional arbitrage, we mean the practice of using and abusing the legal discrepancies, differences, and regulations existing among neighboring countries, in a way similar to financial arbitrage (see Payan, 2014; Shelley, 2014; and Vogeler, 2010).

Borders matter. We argue in this book that there is a significant linkage between the openness, demilitarization, softening, porousness, management, and institutionalization of peaceful borders and the occurrence and proliferation of transnational illicit flows (see Vogeler, 2010). Variation in the permeability of borders, as well as in their management and governance, is an important factor in the empirical cases we analyze. This variation is evident in terms of policing or fortification of the borders (softness or hardness), economic integration, and political integration. In empirical terms, we focus upon the Americas (North America, Central America, and South America), as the Western Hemisphere is characterized by international peace, domestic peace, and regional integration in several of its subregions. There is a stark contrast between the realities of inter-state peace and domestic peace and phenomena of low intensity domestic violence, including a high rate of homicides and transnational crime in Latin America (Briscoe, 2008). In addition, our analysis is a *comparative* one, so we examine cases from other regions of the world experiencing similar phenomena since the end of the Cold War, including the European Union (EU) and Southeast Europe (the Western Balkans), Southern Africa, and Southeast Asia. Although the Americas, without exception, have peaceful borders between neighboring countries, we believe that the linkages and conditions can be traced in other “zones of peace” and bilateral peaceful relations in other regions, beyond the Western Hemisphere.

The Empirical Reality and the Analytical Argument behind It

Since the end of the Cold War, we can identify a distinctive linkage between the existence of peaceful borders and the occurrence of transnational illicit flows, including criminal and terrorist activities. This results in many cases, though not always, from the softening, loosening, liberalization, and demilitarization of borders that become more porous and open.

Moreover, this might be the result of a political decision to weaken the role of the armed forces and their potential threat to democracy, or a by-product of economic and political integration, or geopolitical constraints as in the cases of the Northern Triangle in Central America and the Tri-Border Area (TBA) of the Southern Cone of South America. It might also derive from a lack of interest in the part of the government(s) to address these illicit transnational flows, either because they are corrupt themselves and subject to pressure from criminals, or because their constituencies do not care much about these new security threats. Moreover, there are legitimate, non-criminal actors who seek to obstruct explicit policies against transnational illicit flows, like the National Rifle Association (NRA) in the United States opposing the regulation of the circulation of guns, which is the source of arms trafficking to Mexico and Central America.

In the case of the Schengen borderless regime within Europe, porousness is the result of the EU's opening of the borders of their member-states by choice, as the ultimate form of peace and integration, without becoming a federal state. Moreover, in some cases, porousness of the borderlands might be the result of the weakness, inability, or ineptitude of states to control their borders, regardless of peace or war, as in the case of the Colombian borders (see Idler, 2018). Still, countries might be at peace with their neighbors while having tight control over their borders, like the United States vis-à-vis Mexico and Canada, or Israel vis-à-vis Egypt and Jordan.

The empirical reality that initially motivated our research stems from an initial investigation on the TBA among Argentina, Paraguay, and Brazil. Once these borderlands became peaceful, open, and demilitarized, following the 1979 Agreement on Itaipú, which launched the rapprochement between Argentina and Brazil, and the formation of the Common Market of the South (MERCOSUR) in 1991, there has been an increased incursion of transnational non-state actors,

including TCOs and terrorist cells. Thus, the TBA has evolved from including a once militarized border between Argentina and Brazil to becoming a border area that is highly integrated in economic and social terms, though it is overwhelmed by smuggling, trafficking, and transnational crime, and susceptible to transnational terrorism. The TBAs' dangerous combination of ungoverned areas and lack of state capacity, together with poverty, illicit activities, disenfranchised groups, and ill-equipped law-enforcement agencies, have resulted in a dangerous environment conducive to the occurrence and proliferation of illicit transnational activities, ranging from criminals to terrorists (see Kacowicz, 2015).

There is an important variation regarding the effects of violent transnational non-state actors upon the local population in the borderlands, either in beneficial or detrimental directions. In other words, while some VNSAs might serve as pseudo-communitarian agents, providing security, welfare, and other governance functions in the absence of a functioning state, others are predatory in and by nature. For instance, the *Fuerzas Armadas Revolucionarias de Colombia* (FARC) exercised governance functions along the Colombian borders with Ecuador before their dismantling in 2016 (see Idler, 2018; and Jaskoski, 2015). Thus, it is not obvious or evident whether VNSAs in the borderlands fulfill only pernicious functions, when using violence and other illicit mechanisms, or whether they fill positive governance functions when the state is absent (see Clunan, 2010; and Idler, 2018).

Our argument here refers essentially to the prevailing conditions of international peace at the physical land (international) borders, which might coincide or not with a situation of domestic peace within the country, at times following the end of a civil war. For instance, Colombia has a very strong international record of peaceful relations with most of its neighbors, despite significant tensions in the last two decades, particularly in 2008–9 vis-à-vis Venezuela and Ecuador. At the same time, Colombia has not been a peaceful country in domestic terms, to say the least. Even after signing a peace accord with the FARC in November 2016, the Colombian government still confronts the lingering reality of criminal gangs (literally BACRIM, which is the Spanish acronym for criminal bands, *Bandas Criminales*) pursuing transnational criminal activities in Colombia and across its borders (see Ellis and Ortiz, 2017; and Wienand and Tremaria, 2017). Colombian borderlands still sustain the bad reputation of constituting

the most lawless and ungoverned of Latin American borders. This relates to the long civil war between the Colombian government and the FARC that raged between 1964 and 2016, as well as the continuing transnational criminal activity across its borders (Briscoe, 2008: 3; see also Gagne, 2015).

