



NEW YORK UNIVERSITY

**CENTER ON INTERNATIONAL COOPERATION**

**Getting Smart and Scaling Up**

***Responding to the Impact of Organized Crime on Governance  
in Developing Countries***

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## **CENTER ON INTERNATIONAL COOPERATION**

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## Responding to the Impact of Organized Crime on Governance in Developing Countries

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context of the collaborative design and delivery of civilian-driven training courses in conflict prevention, peace, and security. John has written on civil society and conflict early warning in West Africa and has co-authored papers on DDR and SSR processes in Liberia and also, the impact of drug trafficking on national and sub-regional security in West Africa with Dr. Thomas Jaye and Dr. Kwesi Aning, respectively.

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## Background

Tackling organized crime is listed as a priority for the UK Government under its National Security Council and Strategic Defense and Security Review. It is, first, a clear domestic threat to the UK, causing economic and social costs of between £20 and £40 billion per year.<sup>1</sup> It also impacts the UK's development assistance as many sources suggest that organized crime has a significantly detrimental impact on governance in many developing countries.<sup>2</sup> In some states, circumstantial evidence suggests deep interdependent links between organized crime, politics, and the public sector, fostering, in some cases, a form of symbiosis between the state and criminal organizations, and in more extreme cases, both deep or transitory links between crime, terror, and militant groups.<sup>3</sup>

Despite these disconcerting signs, investment in academic research on the effects of organized crime on governance remains limited. There is a wide range of criminological literature, and some relevant work on the fringes of the governance and conflict field, but few, policy-oriented studies specifically examining the impact of organized crime on governance exist. The World Bank's World Development Report 2011 cited organized crime as one factor linked to post-conflict violence in fragile states and hinted at the role weak institutions and corruption play in this regard, but did not provide any detailed analysis of these links.

This report presents an overview of the research team's findings and is divided into four parts: Section I presents the main Policy Summary. *Section II* presents the main findings and lays out five areas for targeted action as the basis of an 'organized crime-sensitive' programming framework. *Section III* provides donors with options for assessing when to engage on organized crime-related issues and, depending on the nature of relations between organized crime and political and governance institutions, an analysis framework to help determine what specifically within the five areas of action to focus on. The final

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1. Home Office (2010), United Kingdom Threat Assessment of Organized Crime 2010/11.

2. Summarized in Coffey International Development (2010), *Evidence to Underpin DFID Policy on Organized Crime and Development*. Unpublished but available from Justin Williams at DFID.

3. Marie Chene (2008), *Organized Crime and Corruption*, U4 Anti-Corruption Resource Centre, Bergen.

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section provides concluding remarks and a suggested programming framework, combining elements of sections II and III.

We anticipate that the research will also be of interest to Government departments beyond DFID and to a small but growing policy community interested in developing a deeper understanding of the impact of organized crime on governance in a range of development settings.

## Methodology and Survey Design Definitions

The project was launched with a comprehensive review of primary and secondary literature on organized crime, political settlements, governance, and development (Annex I), and a baseline review of four countries – Ghana, Nepal, Mozambique, and Pakistan [Karachi]. The final report includes in-depth case studies on the impact of organized crime on governance in Ghana, Nepal, Mozambique (field), and Jamaica and Sierra Leone (desk), as well as a broader overview of the impact of organized crime on governance in Latin America and the Caribbean. The field research was implemented on the basis of semi-structured interviews with a broad range of stakeholders, including:

- National officials, including government officials, opposition political parties, members of parliamentary committees
  - Members of the state security apparatus
  - Private security actors
  - National and international investigative journalists
  - National and international analysts and researchers
  - Detainees (when relevant, and to the extent possible, case authors interviewed people who have been detained for organized criminal activity in the country in question)
  - To the extent possible, members of organized criminal gangs, networks
- National development and civil society actors
  - The main development assistance providers in the country
  - Officials of key intergovernmental organizations such as the UN and the World Bank

The team developed an interview framework for the country case studies. A questionnaire, drawn from the findings of the literature review and an experts' meeting held in New York on 24th February 2012, provided more detail on the range of questions raised during the course of the field research. The decision on which countries to target for the in-country case studies was made by DFID on the basis of responses from its country offices. CIC included the additional studies to provide additional depth and bolster the final product.

## Challenges Encountered

The main challenge encountered for this research project was the initial time frame provided, which was limited to nine months, although the majority of the work had to be conducted over a six-month period. The decision to focus on 'organized crime' writ-large rather than a specific organized criminal activity also presented the team with difficulties. Other challenges included access to information, tight in-country schedules, and a limited budget.

## Definitions

### Organized Crime

The research team used the loose definition of organized crime adopted by the UN Convention on Organized Crime: "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 serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit." "Structured group" indicates the group was not formed solely to commit one offense, but rather endures over time; however, within the group, roles do not have to

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be defined formally and structure and membership may change.

The research team also noted that criminal enterprises operate as networks rather than hierarchical structures, and that these connected nodes have significant linkages among themselves and others, as well as varying levels of participation in network activities, including a core and periphery.<sup>4</sup> We paid particular attention to the organized criminal groups or networks which acquire political capital, and political, economic or social identities over time.

### **Organized Criminal Activities**

For the purpose of this project the following were considered organized criminal activities: drug trafficking, human trafficking, illicit trade in counterfeit goods and other illegal commodities, small arms manufacture, small and conventional arms trafficking, illegal logging, illegal trade in wildlife, money laundering, advanced fee and Internet fraud, piracy, corruption, forgery, oil bunkering, extortion and kidnapping and racketeering.

### **Governance**

In this paper, the term 'governance' refers to institutionalized modes of social coordination through which actors produce and provide collective rules and goods. While the case study authors used this definition as a broad guideline when conducting their research, they were also encouraged to capture the more nuanced forms of governance that play out in reality in the countries in question, particularly traditional, informal, or even transitory forms.

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4. Phil Williams (1998), "The Nature of Drug-Trafficking Networks," in *Current History*, Vol. 97, No. 618, pp.154-159: 155.



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## I. EXECUTIVE SUMMARY

### On Current Development Assistance Policy Regarding Organized Crime

The development landscape is rapidly changing and new centres of economic dynamism are emerging. At the same time, organized criminal activity, including illicit trafficking and financial flows, is increasing in these same settings, often fuelling tension or violence among elites or other groups vying for control of illicit markets. Criminal groups and networks have been quick to adapt to rapid technological developments and increased global connectivity, using cyberspace as a tool or platform for pursuing financial interests, and, in some contexts, fostering fear and promoting instability. Organized crime, whether transnational or domestic in nature, is established in countries around the world irrespective of their levels of development. As noted by the OECD, “it is a fluid and diversified industry that engages in a host of illicit activities” and while “it may affect strong states, it is above all conflict-affected or otherwise weakened states that are vulnerable to transnational organized crime predations and may serve as bases for international criminal enterprises.” It is also increasingly evident that “one of the most important impacts of [transnational organized crime] on a state is the harm it does to the quality of its governance.<sup>5</sup> (...) [B]y corrupting and otherwise compromising the integrity of public officials and institutions through corruption and threat, organised crime erodes the state’s long term capacity to provide for the common good.” At the same time however, public officials and political and business elites are not always the hapless victims of organized crime as often portrayed, but rather consciously engage in illicit activity with the aim of achieving specific political or financial goals. These features of how organized crime and the state interact can lead to a loss of legitimacy and eventually “heighten fragility.”<sup>6</sup>

The relationship (both formal and illicit) among states, markets, and individuals is undergoing continuous change, requiring an evolution in the manner in which

development assistance is delivered, with greater emphasis on the ‘qualitative’ dimensions of development and policy change.<sup>7</sup> Yet, the development community has been slow to integrate an ‘organized crime-sensitive’ approach to its programming, despite a growing acknowledgement that organized crime can have important impacts on governance and development, and that organized crime and politics frequently interact to provoke varying degrees of instability. The 2011 World Development Report noted the need “to increase coordination between developed states and fragile states” on organized crime, particularly trafficking; yet to date limited action has been taken in this regard. Oftentimes it is only when organized crime is connected to overt violence that external actors react, and even then, development actors have limited tools at their disposal to engage on these issues. However, as evidenced in our research, if left unchecked, organized crime, even at a small scale, can produce long-term negative impacts, particularly in development settings where institutions remain weak and democratic processes are still consolidating. Over time, it can slowly erode the capacity and will of a state to respond to the needs of citizens. In addition, premature and inappropriate knee-jerk policy responses can significantly worsen the situation and even reinforce organized crime.

Until relatively recently, the majority of *policy-oriented* literature has tended to oversimplify the nature and role of organized crime, the actors involved, and their interaction with the state. Participants in criminal activities may have multiple (sometimes reinforcing) identities within state institutions and criminal networks. Moreover, certain types of criminal markets (e.g. heroin trafficking) generate more violence and social harm than others (e.g. cannabis). The literature rarely focuses on the interaction of political and economic elites and organized criminal groups, and how this interaction serves to undermine, reinforce or replace political institutions and processes. Underlying structural factors receive scant attention, with both observers and practitioners falling back on the facile ‘lack of political will’ argument to describe government failures to effectively respond to organized crime. Rarely do they assess how

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5. In Paula Miraglia, Rolando Ochoa and Ivan Briscoe (2012) *Organized Crime and Fragile States: A thematic paper supporting the OECD DAC INCAF project ‘Global Factors Influencing the Risk of Conflict and Fragility’*, OECD DAC.

6. *Ibid*

7. *Quadrennial Comprehensive Policy Review of Operational Activities for Development of the United Nations System (A/67/93-E/2012/79)*

political structures (both weak and strong) serve as enablers of organized criminal activity, or the pervasive effects of organized crime on weak political structures, institutions, and processes, particularly in developing countries where democratic consolidation has stagnated.

Moreover, surprisingly little is known about the impact of organized crime on governance and development. Partial exceptions include the ‘economic drivers of conflict’ literature, which shows how the economic incentives in criminal activity can serve as a deterrent for some groups to forge or implement a settlement (e.g. Northern Ireland, Colombia). Recent studies by the World Bank Institute<sup>8</sup> and the OECD<sup>9</sup> have shed light on how organized crime affects fragile states, while a USAID study has tabled suggestions for how development actors can better assess when to provide support in countries where drug trafficking is prevalent.<sup>10</sup> The objective of this research project is to feed into these policy discussions by helping address the “critical research gaps” on the impact of organized crime on governance in development settings, tabling recommendations for targeted programming in governance areas affected by organized crime, and providing options for determining when to engage in a given setting.

### On the Findings of the Case Studies

Across all of this report’s case studies – Nepal, Ghana, Sierra Leone, Mozambique, Guyana, and Jamaica – organized crime is prevalent and has important impacts on governance.

## NEPAL

Nepal is a country transitioning out of conflict. It is a country and a nation in flux, stuck in a political morass since May 2012. Behind much of the political contestation in this deeply impoverished, resource-rich country is the desire by politicians and political groups to control the state in order to capture resources from foreign aid, tourism, and existing hydropower. This includes being

able to issue exceptions from law enforcement and tender procedures to supporters.

Corruption, nepotism, and patronage are deeply ingrained. The culture of impunity is as pervasive as corruption, and growing. Formal justice mechanisms are either inaccessible to most, particularly for marginalized groups, or seen as patronage-based and corrupt. Institutions, such as law enforcement and civil service bureaucracies, are mostly weak and increasingly politicized. Many urban and rural residents still believe that they need to provide payoffs to, and engage in complex negotiations with powerful actors in their locality, whether powerful local politicians or armed and criminal gangs, to assure their safety and secure their elementary and everyday transactions.

Organized crime in Nepal, encompassing both politically-motivated and economically-driven crime, is still in its initial developmental stages. The nexus between crime and political parties has been thickening and few political parties are immune from using criminal groups for political purposes, including demonstrating street power, raising money for the party, and securing contracts for clients. Usurpation of public funds, including funds from international donors, is prevalent. Criminal groups in turn seek to cultivate politicians to escape prosecution and obtain immunity for their nefarious actions. The relationship between political parties and criminal groups is robust and perhaps growing, but it is the political actors who take the lead.

Criminal groups in Nepal have nowhere near the level of sophistication and organizational complexity of the criminal groups operating in India or Pakistan, for example. Nor do they yet systematically deliver “public” goods to local populations to cultivate support independent of the state, as other criminal groups – from India to Japan, Italy, and Colombia – have learned to do. The level of violence Nepali criminal groups perpetrate in support of their profit-seeking activities is also fairly limited when compared with criminal organizations in other parts of the world, such as Colombia or Mexico.

In addition to crime in support of political parties, the most significant illicit economies in Nepal include extortion,

8. 2011 World Development Report: Conflict, Development & Security

9. Paula Miraglia, Rolando Ochoa and Ivan Briscoe, (2012), Transnational Crime and Fragile States. OECD-DAC Working Paper

10. USAID (2013), The Development Response to Drug Trafficking in West Africa.

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tax evasion, drug smuggling, illegal logging, illegal trade in wildlife, and human trafficking. Some of these illicit economies, such as illegal logging and wildlife trade, emerged during the civil war, with various political actors and the Maoist insurgents participating in them back then. Others, such as human trafficking, precede the civil war and are deeply socially ingrained. Some illicit economies, such as environmental crime, are rapidly intensifying.

Rather than organized crime itself, it is the pervasive culture of impunity, corruption, nepotism, and clientelism that most negatively impacts the lives of ordinary Nepalis. While organized crime intensifies and exploits this corruption and the lack of rule of law, in Nepal political corruption and a deeply entrenched system of patronage are the primary drivers of the usurpation of public funds and violence at the local level. Politicization of formal institutions deeply compromises bureaucratic and administrative competencies and service delivery, enabling the penetration of organized crime into state institutions.

The rather primitive stage of organized crime formation and the limited sophistication of illicit economies present important opportunities for policy initiatives. However, in the absence of careful design many anti-crime policies can be counterproductive. Intensified interdiction without careful planning can merely weed out less sophisticated criminal enterprises while the toughest and leanest criminal groups survive law enforcement actions and acquire a greater market share and political and economic power. Law-enforcement actions can thus inadvertently encourage the vertical integration of organized crime groups and undermine the constraints preventing criminal groups from resorting to violence.

Countering such inadvertent negative outcomes requires a very sophisticated interdiction strategy that privileges targeting the most violent groups or those with the greatest capacity to corrupt first – in another words focused deterrence strategies rather than zero-tolerance approaches. The effectiveness of such a strategy in turn depends on the intelligence capacity of law enforcement institutions and their ability to resist corrupting political

pressures. Both are likely to remain elusive in Nepal for a long time.

Out of the range of Nepal's illicit economies, countering environmental crime promises greatest policy payoffs, while prioritizing countering drug production and trafficking the least benefit. Many interventions against human trafficking, a crime topic much favored by outside donors, have been ineffective. Fostering institution building and promoting the rule of law are critical, but cannot be divorced from the highly politicized context. Whatever policy initiatives outside donors do adopt, they should be guided above all by a do-no-harm principle.

## **GHANA**

Ghana is experiencing significant economic growth and the country has remained resilient to the types of challenges that some of its neighbours have had to contend with over the past decades. At the same time, however, cracks in its own democratic system, including deeply entrenched corruption, an increasingly expensive electoral process, weak accountability mechanisms, and a series of political economy and governance-related challenges that date back to the post-independence years, have rendered its institutions and citizens highly vulnerable to the influence of organized crime. As in Sierra Leone, trafficking of hard drugs such as cocaine, heroin, and methamphetamines represents a serious governance challenge in Ghana, particularly given the degree to which political and security actors at all levels have been involved in the trade, and also because the increase in trafficking through these countries and the broader West Africa sub-region has led to an increase in drug use and money laundering. As in Nepal, Mozambique, and Sierra Leone, in Ghana both national and foreign criminal groups illicitly exploit natural resources, and increasingly its virtual resources. The illicit international trade in electronic waste has found a home in Ghana and the dumping of e-waste is placing citizens' health and the environment at risk while also posing important information security challenges to the countries from where the e-waste originated.

Ghanaian political life and governance are characterized by a deeply entrenched culture of patronage and clientelism.

The country's winner-take-all politics has created an elaborate network of political patronage in which party loyalists and supporters are rewarded for their allegiance. Patron-client relationships are particularly relied upon by parliamentarians and municipal and district political appointees in maintaining power, notwithstanding ongoing efforts to decentralize governance. The strength of these relationships is such that at times formal rules are mostly disregarded; informal ties are more important than formal ones, creating opportunities for corruption and the infiltration of organized crime. Bureaucracies run in parallel to patronage networks that fuel corruption and undermine administrative transparency and accountability. Despite anti-corruption efforts, petty and grand corruption is endemic in Ghana's civil service and among sections of its political elite.

The important number of high-level officials and mid- and low-level cadres that have been found to be involved in organized crime in Ghana over the past decade, particularly drug trafficking and money laundering, indicates deep structural challenges and indications that crime is also being used in support of the political process. While there have been positive results in investigating and prosecuting different cases involving mid- to high-level public officials implicated in drug-related offences, the majority have gone unpunished, seriously undermining the legitimacy of state institutions and providing limited disincentives for citizens not to engage in illicit activity.

Like many countries struggling to deal with complex challenges, Ghana lacks the requisite institutional capacity and frameworks for responding to organized crime. Institutions are constrained by inadequate logistical, human and financial resources as well as deeply entrenched patronage systems. Inter-agency coordination is limited, while personnel of the judiciary and specialized agencies lack the expertise for responding to the different forms of organized crime that have emerged in the country. Moreover, there appears to be limited political appetite to build strong checks and balances into the current systems of governance – both formal and traditional – as a means to delink them from organized crime. The latter will be

key to Ghana's longer-term development perspectives. Meanwhile, however, the country continues to serve as a regional hub for planning and executing organized criminal activity.<sup>11</sup>

Efforts to counter organized crime in Ghana today are generally focused on strengthening law enforcement and are rarely linked to other core areas of support. Multi-pronged strategic interventions that go beyond mere law enforcement measures to ensure a focus on those high-level targets that are in the strongest position to corrupt and disrupt; ensuring vertical and horizontal accountability measures; enhancing delivery of services in strategic areas, and providing incentives for unemployed youth. In addition, these measures will only be effective if they seriously consider the duality in the Ghanaian legal and governance systems, namely the existence of the modern/formal state based on legal concepts that are often viewed as alien to the Ghanaian way of life alongside a powerful traditional/informal state that embodies Ghanaian customs and traditions and wields the allegiance of the populace. Traditional chiefs, elders and family heads, queen-mothers, and opinion leaders should be consulted and mobilized; and interventions must be carefully tailored to reflect existing ethnic and cultural norms. Such an approach is key to breaking the growing relationship between organized crime, politics, governance and society.

## MOZAMBIQUE

In Mozambique, organized crime became entrenched following the post-conflict transition, and, as in Jamaica and Guyana, is closely tied to the political process and system. Organized criminal activity in the country includes drug trafficking, trafficking in counterfeit medication, human trafficking, stolen vehicle trafficking, illicit exploitation of natural resources and money laundering.

Organized crime first captured public attention in Mozambique in the wake of the highly publicized murders of two investigative journalists who had been investigating the extent to which emerging economic and political elites were implicated in banking sector-related

11. Francois Soudain, *Coke en Stock*, Jeune Afrique, 28 avril au 11 mai 2013 (No. 2729-2730)

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fraud. The complex web of informal relations between political actors, civil servants, legitimate business, and organized criminals that was exposed in a range of scandals concerning privatization processes in the mid 1990s appears to have endured. To this day, political and public sector corruption and organized crime remain strongly connected. These connections partly have their roots in the political settlement concluded after the civil war and relations are sustained by widespread corruption within the public and private sectors.

Corruption has also served to bolster the resilience of organized crime, mainly by lowering the risks attached to engaging in illicit activity. Illicit organizations and networks are known to have exploited geographical areas in Mozambique that are either weakly governed or where the state has no presence, to provide commodities or broker the provision of basic services. In this manner, criminal organizations have managed to establish themselves while simultaneously mustering political and social capital. These groups have not sought to displace state institutions but have rather benefited from a degree of complicity, as they use the state to facilitate movement of goods and to ensure the protection of the proceeds of their illicit activities. The civil war also yielded a dichotomy in terms of how the two main parties influence organized crime, with FRELIMO exerting dominance in urban centres, and RENAMO more influential in rural areas. As organized crime has sought to consolidate itself in the post-war era, it works through actors within these constituencies differently.