Similarly, the end of the civil wars in Nicaragua, El Salvador, and Guatemala about thirty years ago did not bring about a sustainable domestic peace despite the existence of peaceful international borders. This is all the more evident in the Northern Triangle area, involving El Salvador, Honduras, and Guatemala, where we witness the transnational criminal activity of gangs such as the *Maras* MS-13, and Barrio 18, with the highest rate of homicides worldwide. About 150,000 people were killed in the Northern Triangle countries since 2006, an average of more than fifty homicides per 100,000, more than triple the rate in Mexico and more than ten times the US average (see Ellis and Ortiz, 2017).

Although the end of civil wars in Central America generated a renewed environment favorable to international peace in the region, paving the way for a wave of regional integration processes, the optimistic forecast has not yet materialized. This is partly due to the legacy of such long and virulent civil wars that included the militarization and criminalization of societies, vast amount of weaponry, and high levels of corruption and violence against its citizens. In the first two decades of the twenty-first century, the Northern Triangle remains the most violent region of the world, leading thousands of Central Americans to flee and search for refuge and asylum in the United States. VNSAs such as the so-called *Transportistas*, drug cartels, and *Maras* turned the region into a hub of violent transnational criminal activity. The common denominator for this violence relates to drug trafficking, which made the Central American route the main way to pour into the United States. It directly relates to the Mexican DTOs acting at both the US–Mexican border and beyond, in Central America, Colombia, and Venezuela (see Dudley, 2010: 63; Labrador and Renswick, 2018: 5; and UNODC, 2012: 5).

Traditional international norms that regulate border disputes and interstate relations are ill equipped to address the new security threats in the twenty-first century, such as criminal transnational flows (see Simmons, 2019: 5–10). It is precisely the movement toward regional integration and the outbreak of regional peace across borders that

makes the traditional military function of borders as an external boundary delimiting territorial sovereignty irrelevant, at least in conventional geopolitical terms. A consequence of the loosening and softening of borders, as a result of their demilitarization and deregulation, is that they become economic meeting places for a variety of actors, both public and private, who engage in significant transnational transactions, both licit and illicit (see Jaskoski et al., 2015a: 1; and Simmons, 2019). These private actors might engage in legal activities, but they might also fulfill illegal and criminal functions.

Paradoxically, most of the illicit transnational flows across the US–Mexican border take place through the open crossing points between the two countries. For instance, about 90 percent of the drugs brought in from abroad into the United States are smuggled via vehicles and vessels entering the country through its legal gates (see Finckenauer and Albanese, 2014; London, 2019; and McKibben, 2015). This makes sense since a greater volume of legal flows provides more opportunities to conceal illicit goods.

We concur with Peter Andreas (2003) that it should not be at all surprising that peaceful borders enable and facilitate transnational crime and terrorism. Still, such possible linkages, despite constituting a conventional wisdom, have yet to be addressed in explicit terms, and systematically tested in the Americas and beyond, as we do in this book. If borders are closed, it is difficult and risky for transnational actors to cross them. Once borders are open, both licit and illicit flows can cross them. After all, most illicit business follows a similar logic to that of licit business; peace is usually good for commerce and trade. The exception might be those specific forms of trade that tend to thrive on armed conflict, such as arms trafficking, embargo bounty, and even stealing humanitarian aid. Conversely, illicit trade uses the same channels and transport mechanisms as licit trade, so it tends to be much more constrained during wartime.¹ Hence, criminals and terrorists might benefit and thrive across peaceful borders. Moreover, whereas illegal markets have been territorially bounded and isolated in the past, nowadays they tend to be interrelated and mutually supportive across borders, as they are embedded in the legal global economy and the

¹ We thank Peter Andreas, Asif Efrat, and the anonymous reviewers from Cambridge University Press for their comments on this point.

single market sponsored by processes of economic globalization (see Giraldo and Trinkunas, 2015: 387; Naím, 2005; and Shelley, 2018).

Illicit actors tend to use and abuse peaceful borders; they might prosper when the borders are open and porous. The logical explanation is the following. It is the essential characteristic of international borders, as delimiting lines of international sovereignty and jurisdiction, which attracts the incursion of illicit actors. The borders provide enticing opportunities for those who can navigate through and around them, including illicit actors, taking advantage of the jurisdictional arbitrage.

State agents are usually very reluctant to pursue illicit actors into the sovereign territory of neighboring nations, since that is a flagrant violation of international law. Instead, the United States and the EU have implemented programs such as the Mérida Initiative and the European Neighbourhood Policy in order to cope with illicit transnational flows and illegal activities beyond their immediate borders. They act through the mentioned programs by activating “proxies” like Mexico, the Central American countries, and the West Balkan nations, though they are not very successfully in fighting transnational crime (see Bruns et al., 2016; and Olson, 2017). Hence, differences between states in jurisdictional authority, regulatory structures, level of governance, markets, and socioeconomic conditions drive the activity of illicit transnational non-state actors, which like economic firms, take advantage of this “arbitrage,” especially smugglers and transnational criminal organizations (see Andreas, 2003; Idler, 2018; and Simmons, 2019). We now turn to a brief literature review, designed to clarify the basic concepts and ideas we use to understand the linkages between peaceful borders and illicit transnational flows.