The impact of unchecked organized crime on governance in Mozambique has been important. It has reduced prospects for political pluralism, thereby reducing alternative policy options. It has also served to widen the resource gap between the main political parties at a time when across the region engaging in politics has become increasingly expensive. The illicit, unrecorded exploitation of natural resources erodes tax base has deprived the state of revenue that could be used to invest in services and build or improve capacity of state institutions. Finally, it has drawn huge numbers of unemployed youth into non-productive activities.

The capacity of Mozambique to respond effectively to both organized crime and corruption (and the fusion of both) remains low. It would be naive to attribute these weaknesses entirely to the strength of organized crime. Structural deficiencies that date back to the initial days of independence and that have yet to be overcome are partly responsible. Significant amounts of development assistance funds have been invested in both anti-corruption efforts and countering organized crime to date; yet these efforts do not seem to form part of an integrated strategy linked to longer-term development objectives. At the same time, the nature of the political system and the corruption that is tied to it hardly lends itself to introducing the reforms needed to counter the reach of organized crime in Mozambique. Indeed, efforts aimed at ensuring both vertical and horizontal accountability are consistently hampered by the very fact that one's political, social, and economic survival is tied in some way or another to the Party. Nonetheless, the system does remain responsive to the needs of citizens, and it would be un-intuitive of both the ruling party and opposition parties (both new and old) to ignore the increasing levels of discontent, especially amongst the more educated urban populations, regarding increasing wealth disparities, social and economic exclusion, and heightened levels of violence. On the basis of this discontent a more strategic approach to responding to organized crime should be developed, encompassing vertical and horizontal accountability measures, more sophisticated and context specific law enforcement mechanisms, and linking these to development and not just security outcomes.

## **SIERRA LEONE**

Emerging from a decade-long civil war, Sierra Leone is witnessing many of the dividends of ongoing stability within the country and the robust international commitment to peacebuilding. Notwithstanding strong economic growth over the past few years, Sierra Leone continues to face many challenges. Different forms of organized crime including drug trafficking, illegal timber logging, the illicit trade in minerals, human trafficking, and the trade in small arms and light weapons have become income generating activities across the country, at times

involving high-level public officials, and more often requiring the acquiescence of security services and private business. While there are limited examples of crime being used in support of politics in the post-conflict phase, the prevalence of entrenched patronage systems dating back to the 1970s have the potential of nurturing and opening the country's doors to organized crime if left unchecked. Other more recent vulnerabilities such as the country's fragile political settlement, its porous borders, unequal distribution of wealth and high youth unemployment rates have created permissive conditions for the growth in illicit criminal activity.<sup>12</sup> Notwithstanding, Sierra Leone has survived some thirteen military coups, twenty years of one-party rule, eleven years of brutal civil war, the virtual collapse of the state and its institutions, an almost complete loss of territorial control, the displacement of 50 percent of its population and a youth that only knew violence and drugs. It stands as an important example of a state that turned from a prime candidate for becoming a major narco-state along the cocaine route in West Africa to a relatively stable and peaceful country in which the international drug trade and organized crime play a somewhat limited role...at least for now.<sup>13</sup>

The national and international response to responding to organized crime in Sierra Leone has been robust, yet traditional law enforcement efforts still need to be fully integrated with anti-corruption efforts so as to fully unravel the links between organized crime and political and business elites. In addition, the robust international response to peacebuilding in Sierra Leone has at times nurtured corrupt practices slowing down efforts to shape responsible behavior within public office and the security services with regards to organized crime. If left unchecked, the potent mix of structural political-economy challenges with endemic corruption, and unemployed youth could seriously undermine efforts to rebuild the state, consolidate peace and development and keep organized crime at bay. Continued support to core governance institutions, as well as continued external support can help

12. Sierra Leone's porous borders with Guinea and Liberia have historically facilitated the cross-border flow of illegal goods. Already in 2005, the Government of Sierra Leone and UNDP identified more than 150 illegal crossing points between Sierra Leone and Guinea. United Nations Security Council (2011). *Seventh Report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone*, p. 5; Government of Sierra Leone & UNDP (2005). *Border Threat Assessment, Report*.

13. Communication with Michael von Schulenburg, former ERSG to Sierra Leone, June 2013.

provide a buffer against organized crime as Sierra Leone moves forward. Recent examples of organized criminal activity reveal that prevalent norms of behavior and the structural weaknesses within and beyond Sierra Leone's borders that nurture organized criminal activity need to be addressed by an integration of national, regional, and international efforts. This will mean going beyond the kind of traditional law enforcement efforts that have been implemented to date to ensure an effective blend of security, socio-economic and governance support to Sierra Leone. It will also require investment in supporting Sierra Leone's participation in inter- and intra-regional initiatives aimed at prevention, as well as responding to the impacts of organized crime.

## GUYANA

In Guyana, a shaky political settlement and a governance structure that subsists through strong political-criminal ties, corruption, and impunity, have also nurtured organized crime. Organized criminal activity in or through the country includes drug trafficking, arms trafficking and the illicit acquisition of high-grade surveillance equipment, human trafficking, money laundering and gold smuggling. The country's ethno-political system has promoted a zero-sum approach to political contestation and has led to the use of criminal gangs to intimidate the opposition during election cycles and at other times throughout its history<sup>14</sup> Its entrenched political leadership and weak law and order has made Guyana's political environment vulnerable to corruption and involvement with organized criminal activity.

The latter, coupled with its geographic location and remote territories where the state has limited presence make it a very attractive location for trafficking and other illicit activity. Guyana lies in close proximity to major cocaine production and consumption zones in South America, has largely uninhabited border regions coupled with limited capacity to monitor its borders. It shares a long and porous border with Brazil and with parts of Suriname. Accordingly, criminal actors and groups – particularly drug traffickers – have taken advantage of the country's location, vast

14. Owen, Taylor, and Alexandre Grigbsy, 2012, "In Transit: Gangs and Criminal Networks in Guyana," Small Arms Survey.

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unpopulated regions, weak institutions, and corruptible civil servants and political figures as a means to generate an illicit economy that is believed to represent between 40-60 percent of the formal economy.<sup>15</sup>

Failure to effectively respond to these issues since independence and bolster the legitimacy and reach of state institutions has resulted in periods in which the state has used crime to advance its interests, leading to increased violence and growing mistrust of state institutions, regardless of the party in power. The security apparatus is complicated by a multi-layered system that in addition to the formal security institutions also includes informal paramilitary groups and gangs backed by either of the major parties. Political actors operate with limited checks and balances. Lax oversight, weak law enforcement and governance structures, and favorable geographic conditions provide an attractive operating base for organized criminals. Guyana's shaky political settlement, particularly its zero-sum identity politics, has provided excellent entry points for organized crime to shape and benefit from political decision-making.

The lack of commitment of the government to introduce sweeping reforms and hold key officials accountable for facilitating the operations of high-level targets in the country is an indicator of the complexity of the issues at stake and the degree to which all levels of government might have been penetrated. Efforts that focus solely on bolstering law enforcement capacity have not been effective, not least because the ethnic divides and inequalities that underpin political governance in Guyana extend into the country's security and justice institutions. The absence of strong accountability mechanisms has only served to cement these institutional realities.

Providing direct assistance to government institutions without additional efforts to improve the government's accountability to citizens will not help Guyana in its efforts

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15. Freedom House, 2011, Country Report: Guyana, Freedom House, 2011; and United States Department of State, 2010, *International Narcotics Control Strategy Report, Volume I: Drug and Chemical Control*, Bureau for International Narcotics and Law Enforcement Affairs, March 1, 2010.

to respond to organized crime and related issues. Indeed, the longstanding connections between political parties and coercive gang activity, and more recently to organized criminal activity, indicates that institution building or targeted law enforcement efforts alone cannot overcome the organized crime related challenges that Guyana is currently facing. Rather targeted law enforcement support efforts should be implemented in tow with efforts to improve political governance as well as transparency and accountability measures.

## JAMAICA

Organized crime manifests itself in a range of manners in Jamaica, ranging from extortion, drug trafficking, money laundering and racketeering to large-scale fraud. Such activities have matured significantly over the past decades. At the same time, Jamaican political life has long been marred by violent clashes between the country's two dominant parties: the Jamaica Labor Party (JLP) and the People's National Party (PNP). The long-standing association between politics and violence stems from the structure of the political system itself and the way it has evolved since the decolonization movement in the 1930s. The nature of the current single-member district plurality system helped create a two-party system comparable to that of the United States. Each party enlisted the help of criminal gangs to secure power and pressure opponents. Inter-party violence and crime are thus an important and historic component of local political life.

Hence, a shaky political settlement among the political elite, leading to periods of intense political violence has allowed organized crime to fester in Jamaica, and allowed criminal groups to develop strong connections with the elite at home, and with organized criminal networks abroad. More importantly, it has allowed Jamaica's political system to develop and nurture strong ties with, if not dependency on, organized criminal groups. Jamaica's organized crime landscape is also linked to an economic crisis that has persisted since the mid-1970s, the involvement of criminal gangs throughout the region in the international drug trade, and the fact that the Caribbean still serves as an important international hub for money laundering. It is well known that the island serves as a major transit point

for cocaine entering the United States from Latin America, although the flows ebb and flow depending on where the pressure is being placed at a given time. Jamaica is also a primary source of marijuana.

The key to resolving Jamaica's political-criminal nexus lies with the country's political elite. Organized criminal gangs are linked to the government through electoral politics, urban security, government development contracts, and other public works projects. Politicians remain in control of funds that are distributed through local area leaders, many of whom are criminals. As long as public funds flow from government to local criminal leaders, the residents of those areas will remain dependent on the political-criminal patronage network. Yet, so far, political leaders, while paying lip-service to making some very limited changes, do not appear to understand the possible precariousness of the decline in homicide rates over the last year and the need to act rapidly to take advantage of this lull in conflict to implement changes that can help reduce corruption and reestablish political legitimacy. In general discussions about criminal activities in Jamaica have mainly focused on reduction in crime rather than the need to deal with pernicious contacts between organized criminals and politicians. Bolstering the office of the Contractor General which seeks to protect the integrity of the public procurement system will also be key to breaking these links.

### On How Development Actors Can Support More Effective Responses to Organized Crime

In each of these countries one core issue remains a constant: political and public sector corruption has allowed organized crime to develop or flourish, undermining the legitimacy of state institutions, and providing limited incentives for citizens not to engage in, or benefit from, organized crime.<sup>16</sup> While in some countries such as Sierra Leone a robust international presence had managed to keep organized crime at bay, if left unchecked, organized crime can further extend the corruption and pervasive rule of law challenges affecting these countries, and have an important impact on their development trajectory. The

16. Each of the countries studied has ratified the UN Convention Against Corruption and all save Sierra Leone have ratified the UN Convention Against Transnational Organized Crime and related Protocols.

latter is part of a broader problem regarding the manner in which efforts to counter organized crime have been heavily focused on law enforcement and specialized forms of international assistance such as bilateral extradition treaties. Undoubtedly, these efforts are helping to respond to some aspects of organized crime across the countries studied yet they remain insufficient. We generally underestimate their longer-term impact. As in the case of Ghana and elsewhere, they can have the reverse effect of bolstering the legitimacy of convicted criminals, as those who are whisked away to spend time in US or European prisons have often delivered services, security, or employment to citizens in the absence of the state.

Delinking organized crime from politics and governance will remain the most important challenge for developing countries. A first step in this direction should include reducing the 'thickness' or the extent of the links between governance and organized crime by shaping responsible state, institutional and societal behavior regarding illicit activity while ensuring the protection of fundamental rights. While strengthened law enforcement and judicial action will continue to be imperative for responding to organized crime, we suggest a smarter and more strategic approach in which development agencies can play an important role, addressing weaknesses identified in the broader governance framework, identifying and prioritizing organized crime actors and activities that do most harm in a given context, supporting deterrence rather than zero-tolerance strategies, and ensuring that citizen needs and respect for fundamental human rights are central to proposed remedies.

### *Suggested Areas for Targeted Action (see Figure 3)*

To this end, in **Section II** we propose a *programming framework* centered on the following five core areas, which provide direct or backdoor entry points for targeted action against organized crime:

- *Protecting the political process*
- *Modernizing and strengthening law enforcement and the judiciary*



- *Supporting crime-sensitive economic and social policy development*
- *Engaging civil society and the media*
- *Deepening the knowledge base*

Under the five programmatic areas we have included a range of specific actions aimed at strengthening vertical and horizontal accountability mechanisms. We detail how different national actors can be either recipients of support in these areas, or actively engaged in strengthening them.

### **Knowing when to respond and where to focus efforts**

We also acknowledge that while development assistance and the processes surrounding it are inherently political, development actors' room for political maneuver is often narrow, particularly in traditional development settings where political leverage is limited. If a recipient country's core interests (or the interests of elite groups within a country) are threatened by external actors, it can easily play the sovereignty card or impose a range of obstacles to prevent donor agencies from overstepping non-articulated boundaries. This is all the more complex in countries where decision-makers might be complicit in different forms of organized criminal activity. With this in mind, we stress that the framework is meant to serve as a guide for development actors and their national counterparts to inform broader programming and should be preceded by deep assessment and analysis to determine the nature of organized crime in the country (at national and local levels), and how it interacts with government institutions and business and political elites within the country and broader region. This can allow for a better picture of knowing when to engage and what specifically within the five recommended areas to focus on.

In this regard, **Section III** recommends that development actors make smarter use of a range of tools to determine when to engage, and where to prioritize efforts in a given setting. For example, certain factors can serve as important indicators for assessing a country's exposure to the risk of

organized crime penetration and gauging the degree of state involvement in organized crime. These include the existence of internal and external checks and balances; a strong culture of freedom of, and access to, information; a culture of asset disclosure among elected officials and political parties; the existence, strength, and independence of anti-corruption bodies; legislative drafting capacity (particularly regarding resource extraction and trafficking in illicit substances); and citizen perceptions of organized crime or specific illicit activities. Applying these indicators in different settings (conflict, post-conflict, transition, traditional development settings) will likely yield very different results, and therefore development responses should evidently be attuned to the political realities of a given setting, not least because they will also have varying degrees of leverage to influence change depending on the setting.<sup>17</sup>

We also suggest that development actors should make more strategic use of political economy assessments and analytical tools. Hence, building on the findings of a recent USAID study,<sup>18</sup> we suggest examining who in government may be complicit in, and which actors oppose, organized criminal activity through a detailed assessment of interests and stakeholders. Such assessments would enable development actors to determine political obstacles to engagement. In addition to political economy assessment tools, we provide the option of a typology analysis framework, grouping forms of relations between organized crime and politics into two broad typologies: enclave or mafia. The framework is sharply underpinned by the 'do no harm' principle. We do not argue that any of our case studies fit neatly or entirely within either one of these 'ideal types'. Different aspects may be present in one country at the same time, or the dynamics of a country may force a shift from one ideal type to the other. The ideal types should be seen merely as analytical lenses, whose use in examining specific country cases may help draw out certain aspects of the impact of organized crime on governance, thereby improving the prospects of effective, do no harm-based development interventions. The typology analysis could

17. For a more detailed discussion on the question of context and leverage, see for example, Kavanagh and Jones (2011), *Shaky Foundations: An Assessment of UN Rule of Law Support*, NYU Center on International Cooperation.

18. USAID (2013), *The Development Response to Drug Trafficking in Africa: A Programming Guide*.

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also serve as a useful framework for determining priority actions within the five pillars outlined above. Through further research, conceptual development, and testing, similar frameworks may eventually provide a basis for more sophisticated analytical and programming tools.

Finally, an 'organized crime-sensitive' approach to development will require important shifts in development policy and the delivery of assistance. The 2011 WDR stresses the importance of cross-regional approaches for responding to organized crime, particularly in relation to the spill over effects of domestic policies. Yet, development agencies and the broader international system continue to be "hampered by structures and processes that are not sufficiently adapted to current challenges," with efforts targeted more at the national than the regional level.<sup>19</sup> In this regard, the WDR recommended a focus on "smarter assistance tools" particularly in light of the "current environment of constraints on aid budgets."<sup>20</sup>

The latter will require scaling-up and leveraging development assistance around accepted principles such as shared responsibility and accountability, common goals and agreed actions. Today, however, only three development agencies - DFID, USAID, and GTZ - seem directly interested in addressing organized crime through development practice.<sup>21</sup> Notwithstanding, it is an opportune moment to further the debate and ensure stronger engagement and smarter responses to organized crime in developing countries.

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19. 2011 World Development Report: Conflict, Development & Security

20. *Ibid*

21. In addition to these three, the government of Norway, through its foreign affairs office, is funding an initiative aimed at deepening understanding of the challenges posed by transnational organized crime to governance and development.

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## II. SUGGESTIONS FOR TARGETED PROGRAMMING

Until recently, limited focus has been placed on understanding the degree to which structural governance challenges, including the nature of the political economy or political settlements, nurture organized crime. In countries emerging from conflict, the prioritization of stability and economic growth has at times overshadowed concerns about the entrenchment of relations between political elites and organized crime in the post-conflict phase. In both post-conflict and traditional development settings (where a country has not gone through an armed conflict), democratic deficits or perhaps a stagnation of democratic consolidation appear to be principal enabling factors of organized crime. Corruption, weak accountability mechanisms (particularly with regard to political actors and public officials), weak service delivery, flaws in the electoral system, weak or inexistent political party, campaign financing and asset declaration regulatory frameworks, and the absence of state services in rural areas, are common in our cases. This section identifies some of these challenges and suggests a range of targeted actions that can help build resistance against them into governance systems. We do not suggest that each and every one of these actions be implemented across countries. Rather, as we note in **Section III**, we suggest that development actors need to use smart assessment and analysis tools to guide prioritization of action in a given setting and that a core guiding principle in responding to organized crime should be the protection of fundamental rights.

### 1. PROTECTING THE POLITICAL PROCESS FROM ORGANIZED CRIME

Organized crime poses enormous governance challenges for developing countries. All of the countries studied for this project (except Nepal) are formal multi-party democracies. However, in most of the cases (including Nepal), formal institutions are underpinned by extensive informal systems sustaining patronage and corruption, and a political economy providing limited services and protection for citizens. In each of the case studies, organized crime takes advantage of systemic weaknesses,

for example, through corruption of the electoral, legislative, and public procurement processes, and corruption of local administrations. Coercion of politicians and public service officials by organized criminals also plays into this situation, as does the reverse side with political actors taking advantage of organized crime for political gain. In most cases, a weak or politicized civil society and media, or an academia with limited voice, provide limited checks on government complicity with organized crime.

As evident in the cases of Mozambique, Nepal, and Sierra Leone, countries in and emerging from conflict provide excellent entry points for organized criminal activity, first to oil the wheels of war and, later, to obtain or sustain political advantage. What commences as a domestic enterprise (or as a transnational enterprise taking advantage of a domestic problem) often evolves into a complicated network of local, regional, and international organized crime actors that penetrate the political system. Unfettered access to the spoils of organized crime undermines fledgling democratic institutions, state legitimacy, and the delivery of services to citizens.

In post-conflict settings, for example Sierra Leone, certain policy responses, such as disarmament, demobilization and reintegration (DDR), have often been effective in meeting specific goals such as contributing to stability. Such efforts have not, however, effectively integrated a focus on how to build resilience within the political system against organized crime and the threats it poses to democratic consolidation and development. In Mozambique, for example, the Demobilization and Reintegration Programme (DRP) has been considered a 'success.' Notwithstanding, in the absence of employment opportunities, many of the mid-to-higher level former combatants have reintegrated themselves into existing or emerging illicit networks or have served as intermediaries or 'fixers' between organized crime and the state. The failure to ensure broad disarmament and destruction of weapons also provided lucrative entry points to illicit markets in Mozambique's near-abroad where organized crime was also on the rise, creating a destabilizing effect in the region. It also provided easy access to instruments

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of violence (used for both political and financial gain) at home.

Research findings from Nepal and other more recent post-conflict settings suggest that many of these lessons have not been fully learned. In Nepal for example, external actors have seldom analyzed the extent to which organized criminal activity sustained armed groups during the conflict. Our research suggests it was significant. Nor have external actors invested resources to understand if these illicit activities continue to sustain political actors today. Evidence from our research is mixed, but the fact that the same forms of illicit activity largely remain the same, coupled with the absence of a culture of asset disclosure from political parties and high-level public officials suggests a significant problem. In contrast, in Sierra Leone, the UN Peacebuilding Commission has ensured that organized crime-related issues remain on the country's transition agenda. This is an important development, yet it is unclear how these efforts will be accompanied in practice. Sierra Leone, along with Liberia, Côte d'Ivoire and Guinea Bissau, form part of the West Africa Coastal Initiative (WACI), a multi-institutional regional effort aimed at mitigating the impact of organized crime along the West Africa coast, which has led to the establishment of transnational crime units in each of these countries. At the same time though, it is unclear how the structural drivers of organized crime in Sierra Leone will be addressed. The combination of organized crime with a still fragile political settlement, entrenched patronage, corruption, and mass youth unemployment place the country's reconstruction and peace consolidation efforts at risk.