Literature Review: Clarifying Major Concepts and Ideas

The reality of peaceful borders and illicit transnational flows can be examined through five different, though related, bodies of literature in the areas of international relations, international security, international political economy, and peace studies, which are not traditionally integrated. These bodies of literature are: (1) the definition of peace, its gradations and transitions; (2) globalization; (3) international borders; (4) governance, the distinction between strong and weak states, and “areas of limited statehood” at the intersection of international

relations and comparative politics; and (5) transnational criminal and terrorist activities perpetrated by illicit non-state actors. Whereas we consider peace and globalization as permissive conditions that enable the coexistence of peaceful borders with the occurrence and proliferation of illicit transnational flows, they cannot explain their variance. We explain such variance by explicitly referring to the type of international borders, the degrees of governance, institutional strength, and political willingness, and the prevailing socioeconomic conditions of the neighboring countries.

International Peace

Within the realm of international peace, conceived as the absence of systematic, large-scale collective violence between states, we find a continuum in an ascending order of quality and endurance, from negative or precarious peace, through stable peace, all the way to a pluralistic security community, in both regional and dyadic terms. These gradations of international peace parallel and correspond, in turn, to different types of border regimes, ranging from coexistent, though interdependent, all the way to integrated borderlands.

A dyadic relationship of negative peace (i.e., mere absence of war) is one in which peace is maintained between neighboring countries only on an unstable basis and/or by negative means such as threats, deterrence, or a lack of will or capabilities to engage in violence at a certain time. The possibility of war between the parties remains tangible and real. In this scenario, civil wars, domestic and international conflicts and crises, and even limited military interventions (below the level of international war) are still possible.

A dyadic relationship of stable peace (i.e., no expectations of violence) is one in which peace is maintained on a reciprocal and consensual basis. In this case, the probability of war is so small that it does not really enter into the calculations of any of the parties involved. The essential conditions for the development of a dyadic relationship of stable peace include the following: First, territorial changes are removed from the national agendas, except by mutual agreements and peaceful means. Second, there is a minimum of nonmilitary intervention by each nation in the other nation's internal affairs. Third, in terms of perceptions, the countries sustain an economic, rather than romantic or heroic, attitude toward their national states. Unlike

negative peace, stable peace requires a permanent condition of peace both in international relations and within the borders of the states involved. Thus, a dyadic peace becomes stable when the two parties agree to avoid war or threats of war in their mutual relationship, and to use only peaceful diplomatic means to resolve any conflict between them (see Kacowicz and Bar-Siman-Tov, 2000).

Finally, a pluralistic security community of two or more neighboring states, with stable expectations of peaceful change, is one in which the member-states share common norms, values, and political institutions; sustain a common identity; and are deeply interdependent and integrated (see Deutsch et al., 1957; Kacowicz and Bar-Siman-Tov, 2000: 22). The shared expectations of peaceful change are a function of common values, mutual responsiveness and trust, and the abandonment of war as a policy option to resolve conflicts.

In terms of transitions to peace, there is a continuum ranging from war, severe rivalry, lesser rivalry, and the gradations of peace mentioned previously. Accordingly, we identify two significant transitions or movements toward international peace that are relevant as enabling the establishment and consolidation of peaceful borders (1) from war to negative peace; and (2) from negative peace toward stable peace and a pluralistic security community (see Goertz, Diehl, and Balas, 2016: 25–46; and Press-Barnathan, 2009: 11–12). The first transition is easier to identify; it encompasses the public signing of an official peace agreement. The second transition implies a deepening or normalization of the preexisting peaceful relations between the neighboring countries, leading to the stabilization of peace between them (Press-Barnathan, 2009; see also Kacowicz and Bar-Siman-Tov, 2000: 24–25).

Peace and Territory

According to several authors who have written on territoriality and borders (including Atzili, 2012; and Kacowicz, 1994 and 1998), territoriality and borders are an essential part of the modern sovereign state system and of traditional international relations, including issues of war and peace. Throughout history, many, if not most, conflicts and agreements between states involved territories and borders (Atzili, 2012: 10). In terms of territorial peace, and the linkages between borders and peace, the literature has been underdeveloped, with a few exceptions. For instance, Douglas Gibler (2012) has written an intriguing book linking the resolution of territorial issues to peace and

democracy. Gibler's theory suggests that the stabilization of borders in a given region should contribute to democratization, as clusters of peaceful democratic states. In his view, as neighboring countries experience fewer territorial disputes and controversies, they are more likely to enhance their peaceful relations in the first place; and secondly, to become more democratic. In other words, the resolution of territorial disputes leads to peace, and then peace leads to democracy, rather than the other way around, as posited by the democratic peace argument (see Gibler, 2007: 516–517, and 2012: 43).

In a similar vein, Goertz, Diehl, and Balas (2016: 99–150) suggest that stable borders, as prompted by the implementation of the norm of *uti possidetis* (recognition of the formal colonial borders after independence as the legitimate ones), in conjunction with the norm against territorial conquest, bring and enhance international peace. It has become common place since the end of World War II that the norms of border fixity, as derived from *uti possidetis*, the inadmissibility of gaining territory through military conquest, and territorial integrity have become strongly internalized and adopted by the majority of states in the international system (see Zacher, 2001). Thus, significant violent changes in the location of boundaries have become practically obsolete, with several exceptions such as the case of Israel since 1948 (and especially since 1967), the Indian–Pakistani territorial dispute over Kashmir (since 1947), and most recently, the Russian invasion of Crimea in 2014. For instance, in the case of Israel since 1967, Oren Barak (2017) demonstrates convincingly that the failure to establish clear and recognized borders between Israel and its Arab neighbors, including the Palestinians, has been a formidable obstacle to peace. Conversely, Boaz Atzili (2012) developed a counterintuitive argument linking the norm of border fixity to international conflict, war, and instability among and within developing countries.

Globalization

What is globalization? We can conceive it as the intensification of economic, political, social, and cultural relations across borders. Globalization involves more than just the geographical extension of a range of phenomena and issues. It implies not only a significant intensification of global interconnectedness, but also an awareness or

consciousness of that intensification, with a concomitant diminution in the significance and relevance of territorial boundaries.

Globalization is pushed by several factors: among others, technological change, economic factors, and policy changes articulated by states and other non-state actors. The principle of territoriality and the logic of “methodological territorialism” contradict the essence of globalization, which involves the de-territorialization of social, economic, and political activity, and the relative denationalization of power. Globalization leads to the integration of states, peoples, and individuals through increasing contact, communications, and trade; thus, creating the possibility for a holistic, single global system. At the same time, globalization is very uneven in both its pace, intensity, and geographical scope, as well as in its different domestic and international dimensions and effects (see Holm and Sorensen, 1995: 1–7; and Kacowicz, 2013).

The end of the Cold War and the disintegration of the Soviet Union shifted the attention of many countries away from traditional security concerns, focusing on non-state actors and TCOs (Simmons, Lloyd, and Stewart, 2018: 253–254). Globalization has transformed international relations, making many of the traditional concerns with international security, such as border disputes, no longer relevant. Alternatively, it has affected and reshaped new security threats according to which states should approach their border security (see Simmons, 2019: 22–28). Among the most relevant subjects for international security in the twenty-first century, we find, in addition to civil wars and terrorism, the phenomenon of transnational crime.

Processes of globalization are usually associated with the vision of a borderless and de-territorialized world, though in reality we still live in a world of international borders. Across borders, we can record movements of people, goods, money, investments, messages, and ideas as “cross-border transactions,” many times facilitated by liberalization and relative freedom from state-imposed controls, as “open border transactions” (Scholte, 2004: 520–522). Thus, the withering of the state, insofar as it may be happening, is not necessarily reflected in the fading of international boundaries (see Newman, 2006: 143). At the same time, globalization has a very significant impact upon transnational flows, including the movement of people, goods, and capital, as well as illicit transnational activities, including organized crime enterprises that encompass a significant portion of global economic

activity. Thus, we can argue that globalization has created conditions favorable to the occurrence and proliferation of criminal and terrorist activities, due to the intensification of economic, political, social, and cultural relations across borders with the formation of a shared social space by economic and technological forces (see Hall, 2013; Naím, 2005; and Shelley, 2018).

Furthermore, globalization now enables violent non-state actors and TCOs that are not emanating from neighboring states to operate on their borders. They no longer need to be “from the neighborhood,” like the terrorist activities of Hezbollah in the TBA of South America, or Colombian drug cartels operating in Europe, the United States, and South Africa (see Shelley, 2018: 1–13).² Moreover, many of these activities, whether licit or illicit, take place increasingly delinked from a geography of territorial distances and territorial borders, as a kind of transborder transaction (Scholte, 2004: 525).

A related and relevant question for the *problematique* raised in this book focuses on the potential effects of globalization upon peaceful borders. Reflecting on the development of the EU and other international and regional institutions with some supranational features, some scholars have advanced the argument positing a general de-territorialization of national economies, state sovereignty, and national identity leading to the emergence of a borderless world (see Diener and Hagen, 2010: 4; Zartman, 2010: 15). Geopolitical scholars like Emmanuel Brunet-Jailly have advanced the intriguing idea that nowadays we witness “a-territorial processes,” since the border is ultimately embedded upon individuals, goods, and/or information detached, even thousands of kilometers away, from the physical international boundary line (Brunet-Jailly, 2017: 7).

For instance, in dealing with the drug trafficking coming from the Northern Triangle, the United States, in cooperation with Mexico through the Mérida Initiative, has been trying, rather unsuccessfully, to push its security perimeter further south (from Mexico) (see Wayne and Olson, 2017; and Congressional Research Service, 2020). Still, at the same time, and in a dialectic way, globalization might strengthen the relevance of international borders. As Peter Andreas suggests, “Globalization may be about tearing down economic borders, as globalists emphasize, but it has also created more border policing work for

² We thank Galia Press-Barnathan for her insights on this point.

the state. At the same time as globalization is about mobility and territorial access, states are attempting to selectively reinforce border controls” (Andreas, 2003: 84).