A focus on stability and positive economic growth often overshadow important democratic deficits in transition countries. In Mozambique, for example, politics has been overwhelmed by rampant corruption and organized crime, not least because the ruling party itself has blocked either the establishment or the effective implementation of different transparency and accountability mechanisms. A historically weak political opposition has not helped. The emergence of a new opposition party and growing discontent with corrupt practices and *mafia*-like management of the state might, however, result in a shift

in policy and practice in the long-term. In the meantime, the gap between the 'haves' and the 'have-nots' continues to grow on a par with violence related to both organized and 'disorganized' crime. The overall governance and development impacts have been substantial. In Nepal, while crime appears to be more 'disorganized' than organized at present, the manner in which criminal activity has been used both during and after the conflict to support political aims does not bode well for political stability. Given the culture of public sector corruption in Nepal, such practices risk becoming more entrenched as the country transitions toward a more 'democratic' form of politics. Western development actors are attempting to support certain measures aimed at enhancing governance and strengthening political parties, yet it is unclear whether these efforts will have an effect in a country where the West holds limited sway.

In several of the case studies, political contestation is regularly affected by organized crime, or by how political actors use organized crime to defend interests. For example, in Nepal, Jamaica, and Guyana, political leaders have mobilized gangs to support their electoral goals or hamper those of others. In none of these cases have political leaders been held accountable for their behavior. In Ghana, political parties are suspected of using the spoils of drug trafficking to support electoral campaigns and to underwrite voter turnout. Again, the absence of access to information laws, regulatory frameworks for asset disclosure, campaign financing ceilings, political party funding, media investment ceilings, and strong electoral and financial management and compliance bodies leaves much of this behavior unchecked.

"Illicit markets breed violence" is a widespread theme in the literature. Our research confirmed that this is not always the case; the relationship between illicit markets and violence is very complicated. The use of violence can be understood, for example, as an important characteristic of the strategies of political or business groups. In Nepal, Guyana, and Jamaica, political leaders organize criminal gangs to exercise violence in support of political objectives. Political parties also use the threat of

violence by criminal gangs to provide security or secure public contracts and other services. In Ghana, a major cocaine and heroin transshipment point marked by significant involvement of political and security actors, no drugs market-related violence has yet been registered. This suggests a *modus operandi* that currently benefits all those involved. In some settings, however, violence can be provoked by efforts to break those links. Many observers trace the huge upsurge in homicides in Mexico to the country's shift to a multi-party system, a process that saw the Institutional Revolutionary Party (PRI) lose its hold on power and the unraveling of the PRI's informal arrangements with organized crime, a political-criminal "settlement" minimizing violence. In Jamaica, violence also became more independent of the political process as criminal groups such as the Shower Posse gained relative independence from political patrons. In Mozambique, many fear that violence might increase if the ruling party were to lose its relative control of organized criminal activity in the country. In Sierra Leone, a country emerging from a brutal civil war in which criminal activity played a crucial role, criminal violence has been minimal and contrary to expectations, ex-combatants have not formed criminal gangs or become involved in the drug trade.<sup>22</sup>

In many settings where organized crime is prevalent, it is the absence of violence that should be of concern. Peter Gastrow argues that organized criminal groups and networks can constitute real threats to the state "not through open confrontation but by penetrating state institutions through bribery and corruption and by subverting or undermining them from within."<sup>23</sup> He notes that, "[g]overnments that lack the capacity to counter such penetration, or that acquiesce in it, run the risk of becoming criminalized or "captured" states" over time. Despite this reality, many development and security actors continue to assess organized crime solely from the scale of violence it produces. The current situation in Mali is an important example. Despite broad knowledge of links between high-level officials in Bamako and criminal groups operating in northern Mali, the country was largely portrayed as a development success. It was only when the

situation turned violent did attention turn to some of the more structural issues underpinning these relations.<sup>24</sup>

In several of the case studies – Ghana, Guyana, Jamaica, and Sierra Leone – public sector officials or political actors have been implicated in organized crime cases. The former Minister of Transport and Aviation of Sierra Leone was allegedly linked to a broad cocaine network in which the Minister's brother played an important role. An investigation led to the seizure of 700 kilos of cocaine in 2008. The Attorney General and Minister of Justice allegedly blocked the Minister's arrest in the face of a judicial order.<sup>25</sup> The importance of this case for other transition/developing settings cannot be under-stated. Before the drugs were seized, Sierra Leone did not prohibit drug trafficking; a law had to be drafted, adopted, and implemented retroactively in order to prosecute those involved.<sup>26</sup> The judge who presided over the trial listed several lessons from the case, noting in his final judgment that "it is imperative to regularly assess old and new threats and pass the appropriate legislation as soon as possible," and stressing that the details of the case "shed light on how easily penetrable Sierra Leone's security sector still is as [s]pecial branch officials, intelligence officers, police officers, could all be got at with ease where large amounts of money were concerned."<sup>27</sup> Insights from such trials or commissions of inquiry can inform development assistance efforts to strengthen governance structures and identify gaps in the criminal justice system or the scope and depth of the government complicity in the case. They can also help identify direct or backdoor entry points for development interventions.

24. For a more detailed assessment of this issue, see Wolfram Lacher (2012), *Organized Crime and Conflict in the Sahara-Sahel Region*, Carnegie Endowment for International Peace, Washington D.C.

25. In his sentence, the presiding judge implied that the government had been guilty of obstruction of justice in preventing the trial of the former Minister, noting that "the state prosecution was withholding vital evidence and was prepared to jeopardize the case in order to save one person (the minister), constituting an act of perjury." See Sierra Leone case study.

26. As noted in the Sierra Leone case study, the decision to apply a piece of legislation retroactively placed some strain on existing constitutional provisions, but as noted by a former Sierra Leonean judge, "Sierra Leone's hitherto lethargic attitude to the incorporation of international conventions and treaties into its domestic law forced it to have recourse to political expediency in the cocaine case presided over by Justice Browne-Marke rather than uphold the principal of legality precluding, as a rule, the enactment of retroactive penal laws, an issue that came up for litigation before the judicial committee of the Privy Council in the case of *Akar v Attorney-General*." Interview with Justice Bankole-Thompson, Accra, Ghana, 29 April 2013. See also *African Law Reports: Sierra Leone Series (1964-66)*, and Bankole Thompson (1997), *The Constitutional History and Law of Sierra Leone (1961-1995)*, Maryland: University Press of America Inc. for a legal analysis of the decision in that case (pp. 21-25)

27. Justice Nicholas Browne-Marke (2012).

22. Communication with Michael von Schulenburg, former ERSG to Sierra Leone, June 2013.

23. Peter Gastrow (2012), *Termites at Work: Transnational Organized Crime and State Erosion in Kenya*, International Peace Institute, NY.

Access to case files of convicted public officials can also shed light on the nature of their criminal activities, the degree of cooperation between national law enforcement officers in different jurisdictions, and the narratives of criminals across cultures. For example, the case against former Ghanaian MP Eric Amoateng, tried and convicted in a Brooklyn court for trafficking heroin to the United States, illustrates how under-development in his village in central Ghana played an active role in his defense. While much of the case details remain unavailable, the defendant's lawyer presented his client as a local Robin Hood, characterizing him as "a one-man Peace Corps for this area of Africa" while noting that "[he] did more things for his people than probably his government did."<sup>28</sup> Despite the state prosecutor's attempt to argue against the philanthropic nature of Mr. Amoateng's character, not least by highlighting the damage heroin can do to communities in the United States, the circuit judge trying the case demonstrated a more lenient approach toward the defendant when presented with insights into poverty and other development challenges in Ghana.<sup>29</sup> The judge was evidently not aware of the serious governance challenges posed by organized crime in Ghana, and the deep-rooted illicit network within which the former MP had been operating.

Monitoring national responses to the findings of judicial processes and administrative inquiries and the implementation of related recommendations for reform can also shed light on the willingness or capacity of a government to respond to organized crime. In Guyana, several commissions of inquiry have examined periods of violence in which organized criminals such as Roger Khan played a pivotal role, yet recommendations to overhaul the security sector or enhance governance structures continue to gather dust. In Ghana, administrative inquiries into the M.V. Benjamin case, in which a significant amount of cocaine was seized on a vessel in Ghanaian waters only to subsequently disappear, became highly politicized. Many government officials were implicated, but only lower level cadres were convicted. The former President, who had placed the fight against drug trafficking at the center of his election campaign, committed to re-opening the

28. *Ibid*  
29. *Ibid*

case in the form of a judicial inquiry, but it was once again shelved due to political opposition. Notwithstanding, the M.V. Benjamin case did lead to some institutional changes and reforms.

Finally, in settings such as Nepal, Guyana, and Jamaica, national procurement/government contracting processes are often manipulated by political actors to sustain the loyalty of criminal actors or used as bargaining tools to mobilize criminal groups to do their will during periods of political contestation. In these and other settings such as Mozambique, criminal actors avail of weaknesses within the system, including public sector corruption, to monopolize government contracts.

Combined, these and other deep-rooted factors nurture or provide entry points for organized crime to affect the political process. Despite the inherent political challenges of engaging on these issues, development actors can get smarter and help build the resilience of the political process through indirect measures. For example:

## Targeted Action

### ***1.1 As a mean to safeguard the legitimacy and integrity of the political process and political contestation from organized crime, donors can:***

**1.1.1** Support the establishment of baseline data collection and mechanisms to regularly monitor and report on how organized crime is affecting the political environment. As noted in the WDR 2011, baseline data is "crucial to measuring the risks and results of engaging in a range of different settings and developing the foundations of more targeted and prioritized responses to needs on the ground."<sup>30</sup> In many settings, international bodies have undertaken such efforts, but donors must invest more in developing national capacities to undertake these exercises as a means to strengthen and sustain accountability mechanisms.

**1.1.2** Support the monitoring of judicial processes or administrative inquiries in which public officials or political and business elites have been implicated in organized

30. WDR 2011, Conflict, Security and Development

criminal activity in order to build constituencies against impunity and for reform.