There is a dark side to the effects of globalization processes on the world economy. Economic globalization has increased transportation and it has made communications easier, facilitating trade and investment worldwide. At the same time, non-state actors have also exploited the reduction in transaction costs by engaging in illicit transnational activities, including trafficking of drugs and weapons, stolen and pirated goods, and money laundering (Simmons, Lloyd, and Stewart, 2018: 253; and Shelley, 2014 and 2018). The argument is that globalization has facilitated an exponential growth in transnational organized crime since the early 1990s, and to a lesser extent, it might also encourage transnational terrorism (UN Security Council, 2014: 8).

International Borders in a Globalized World

What is the relevance of physical and political borders in the current age of globalization? What do we mean by international borders? There are about 220,000 kilometers of land borders, involving most of the 193 countries in the world (unless they are islands). Borders might be delimited by natural barriers, such as rivers, jungles, and mountains, but they are essentially artificial, social, and political constructions, made by human beings to help them organize their lives (see Popescu, 2012: 7; and Simmons, 2019: 11). In the international system, borders are the geographic features, boundaries, hard lines, or markers that demarcate the key political institution of the international society, the nation-state (see Flint, 2005: 6; and Newman, 2005: 321). When referring to international borders, we should consider two important and different dimensions, their functions and their types (see Simmons, 2019).

Functions of Borders

In traditional terms, borders and boundaries have served as international barriers (rather than bridges) between states, by delimiting the contours of national sovereignties from the Westphalia Treaty of 1648 until the present. These functions perform according to the assumption of “methodological territorialism,” whereas the materiality of the border stands for the territorial body and sovereignty of the

nation-state (Van Schendel, 2005: 43; Wong, 2005: 89; see also Simmons, 2019: 5–10).

We live in a world where globalization has altered the political map, unleashing new communications and transportation technology that facilitates the fast movement of ideas, information, people, and capital. Globalization has made borders more porous, regardless of peace or war. Yet, this is not a borderless world. Borders still reflect power relations and the ability of national governments to determine, superimpose, and perpetuate existing lines of separation, or to remove them according to changing political circumstances (see Newman, 2006: 143, 147). Therefore, borders remain the essential staple and prerequisite for any state-like organization. At the same time, the entire process of state building has been largely about securing a certain overlap between functional and geographical borders (see Simmons, 2019: 22–25; and Zielonka, 2001: 508).

A second function of borders, also related to international security, yet in a different and less traditional sense, is to serve as points of interaction between states and individuals operating across these sovereign territories; that is, as nexus or safe haven for licit and illicit transnational activities. In the former case, borders and borderlands are a no-man's land, becoming what Thomas Risse considers as "areas of limited statehood" (Risse, 2011). This is the result of a combination of open and porous borders, with the proliferation of criminal and terrorist activities, and a limited exercise of sovereignty by the nation-state at the borderlands. Conversely, we define safe havens as geographical spaces where terrorists are able to successfully establish organizational and operational bases that might include fundraising, communications networks, operational space for training, access to weapons, and a logistics network. The necessary conditions for a safe haven are specific geographic features, weak governance, a history of corruption and violence, and poverty and inequality (see Brafman Kitnner, 2007: 308).

Third, turning to issues of international political economy in the age of globalization, we reject the claim that territory does not matter anymore. Rather, international borders have become international political-economic institutions as areas of transactions and economic flows, which bring about both divisible and mutual benefits (see Kahler, 2006: 1–21; and Simmons, 2006: 252, and 2019: 11–14).

Borders become arenas of cooperation and mixed-motive games, rather than zero-sum representations of barriers and tripwires.

Fourth and finally, in addition to the economic dimension, borders might fulfill an important function as shapers (or, alternatively, spoilers) of political identity and the construction of strategic and political cultures at different levels: subnational, national, regional, and transnational. Currently, issues of national identity and ethnicity present challenges to states, as national majorities, indigenous populations, and inhabitants of borderlands debate and contend issues of citizenship, migration, and even the legitimacy of existing borders. Sometimes, the physical erasing of borders, due to economic and political integration, serves to promote a regional, supranational, or transnational identity and to bring about economic and political benefits for the population across the borderlands. Moreover, in many situations, people(s) in the borderlands across neighboring countries might share more common cultural and economic traits, including more frequent relationships among them, than with their fellow citizens from the core of their country, such as the capital city and the hinterland (see Idler, 2018).

To sum up, an essential aspect of international borders is their twofold meaning as lines of separation and contact in space. As Williams cogently puts it, “Borders are confrontational spaces par excellence because they are where the dynamics of globalization, the imperatives of the global space of flows, and the demands of global trade confront the emphasis on national space and the claims of sovereign governments to determine what and who enters or leaves national territory” (Williams, 2010: 44). In other words, international borders both separate and bring into contact different national political, economic, and social systems that coexist, either in situations of conflict and war, or under conditions of peace (see Kacowicz, 1998; Popescu, 2012: 9; and Simmons, 2019: 39–42).

Types of Borders

On the world political map, all boundaries between sovereign states look the same, simple political lines separating one country from another. Yet, borders vary enormously in their types and configurations. For instance, the demilitarized zone that splits North and South Korea is a heavy hard and fortified border, whereas the existing border between Italy and France has been, until recently, a soft and

open border, a kind of stroll-over promenade, where people are allowed to pass through easily with few controls, if any at all (see Lewis, 2011: 1).

Ingolf Vogeler classifies international borders as a function of their physical appearance into three different types: open and soft; controlled; and fortified. In addition, fortified borders come in four sub-types: fenced, fenced and walled, walled, and militarized (Vogeler, 2010: 1). Historically, the majority of the international borders have been open, where no visas, passports, or even inspections were required, as in the Schengen regime of the EU. Regulated or controlled borders might include peaceful borders, as those of the United States (with Canada and parts of the US–Mexican border), where passports and inspections, and sometimes visas are required. Finally, fortified borders include physical barriers, as in one third of the current US–Mexican border, or the Israeli–Egyptian border after 2013 (see Hassner-Wittenberg, 2015; and Payan, 2014: 7).

Border Regimes

The managing of international borders across the world is codified in a variety of border regimes, ranging from closed and alienated borders (such as North Korea–South Korea; Israel–Syria) all the way to open, soft, or nonexistent borders, like in the Schengen regime of the EU. Most international boundaries are located somewhere along this continuum, with varying degrees of openness and closeness across different functional fields (Newman, 2005: 335; see also Zielonka, 2001: 519).

In situations of conflict and war, we expect that the border regime might reflect the alienated end of the continuum. As we move in the direction of conflict management, resolution, and higher degrees of international peace, we assume that the boundary regime will open up to allow for transboundary interactions across the territorial divide to promote, maintain, and consolidate peace (see Newman, 2005: 335). Along the continuum between closed and open borders, we can refer to “coexistent borderlands” (with some form of limited peaceful trans-boundary interaction), “interdependent borderlands” (peaceful, friendly, and cooperative relations), all the way to “integrated borderlands,” with unrestricted movement of people and goods across borders (see Martínez, 1994; Newman, 2005: 335; and Popescu, 2012). In this book, we focus upon peaceful border regimes, ranging from coexistent to integrated ones, along the continuum from negative peace all

the way to frameworks of integration and pluralistic security communities.

Governance and “Areas of Limited Statehood”

A fourth relevant body of literature refers to the growing concern with issues of governance, at all three possible levels of analysis – national, regional, and global. At the national level, the reference is to the widespread distinction between “strong” and “weak” states vis-à-vis their societies, and to “areas of limited statehood” and “ungoverned spaces” (see Clunan and Trinkunas, 2010: 17; Holsti, 1996; and Risse, 2011). Unlike “government,” Thomas Risse (2011: 9) defines “governance” as “the various institutionalized modes of social coordination to produce and implement collectively binding rules or to provide collective goods.”

Whereas state fragility does appear to exacerbate transnational threats, the relevant gaps in governance refer to political and security variables, including corruption, weak rule of law, and high levels of violence (see Patrick, 2011: 246). At the regional level, the consequences of state fragility and porous borders are typically borne by neighboring states, creating the need for some kind of regional governance. Finally, at the global level, transnational crime and terrorism pose significant challenges to the prospects of global governance, by disrupting essential issue-areas where states should cooperate, such as public health and economic stability.

According to Anne Clunan and Harold Trinkunas (2010: 17), “‘Ungoverned spaces’ are viewed as social, political, and economic arenas where states do not exercise ‘effective sovereignty’ or where state control is absent, weak, or contested.” In a similar vein, Thomas Risse (2011: 4) defines areas of limited statehood as “those parts of a country in which central authorities (governments) lack the ability to implement and enforce rules and decisions, or in which the legitimate monopoly over the means of violence is lacking, at least temporarily.” These ungoverned spaces exist when the state has relinquished – voluntarily or by coercion – its territorial control. In this case, the logic of territorial arbitrage leads non-state actors to take advantage and exploit the asymmetries in the levels of governance across peaceful borders (see Trinkunas and Clunan, 2016: 104; see also Barak and Cohen, 2013: 14, on a similar metaphor on “the Modern Sherwood Forest”).

It is evident that gaps in governance are especially prone to facilitate transnational crime. Corruption tends to facilitate illicit transnational activity (see Patrick, 2011: 163). Conversely, it might also be the case that in areas of limited statehood, some of these non-state actors are responsible to provide security when the state is absent, unwilling, or unable to fulfill its basic and vital functions. Moreover, there might be cases where states have the ability, but not the political willingness, to fulfill their territorial sovereignty and exercise their presence at the borderlands. Hence, it is their political decision, rather than their capabilities, which might explain the occurrence and proliferation of illicit transnational flows. For instance, the lax US attitude toward gun control that has allowed arms trafficking across its southern border, along specific political conditions within Mexico itself (see Dube, Dube, and García Ponce, 2013; McDougal et al., 2015: 7; and Simmons, 2019: 18).

There is a considerable variation in the functions of governance when we assess the role of non-state actors through a different lens from that of the official state perspective; for instance, changing the official narrative to that of the local population(s) at the borderlands according to a human security perspective. For instance, in the last two decades, some violent non-state actors, like guerrilla movements and even drug cartels in Colombia and elsewhere, have provided security and fulfilled governance functions for the local population at the borderlands, whereas other VNSAs have remained predatory in nature (see Clunan, 2010; and Idler, 2018).