**1.1.3** Support the establishment of multi-party policy platforms on organized crime. Depending on several factors – including the degree of political polarization in a given setting and the level of organized crime penetration of politics – donors might consider supporting the establishment of a multi-party policy platform on organized crime (or on a specific category of organized crime such as resource extraction or drug trafficking). This platform might help open political space by enhancing mechanisms of communication between parties, and between parties and their constituencies, on organized crime-related issues. They can also serve the purpose of defusing or confirming speculation regarding the use of illicit funding to bankroll political processes (through for example, the establishment of joint commissions of inquiry etc.). Such mechanisms are integral to building mutual confidence among political parties, and for the creation of effective work plans. Multi-party issue platforms can also provide a safe space for dialogue in which parties do not have to play the role of ‘enemies’ but rather are transformed into political opponents.<sup>31</sup> To underwrite the legitimacy of such an endeavor and inform the work of the multi-party platform, donors could support the conduct of a public perception survey on organized crime and its perceived impacts, and ensure that their own development assistance is geared towards supporting implementation of policy responses.

**1.1.4** Support special legislative commissions in the drafting of legislation on party campaign financing, political party laws, asset disclosure and media legislation, and monitoring and reporting on their implementation.

**1.1.5** In settings where criminal groups have been mobilized in support of political contestation, donors can encourage the development of Political Party Codes of Conduct that rule out recourse to violence, and condition support to the electoral process or other strategic areas to the effective implementation of the

Code of Conduct. Similar approaches can be encouraged to guide the conduct of election campaigns and internal party functioning, with the aim of safeguarding these institutions and processes from illicit funding.<sup>32</sup>

**1.1.6** Support the development or strengthening of independent investigative journalist capacity, and provide security safety nets such as asylum when targeted by criminals or business and political elites or technology solutions such as monitoring circumvention tools to avoid surveillance.

**1.1.7** Support the conduct of national, regional, or inter-regional meetings of independent electoral commissions or electoral tribunals to discuss electoral processes and organized crime, and share lessons on building resilience against organized crime into the electoral system. Electoral management body networks already exist at the regional level and should be taken advantage of for these purposes.<sup>33</sup>

**1.1.8** Support the creation of incentive structures that reward the conduct of ‘clean’ electoral processes and ‘clean’ public officials.

**1.1.9** Support the establishment of inter- and intra-regional platforms and discussions on different forms of organized crime and how they are affecting society. Donors could support the establishment of inter- and intra-regional platforms aimed at coordinating international responses to domestic policies, including spillovers from successful action against organized crime and illegal trafficking (the so-called balloon effect). As noted in the WDR 2011, such platforms “could help governments identify potential impacts in advance, debate costs and benefits at a regional level, and consider options to coordinate domestic policy or to take action to mitigate impacts in countries affected by policies implemented in others.”<sup>34</sup>

32. In West Africa, for example, such support could be linked to the implementation of the Praia Declaration on Elections and Stability (2011), and specifically Art. 13 on “Prevent[ing] the financing of political parties and their campaigns by criminal networks, in particular drug trafficking networks.” [http://unowa.unmissions.org/Portals/UNOWA/PRAIA%20DECL\\_ANG.pdf](http://unowa.unmissions.org/Portals/UNOWA/PRAIA%20DECL_ANG.pdf)

33. See ACE project on EMB networks and collaboration: <http://aceproject.org/ace-en/topics/em/emk>

34. 2011 WDR *Conflict, Security and Development* [http://siteresources.worldbank.org/INTWDRS/Resources/WDR2011\\_Overview.pdf](http://siteresources.worldbank.org/INTWDRS/Resources/WDR2011_Overview.pdf)

31. Greg Power and Oliver Coleman (2011), *The Challenges of Political Programming: International Assistance to Parties and Parliaments*, A Discussion Paper for International IDEA.

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## **1.2 As a means to safeguard the legitimacy and integrity of the legislative process from organized crime, donors can:**

**1.2.1** Monitor (or support civil society and journalists' efforts to monitor) legislative processes around important pieces of organized crime-related legislation, and share information on these processes across donors. Such processes can help *identify* insider spoilers, and help determine whether there is political appetite to pass important pieces of legislation directly or indirectly related to organized crime.

**1.2.2** Provide direct support to the legislative process, including through investment in resources. Such efforts could include ensuring that legislators and legislative staff have access to research/ information on organized crime and its perceived impacts; or supporting the organization of closed-door expert seminars and workshops.

**1.2.3** Strengthen the access of civil society, policy think-tanks, journalists, academia etc. to the legislative process, including through supporting efforts to enhance reporting on legislative processes, and commissioning research in-country that can inform the debate on organized crime and its related impacts.

## **1.3 As a means to safeguard the integrity of public procurement and public contracting processes donors can:**

**1.3.1** Support efforts aimed at guaranteeing transparency of these processes, for example by supporting the development and passage of access to information bills, supporting efforts to regularly publish information related to public procurement and contracting processes, and supporting civil society and media efforts to monitor and report on these processes. The support of technology companies should be leveraged to support the development of easily accessible and nimble monitoring tools. Experiences can be drawn from smart approaches already in place such as [Ipaidabribe.com](http://Ipaidabribe.com).

**1.3.2** Support efforts aimed at bolstering the resilience of national procurement bodies, particularly where there

is strong evidence of monopoly of government contracts by illicit actors, or political actors using public contracts as leverage to secure the support of criminal groups for leveraging voter turnout or other political ends.

**1.3.3** Strengthen the capacity of public services by enhancing skills and supporting reform of the public procurement process.

## **2. MODERNIZING AND STRENGTHENING THE CRIMINAL JUSTICE SYSTEM AND LAW ENFORCEMENT**

Across the case studies, criminal justice systems are struggling to respond to the challenges posed by organized crime. The organized crime identified in the studies can be divided into two main categories: crime in support of political contestation, and economic ends. In every case, criminal justice systems have been ineffective in responding to the first category, mainly due to interference in the investigative or judicial process. In the second, progress has been mixed. No matter where they stand on the development scale, each country lacks the capacity to investigate and prosecute cases against persons suspected of participation in organized crime; the situation is even more complex when dealing with different legal and political systems and when the suspect, the victim, key evidence, key witnesses, key expertise, or the profits of crime are located outside one's jurisdiction. As in many of the cases studied for this project, organized criminals take advantage of such situations, fleeing and sending profits to other countries, particularly those with weaker law enforcement capacity, where political interference in the judicial process can be guaranteed, where cash transactions dominate the economy, and hiding among the population is easy. Strengthening law enforcement capacity is critical, but the absence of checks and balances and effective vetting mechanisms for strengthened security services in many countries has led to increases in violence. Indeed, many fear (particularly in countries where institutional independence is not guaranteed) that strong criminal justice institutions or empowered economic or financial crimes units can actually lead to enhanced corruptibility and the use of



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organized crime-related intelligence tools for political and financial gain.

Traditionally, most efforts to prevent or respond to organized crime have been centered on developing the capacity of law enforcement agencies, ensuring sharing of intelligence across agencies and across borders, strengthening criminal justice systems, and establishing and developing the capacity of specialized agencies. These efforts are implemented by a range of actors and are generally quite narrow in scope in the sense that they are geared towards direct provision of technical assistance and advice. This type of assistance is warranted as strong law enforcement bodies and criminal justice systems are needed in any setting. At the same time, however, given the degree of penetration of many of these same institutions by organized crime, they need to be made more accountable to citizens.

Efforts such as the Anti-Money Laundering and Financing of Terrorism Regime, the U.S. Drug Kingpin Act and bilateral extradition treaties are helping to respond to some aspects of organized crime across the countries studied, yet remain insufficient. In addition, these efforts are often seen in a negative light by citizens and, as in Ghana, can have the reverse effect of bolstering the legitimacy of convicted criminals, as those who are whisked away to spend time in US or European prisons have often delivered services, security, or employment to citizens in the absence of the state. Responding to crime without responding to the needs of those who have silently acquiesced is hardly a smart approach. Better collaboration between specialized agencies and development bodies, might help identify surge activity in these types of circumstances to cover the socio-economic void left by effective law enforcement efforts. In other situations, unless the proper checks and balances are put in place, strengthened security services can lead to an increase in violence, while a strengthened judiciary or empowered economic or financial crimes unit can actually lead to enhanced corruptibility and the use of organized crime-related intelligence for political gain.

Of equal concern to law enforcement efforts is the manner in which organized crime groups and networks use technology to facilitate efficient operations, conduct

surveillance of, and gather intelligence on those who may be intent on exposing their activities, and terrorize those who threaten their survival. For example, as early as 1994, a Colombian counter-narcotics cell accidentally discovered a computer centre manned in shifts around the clock by 4-6 technicians. A front man for Cali cocaine cartel leader Santacruz Londoño owned the building. The facility boasted a \$1.5 million IBM AS400 mainframe, the kind once used by banks. It was networked with half a dozen terminals and monitors. The computer allegedly held a database of residential and office phone numbers of US diplomats and agents (both known and suspected US law enforcement, intelligence, and military operatives) based in Colombia. In addition, the phone company was supplying the cartel with complete records of all telephone calls in the form of the originating and destination phone numbers. The cartel's intelligence arm then used custom-designed software to cross-reference the phone company records against their own list of suspected law enforcement, military, and intelligence officials or agents to produce a list of potential informants. Law enforcement officials never revealed the fate of the informants in the Santacruz computer. It is believed they were either tortured to reveal information or killed outright.<sup>35</sup>

More recently in Mexico, the Zeta organized crime cartel was discovered to have established an extensive shadow communications network to "conduct encrypted conversations" outside the official cell phone network, which is relatively easy for authorities to monitor, and in many cases does not reach far outside urban centres.<sup>36</sup> According to news coverage, the radio network, established with legally available material, stretched from the Texas border through the Gulf region and down into Guatemala. The person behind the network was Jose Luis del Toro Estrada – a.k.a. *El Tecnico* – who was arrested by the DEA in 2008 in Houston, Texas, and later sentenced for conspiracy to distribute cocaine. According to his plea agreement, del Toro acknowledged that he had been responsible for establishing the system in most of Mexico's 31 states and parts of northern Guatemala "under the orders of the top leaders in the Gulf cartel and the Zetas."<sup>37</sup> Cartel bosses in

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35. Paul Kaihla, *The Technology Secrets of Cocaine Inc.*, Business 2.0, July 2002

36. AGORA, *La Marina arresta a fundador de Los Zetas 'Lucky' y desconecta las comunicaciones del cartel*

37. FoxNews (Latino), Dec. 2011, *Drug Cartels in Mexico Have a Clandestine National radio Network*

each drug-smuggling territory were “responsible for buying towers and repeaters as well as equipping underlings with radios and computers.”<sup>38</sup> Del Toro was also responsible for “employing specialists to run the network and research new technology.”<sup>39</sup> This highly elaborate system also allowed the highest-ranking Zeta operatives to engage in highly encrypted communications over the Internet. Joint US-Mexican investigations have since led to several arrests and the seizure of some 167 antennas, 155 repeaters, 166 power sources, 71 pieces of computer equipment, and 1,446 radios.<sup>40</sup> Other cartels operating in Mexico are reported to have also developed similar, albeit narrower in territorial scope, communications systems. Beyond Ghana, where the incidence of ICT-related crime is significant yet non-violent, there is limited, if any knowledge of how ICTs are being used by organized criminals in the other cases that were part of this research project. Again, monitoring judicial processes involving serious organized crime can shed light on the technological tools criminals are availing of at national and regional levels to conduct their business, and indicate their level of sophistication.