In this context, one of the trickiest policy questions we should ask is whether local non-state actors' governance structures can be co-opted and enmeshed within official structures of governance, at the municipal and national levels.³ Several examples from recent Latin American political history seem to offer an affirmative answer in this regard. In Mexico, prior to 2000, the hegemonic regime of the Institutional Revolutionary Party (PRI) co-opted the major DTOs into its corporatist system (McKibben, 2015: 3). Even during the presidency of Felipe Calderón (2006–12), who engaged in a harsh military confrontation against the drug cartels, his former Secretary of Public Security, Genaro García Luna was arrested in the United States for his underground ties with the Sinaloa Cartel. Similarly, in Colombia, three days after his

³ We thank Anne Clunan for her comments and suggestions in this issue.

election as President in June 1994, Ernesto Samper was accused by Andrés Pastrana, the opposition leader, of having accepted money from the Cali drug cartel for his presidential campaign, though he was impeached (and eventually exonerated) in 1995–6 (see Dugas, 2001: 158; see also Barnes, 2017; and Williams, 2016: 273).

Transnational Crime and Transnational Terrorism

The fifth and final relevant body of literature refers to the twin transnational phenomena of organized crime and terrorism. The two are interrelated, though they stem out from very different rationales (see Shelley, 2014). Transnational criminal activity has surged in the last three decades, since the end of the Cold War, paralleling the dramatic expansion and proliferation of licit cross-border transactions in our age of globalization, reflecting a clear economic rationale. Transnational crime groups and organizations (TCOs) have taken advantage of poor border control and rampant corruption, which facilitate their transnational incursions across borders. Conversely, transnational terrorism is motivated by political and ideological considerations, not economic ones. Nowadays, transnational crime and terrorism are considered global problems that seriously challenge international security and the world order, posing immediate threats to the peace, development, and even the sovereignty of many countries around the world (see CQ, 2017; NSC, 2013; Shelley, 2014: 1–2; and UNODC, 2010, 2012, and 2014).

Defining Transnational Crime and Transnational Crime Organizations (TCOs)

There are two general types of misbehavior that transcend the interests of sovereign countries: international crimes and transnational crimes. Whereas international crimes are acts prohibited by international criminal law, transnational or cross-border crimes are defined as acts that violate the laws of more than one country, transcending national jurisdictions (see Passas, 2003). Thus, a transnational crime is an illegal activity that occurs, is conceived, or it has effects across national boundaries. Under the terms of the United Nations Convention against Transnational Organized Crime signed in Palermo, Italy, in 2000, a criminal offense is deemed transnational if it meets one of the four following criteria: “(1) It is committed in more than one state; (2) it is

planned, directed, or controlled in more than one state; (3) it involves an organized criminal group that operates in more than one state; and/or (4) it has ‘substantial effects’ on another state” (quoted in Patrick, 2011: 136).

In 1995, the United Nations identified several categories of transnational criminality. Transnational crime was defined as “offences whose inception, prevention, and/or direct or indirect effects involved more than one country” (United Nations, 1995: 4). The list of crimes include: money laundering, terrorist activities, theft of art and cultural objects, theft of intellectual property, illicit arms and trafficking, aircraft hijacking, sea piracy, insurance fraud, computer crime, environmental crime, trafficking in persons and migrant smuggling, trade in human body parts, illicit drug trafficking, fraudulent bankruptcy, infiltration of legal business, corruption, and bribery of public or party officials, counterfeit goods, cigarette smuggling, unrecorded oil sales, illegal timber trade, and traffic in endangered species (see Patrick, 2011: 137; and UNODC, 2010: 1).

For the purposes of this book we focus particularly on drug trafficking, human trafficking and smuggling, and arms trafficking. These activities involve the physical transnational crossing of borders, and they directly affect human security. In contrast, other transnational criminal activities, like money laundering and other cybercrimes are non-territorial, global, and networked in scope, so they take place as transborder transactions, delinked from specific territorial borders (see Scholte, 2004: 525; and Shelley, 2018).

Defining Transnational Terrorism

Popescu (2012: 59) defines transnational terrorism as “politically or ideologically motivated violence that involves the crossing of an interstate border. From a geographical perspective, transnational terrorist organizations display a networked structure that enables them to move through borders from state to state with relative impunity.” In particular, in the post-9/11 world, transnational terrorism is considered one of the daunting global security challenges of our century, in spite of the fact that most of the terrorist attacks are not necessarily transnational but rather local, usually carried out by nationals of the targeted state (see Goldman, 2011: 37; Patrick, 2011: 90; and Popescu, 2012: 94).

Possible Nexus between Transnational Crime and Transnational Terrorism

There is a growing convergence between organized crime and terrorism. For instance, in drug trafficking, organized crime groups often run the trafficking organizations whereas terrorist and insurgent groups often control the territory where the drugs are cultivated and transported (see Makarenko, 2004). As UN Under-Secretary General Jeffrey Feltman declared at the United Nations Security Council, “Boko Haram, Al-Qaida, the Taliban, ISIS and their sinister peers make it abundantly clear that the pervasive synergies between terrorism and cross-border crimes foster conflicts, prevent their resolution, and increase the chance of relapse” (United Nations Security Council Resolution 2195, 2014: 1).