While external actors (generally specialized agencies such as the US DEA, UK SOCA, INTERPOL, EUROPOL, or UNODC) have often provided specialized training for responding to specific forms of organized crime (for example, counter-narcotics, anti-money-laundering, environmental or economic, financial and cybercrimes), in each of the countries, the capacity to absorb this training is limited, and unless the issue area has been identified as a priority by the government or an international partner, limited resources also hinder action. A lack of contiguous monitoring and post-training reach-back capacity by external donors/trainers means that often, trained units go rogue and become highly competent criminals. This was the case of efforts in West Africa to establish cross-border crime units in the past. Despite these experiences, no vetting or monitoring mechanism has apparently been established to protect the new Transnational Crime Units operating under the umbrella of the WACI from the same fate.<sup>41</sup> In addition, unless the mechanisms are in

38. *Ibid*

39. *Ibid*

40. *Ibid*

41. See Camino Kavanagh and Bruce Jones (2011), *Shaky Foundations, An Assessment of UN Rule of Law Support*. According to one ECOWAS official, an earlier project aimed at developing regional capacity to deal with organized crime through the establishment of joint operation units

place, strengthened security can also lead to increases in violence, while a strengthened judiciary or empowered economic or financial crimes unit can actually lead to enhanced corruptibility and the use of organized crime-related intelligence tools for political and financial gain. Indeed, across the six case studies, organized crime-related political and public sector corruption enormously affects law enforcement efforts, while deep-rooted corruption within law enforcement agencies, specialized security services and the judiciary often derails investigations and criminal proceedings.

In relation to drug trafficking in particular, capacity building of national drug law enforcement agencies rarely considers developments and trends in the global drug policy arena, particularly in terms of introducing harm reduction principles into policing efforts. Recent efforts by the London-based consortium involving the International Institute for Strategic Studies (IISS), the International Drug Policy Consortium (IDPC), and Chatham House through their Modernizing Drug Law Enforcement (MDLE) initiative is analyzing new strategies for drug law enforcement that focus on “reducing the consequential harms that arise from drug markets and drug use, rather than just on seizing drugs or arresting users.”<sup>42</sup> Several of the case studies in this project confirmed many of the findings in the MDLE initiative, including the fact that citizen trust in the police is undermined “when procedural fairness, lawfulness and effectiveness of police actions come into question,” or that “zero-tolerance approaches to drugs and crime have failed to reduce criminality while increasing human rights violations and police abusiveness,” and generally target “low-level offenders.” In Ghana for example, first time users of drugs face prison sentences of 1-5 years; those caught in possession of or selling drugs face sentences of 10 years to life imprisonment, regardless of the amount of drugs being carried or sold. Generally it is small-time peddlers and/or dependent drug users who experience the brunt of these laws. Meanwhile, in post-conflict or transition

only served to produce highly sophisticated criminals in the sense that a large number of those trained later left the police for a more lucrative life of crime. Similar situations have emerged with elite trained units in Latin America and elsewhere. Interviews, July 2011. See also Vanda Felbab-Brown and James J.F. Forest (2012), *Political Violence and the Illicit Economies of West Africa*, Brookings Institution, Washington D.C.

42. Modernising Drug Law Enforcement (MDLE) Seminar: [http://idpc.net/publications/2013/04/idpc-chatham-house-iiss-seminar-modernising-drug-law-enforcement?utm\\_source=IDPC+Monthly+Alert&utm\\_campaign=aa8b2aaea8-IDPC+May+2013+Alert&utm\\_medium=email&utm\\_term=0\\_e2e88d9477-aa8b2aaea8-19295501](http://idpc.net/publications/2013/04/idpc-chatham-house-iiss-seminar-modernising-drug-law-enforcement?utm_source=IDPC+Monthly+Alert&utm_campaign=aa8b2aaea8-IDPC+May+2013+Alert&utm_medium=email&utm_term=0_e2e88d9477-aa8b2aaea8-19295501)

countries, security sector reform efforts tend not to include a strong focus on community or citizen policing, whereby policing efforts are accompanied with social and economic development policies, and even less focus on drug dependency, even if in cases such as Sierra Leone, consumption of both hard and soft drugs was a feature of the conflict, and has persisted in the post-conflict phase. These situations often result in over-crowded prisons, 'ghettoizing' of urban areas, and longer-term health and social problems.

## Targeted Action

**2.1** Support the strengthening of specialized agencies such as those responsible for dealing with economic and financial crimes, and the establishment of *specialized* crime units. Ensuring strict and continuous vetting procedures in recruitment and performance review processes as well post assignment incentives and disincentives for operatives and family members can help safeguard these units from corruption, manipulation, and interference, and prevent individual operators from going rogue. The effectiveness of US DEA experiences in the establishment of vetted units in Ghana and Nigeria would be important to monitor in this regard.

**2.2** In cases where it is evident that criminals are known to have been providing services to citizens, specialized law enforcement agencies should work more closely with development actors and national authorities to fill the socio-economic void left by successful law enforcement efforts. Citizen security experiences from Brazil's *favelas* or Jamaica's garrison towns can be explored for this purpose, but local context should drive the response as violence is not always the logical outcome of the void.

**2.3** Use political economy assessment tools (*see Section III*) to deepen understanding of how political and business elites provide entry points for organized criminals and for what purpose (political/ideological, financial), and to identify initiatives that raise the business costs of engaging in illicit activity, including through more effective anti-money laundering initiatives.

**2.4** Involve the private sector in policy discussions and debates regarding how to combat organized crime, and support learning from other experiences such as the Business Against Crime of South Africa (BAC(SA)) initiative. BAC(SA)'s original purpose was to work with the government and civil society on specific crime prevention projects that impacted on the country's transformation by increasing confidence, investment and job creation.<sup>43</sup> It is still active today focusing on eliminating crime within business and supporting government responses to crime.

**2.5** Use sector specific political economy analysis to develop a better understanding of the information telecommunications (ICT) sector, how organized criminal groups might be using ICT to advance their goals within a country, and who within the government or the private sector might be complicit in this activity. Monitoring of judicial processes and evidence tabled in the investigation leading to a trial might provide back-door entry points to determining the level of sophistication of criminal groups and which public or private entities (including technology companies) might be directly or inadvertently supporting their work.

**2.6** Support policy debates at the national and regional level with law enforcement, the judiciary, and specialized agencies on how to better target organized criminals through effective deterrence strategies, selective targeting, sequential interdiction efforts, and the strengthening of prosecutorial capacity.<sup>44</sup>

**2.7** Where there are important incidences of drug trafficking and consumption, support discussions with policy makers and law enforcement on how to introduce harm reduction policies and practices for people who inject drugs to the policing of retail markets.<sup>45</sup>

43. BAC(SA) was established in 1996 when the then State President, Nelson Mandela, invited South African businesses to join hands with the government to combat crime. It has two distinct roles. The first is to get business'own house in order' by eliminating crime-enabling processes, systems and approaches, and improving crime prevention measures within the control of business. The second is to partner with Government, when invited, by sharing expertise, information, processes and technologies resident in business. See: <http://www.bac.org.za/>

44. See for example, Vanda Felbab-Brown (2013) Focused deterrence, selective targeting, drug trafficking and organised crime: Concepts and practicalities, IDPC Modernising Drug Law Enforcement Report 2

45. See for example, Geoffrey Monaghan and Dave Bewley-Taylor, (2013) Police support for harm reduction policies and practices towards people who inject drugs; and Alex Stevens (2013), Applying harm reduction principles to the policing of retail drug markets, IDPC Modernising Drug Law Enforcement Reports 1 and 3

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**2.8** Invest in mapping judicial processes and non-judicial commissions of inquiry regarding the involvement of state officials in organized criminal activity as a means to better understand weaknesses and gaps in legislation and the criminal justice process and to identify appetite for reform.

**2.9** Support the establishment of national, regional, and inter-regional platforms via existing organizations as a means to enhance cooperation between policy makers, law enforcement officials, civil society, and academia in responding to organized crime.

**2.10** Invest in monitoring and assessing the impact of external efforts to enhance the capacity of the judiciary and security services to respond to organized crime.

### 3. SUPPORTING SMART, CRIME-SENSITIVE SOCIAL AND ECONOMIC POLICY DEVELOPMENT

Across the case studies, criminal entrepreneurs took advantage of the limited ability of national authorities to deliver basic services and the ineffective governance of socio-economic space to turn their own provision of “social services” and illicit employment into social capital. In Nepal and Jamaica, these entrepreneurs sometimes work with the acquiescence of political actors or public servants who, in turn, reap short-term political benefit from dallying with criminal actors. In Nepal, Ghana, and Mozambique, formal or traditional institutions have taken advantage of organized criminal structures to extend their presence and deliver services, earning political capital, which in turn has allowed them to sustain control over economic, social, and political life. In Mozambique, business elites have played this card. In most of the cases, lack of employment, particularly among young and marginalized populations, has propelled many to support criminal enterprises, in response to both needs and interests.