This evident symbiosis between crime and terrorism leads to the blurring of goals and modus operandi, confusing the initial assumptions that terrorists are only interested in pursuing political goals, whereas criminals are only interested in economic profits. Nowadays we find criminal groups having an interest in altering the political environment of targeted states, whereas terrorist groups promote an environment prone to the economic success of criminal activities (see Makarenko, 2004; and Shelley, 2014: 11–12). The presence of all these violent non-state actors means that there is an important nexus between international terrorist organizations and criminal networks, leading to a symbiotic relationship in the form of a “terrorist business” (see Novakoff, 2015: 143; and Shelley, 2014a: 17, and 2018: 17). Moreover, some of these VNSAs might experience a metamorphosis from guerrilla and terrorist actions to sheer criminality, such as in the cases of the FARC in Colombia and Hezbollah in Lebanon. There is a financial/economic need for these terrorist and guerrilla groups to find their own resources. In the past, they received these funds from wealthy like-minded states as part of the Cold War proxies; yet, this has dwindled since the end of the Cold War, so they need to find their own means of financing their illicit activities. In sum, transnational terrorism and organized crime have developed a symbiotic relationship where it is not always clear or evident how to differentiate between them.

Preview of the Book

In this introductory chapter, we provided an initial examination of the linkages between peaceful borders and the occurrence and proliferation

of illicit transnational flows. In addition, we have clarified several key concepts, stemming from five different bodies of literature: international peace, globalization, international borders, governance and “areas of limited statehood,” and the phenomena of transnational criminal organizations and terrorism.

In the next chapter, “A Framework to Explain the Reality of Peaceful Borders and Illicit Transnational Flows,” we introduce our theoretical framework, which delineates alternative answers to the research question concerning the conditions under which peaceful borders might enable the occurrence and proliferation of illicit transnational flows. We also discuss the methodology and introduce the case studies that illustrate and test the theoretical argument with its concomitant three hypotheses, underlining the inherent difficulties in gathering reliable data about illicit transnational flows.

In Chapter 3, “The Americas: A General View,” we discuss the Western Hemisphere (the Americas) as a continent of peace. Whereas all the international borders in the Americas are peaceful, there is an important variation in terms of the occurrence and proliferation of illicit transnational flows across its borderlands. We assess the thirty-six land borders in the Americas, testing the three hypotheses developed in Chapter 2.

In Chapter 4, “The Americas: From the US–Canadian Border to the Tri-Border Area of South America,” we discuss the following case studies: (1) the US–Canadian border since 1994; (2) the US–Mexican border since 1994; (3) The Northern Triangle borders of Guatemala, Honduras, and El Salvador since the end of the civil wars in the early 1990s; (4) the Colombian borders since the early 1990s; and (5) the Tri-Border Area (Argentina, Paraguay, and Brazil) since the signing of MERCOSUR in 1991.

In Chapter 5, “Europe: The Schengen Regime and the Western Balkan Borders,” we refer to the European “internal” borders since the establishment of the Schengen Area in 1995, and to the Southeast European (former Yugoslavian/Western Balkans) borders since the end of the war in Bosnia and Herzegovina in 1995.

In Chapter 6, “A Triangle of Peace in the Middle East: The Israeli–Egyptian and Israeli–Jordanian Borders,” we examine two cases of peaceful borders in the Middle East. First, we assess the evolution of Israeli–Egyptian relations following the Israel–Egypt Peace Treaty of March 26, 1979, and the Israeli withdrawal from Sinai in 1982,

which predates the end of the Cold War. Second, we analyze the Israeli–Jordanian relations and their transition from war to peace with the completion of the Peace Treaty in October 1994 and its aftermath.

In Chapter 7, “The Southern African Borders in the Post-apartheid Era,” we assess the Southern African peaceful borders since the end of the regional wars involving South Africa, Angola, and Namibia, as well as the domestic peaceful change in South Africa that ended the apartheid regime in 1994.

In Chapter 8, “ASEAN and the Southeast Asian Borders,” we examine the Southeast Asian peaceful borders since the end of the Vietnam–Cambodia War with the signing of the Paris Peace Accords in 1991.

In Chapter 9, “Comparisons, Policy Recommendations, and Conclusions,” we draw relevant comparisons across and between the case studies researched, with an emphasis upon relevant theoretical insights. Furthermore, we suggest policy recommendations derived from insights and patterns found across the different cases.

Conclusions

Globalization and regionalization have transformed international relations, mostly by making many of the traditional norms of international law and concerns with territorial border disputes and international security – such as sovereignty, border fixity, and territorial integrity – no longer relevant. Instead, new security threats across borders have been brought to the forefront, including transnational illicit flows of goods and persons, as well as criminal activities. This does not necessarily mean that territory in general, and borders in particular, have lost our attention. Rather, borders now fulfill additional functions, especially against the background of border fixity and the promotion of schemes of regional integration.

With the transformation and evolution of interstate relations from armed conflicts to nonviolent conflicts to international peace, especially since the end of the Cold War, we witness a reality of international peaceful borders coexisting with the occurrence and proliferation of illicit transnational flows. In such reality, peaceful borders that become soft, open, loose, and demilitarized enable the occurrence of transnational

illicit flows, usually carried out by violent non-state actors involved in transnational criminal activities and terrorism. In line with these developments, we aim to understand and systematically scrutinize the conditions under which such illicit flows might thrive, and assess what states can and should do about that, in order to better cope with these challenges and threats.