While knowledge on the overarching impact of organized crime on development is still limited, we have found that, under dire socio-economic conditions, people are more receptive to supporting, engaging in, or turning a blind eye to illicit activity. Indeed, organized crime becomes a coping strategy for those with few alternatives, especially

in low income and conflict-affected countries. In Sierra Leone for example, the high farm-gate price for illegal crops such as cannabis can lead to displacement of the production of subsistence crops in many areas, with significant implications for food security and broader national security. When the production and trafficking of illegal drugs also generate secondary consumption markets, a variety of adverse public health and social effects ensue. Again in Sierra Leone, many youths became addicted to drugs during the war; in many other settings, youths often turn to drugs to escape a difficult reality. Drug use, in turn, renders them unfit for work (where it becomes available), leading to further frustration, which – together with other challenges such as marginalization – can have a destabilizing effect on the country. In all of the case studies, consumption is viewed as a crime rather than a health issue, even for first time ‘offenders.’ The over-emphasis on law enforcement vis-à-vis public health places enormous pressure on over-burdened and weak criminal justice and prison systems. More importantly, it can lead to longer-term public health issues since drug users, including those using needles, have limited recourse to treatment both when in prison and after release, let alone access to social services that might ease them back into society. In addition, targeting the most vulnerable, low level individuals results in criminalization of users and petty dealers (a strategy that can increase social instability and violence), while not addressing the core threats to political stability and governance posed from elite involvement in the trade.

As evident in several of the cases, the illicit extraction of resources can have a detrimental impact on the environment and on citizens’ health, polluting limited water resources or arable land. Organized criminal groups have built a lucrative business in illegal logging and the illegal trade in wildlife (Nepal); illicit gold mining and dumping of electronic waste (Ghana); and illegal logging and diamond extraction (Sierra Leone). The specialized law enforcement capacity required to respond to these types of economic crimes is limited; in general, the impact of this form of criminal activity is not considered in national environment, health, or development policies, nor is in international development assistance strategies.

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The growing incidence of cybercrime (both organized and ‘disorganized’), with its low entry barriers and low risks in developing countries, carries serious social implications, many of which remain unexplored by development actors, not least because it is generally assumed that cybercrime does not have direct implications for the poor. This is an erroneous assumption since high incidences of cybercrime and weak cyber security in a specific jurisdiction can place significant strains on judicial systems and, by extension, the public purse. It also impacts businesses and can serve as a deterrent to potential investors. And while cyber crime might provide large swathes of unemployed youth with low-risk income, their technical skills might be put to better and more sustainable use through innovative start-up schemes supported by public-private partnerships or by employing these young entrepreneurs in legitimate e-governance initiatives.

With the latter in mind, as a means to support crime-sensitive social and economic policy development, development actors can:

### Targeted Action

**3.1** Ensure citizens’ participation in the development of smarter crime-sensitive social and economic development policies. This can be achieved through strengthening the capacity of civil society and community groups to engage the government and political actors on organized crime-related issues. For example, recent efforts to reduce violence in crime-ridden localities in Jamaica’s garrison towns or Brazil’s *favelas* through the introduction of vertical accountability measures into citizen security policies have yielded some interesting results, at least in terms of reduction of violence. It is unclear, though, whether, and under what structure, organized criminal activity still continues. Investing in research on these additional elements would help determine where to allocate additional resources for citizen security measures while simultaneously tackling organized crime.<sup>46</sup>

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46. See also Vanda Felbab-Brown (2011), *Bringing the State to the Slum: Confronting Organized Crime and Urban Violence in Latin America: Lessons for Law Enforcement and Policymakers*, Brookings Institution; and Vanda Felbab-Brown (2011), *Calderon’s Caldron: Lessons from Mexico’s Battle Against Organized Crime and Drug Trafficking in Tijuana, Ciudad Juárez, and Michoacán* (particularly the section on Ciudad Juárez).

**3.2** Map socio-economic impacts of efforts to counter organized crime. Donors can invest more in understanding the impacts of alternatively formalizing or prohibiting informal or illicit markets.

**3.3** Support public participation and debate on the development and implementation of smarter drug treatment policies in response to drug dependency, and prioritizing citizens’ health and social development over criminalization.

**3.4** Increase support to specialized bodies responsible for investigating, monitoring, and prosecuting environmental crimes such as illegal logging, the illegal trade in wildlife, and e-waste dumping.

**3.5** Increase support to governments to develop, with strong citizen participation, more effective livelihood opportunities to prevent and respond to the harmful effects of illicit resource extraction, particularly water bodies that are the only source of potable water for local populations; and as a means to reduce environmental crime. The effectiveness of the latter will be contingent on demand reduction strategies for natural resources across the board and the provision of socio-economic alternatives for those most dependent on them.

**3.6** Invest in understanding the incentives driving young people to engage in cyber criminal activity, and its impact on employment and economic growth.

## 4. ENGAGING CIVIL SOCIETY AND THE MEDIA

Organized crime can lead to a weakening or firewalling of *vertical accountability bodies and mechanisms such as civil society, academia, and the independent media*. In Ghana, for example, the space for discussing organized crime, and the suspected involvement of members of the political and economic elite, is very limited. Many suspect that this is due to the politicization of academia, civil society, and the media, which prevents these actors from playing an oversight role. Across the case studies, lack of access to accurate and transparent data is a problem. Civil society organizations are often reluctant to engage

in organized crime-related activity, not least because of the security implications it entails. The manner in which organized criminal groups have adopted technology as a means to counter activism is a case in point. For example, recent cases point to organized criminal groups using highly sophisticated measures to monitor negative on-line coverage of their activities. This can be dangerous especially in areas where citizens take up police functions themselves, using blogging sites or Twitter to fill the void left by weak and corrupt police forces or a silenced or co-opted traditional media. In Mexico for example, the country's main media outlets have largely ceased covering 'drug-war stories' and have been largely replaced by bloggers who face enormous risks.<sup>47</sup> In late 2011, several bloggers working out of Nuevo Laredo, Mexico, were violently killed by members of drug cartels such as the Zetas who berated them *post-facto* for participating in online discussions about the drug situation in Mexico and for tipping off authorities about their activities. Victims were beheaded or disemboweled, and messages, such as "this happened to me because I didn't understand I shouldn't post things on social networks," were left on what was left of their bodies.<sup>48</sup> Mexican bloggers and journalists fear that the recent attacks will prevent people from using the Internet to circulate information on what is happening in different parts of the country.

Meanwhile, in light of the attacks on bloggers, the hacktivist group Anonymous established 'OpCartel,' an operation that threatened to release details of Zeta operatives and collaborators obtained through hacking into the emails of Mexican government officials.<sup>49</sup> Following the alleged kidnapping of an Anonymous member by the Zetas, and the threat that ten people would be killed for each collaborator identified, Anonymous publicly abandoned its OpCartel campaign.<sup>50</sup> In 2010, two Mexican students at Columbia University in New York City who were tracking information on organized crime-related violence in Monterrey were also stopped in their tracks. The US-based site administrator received threatening phone calls, after

47. *The Spider and the Web: The Fog of War Descends on Cyberspace*, The Economist, 24 November 2011. In 2010 alone, five newspapers admitted in print that due to the risks to their reporters, they would stop covering sensitive drug-war stories. See: <http://www.economist.com/node/21530146>

48. *Gang Sends Message with Blogger Beheading*, The Houston Chronicle, November 11th 2011.

49. UpDate: Anonymous vs. the Zetas, Borderland Beat, 4 November 2011

50. Anonymous cancela #OpCartel por amenazas, El Universal, 4 de noviembre 2011.

which the project was cancelled.<sup>51</sup> This inability to capture citizen information and empirical data on the scope of violence and organized crime seriously impacts attempts to build effective responses to organized crime.<sup>52</sup>

In some of our own case studies, media reporting on organized crime tends to be sensationalist, often only providing fodder for political opponents to use against each other when their interests are at stake. Bad reporting or politically motivated disinformation can exacerbate already volatile situations, and fuel speculation and rumor around political participation in criminal activity. Meanwhile, serious journalists and analysts often (and justifiably) fear reprisals if they attempt to name and shame political and business elites allegedly involved in illicit activity. This situation is further exacerbated by weak capacity and investment in academia and the near-absence of policy-oriented think tanks in each of the countries. At times, civil society actors themselves benefit from the spoils of organized crime and have limited incentives to demand a change. Donor support to civil society actors can help bolster vertical/citizen accountability, although as in the other areas of suggested action, a decision to work with civil society should be preceded by an assessment of civil society, how it is organized in a given setting, and the interest groups it represents. Following such an assessment, donors might:

### Targeted Action

**4.1** Support efforts by civil society or joint government-civil society efforts to conduct campaigns against organized crime and political and public sector corruption, including around electoral processes. Donors might draw lessons from civil society-led campaigns aimed at fostering civilian resistance against organized crime and violence, and determine how and why they are perceived as successful. Interesting examples include the Addiopizzo campaign in southern Italy, efforts in Medellin, Colombia, aimed at cleansing core governance structures, and the joint government-civil society cross-sectoral programme Todos Somos Juarez, in northern Mexico, aimed at enhancing citizen security and safety.

51. *The Spider and the Web: The Fog of War Descends on Cyberspace*, The Economist, 24 November 2011. <http://www.economist.com/node/21530146>

52. US Department of State (undated), Meridia Initiative, available at <http://www.state.gov/j/inl/merida/>.

**4.2** Apply the principle of shared responsibility to ensure the safety of journalists and civil society actors (and their families) who are involved in monitoring or reporting organized crime. In this regard, donors can support efforts to secure asylum for those who are targets of threats, and leverage the support of technology companies to provide monitoring circumvention tools and tools to support safe and rapid reporting.

**4.3** Support evidence-based debates on core policies that have a strong impact on governance and development across countries. Regardless of their position on some of the more sensitive issues, donors should support the emergence of much-needed global, regional, and national discussions and debate on organized crime. Initiatives such as the Latin America Commission on Drugs and Democracy, the Global Commission on Drugs Policy, and the more recent West Africa Commission on Drugs are helping to open space for a more evidence-based debate on the highly controversial ‘war on drugs’ and the somewhat out-dated counter-narcotics regime. The recent decision by the Organization of American States to conduct a comprehensive review of drug policy across the Americas is another interesting step towards more evidence-based policies.<sup>53</sup> Donors could contribute through supporting the ‘evidence-gathering’ aspects of these bodies and initiatives, as they tend to be the least under-funded, or supporting the establishment of groups of networks or non-governmental ‘champions’ on specific issue areas related to organized crime. The government of Norway has taken one step in this direction by establishing The Global Initiative against Transnational Organized Crime.<sup>54</sup>

## 5. DEEPENING THE KNOWLEDGE BASE

Across the case studies, the glaring lack of basic information on organized crime investigations, prosecutions, and convictions emerged as a core problem. Accurate data can play an important role in addressing the sources and nature of criminal behavior in particular contexts, and informing mitigation strategies aimed at dealing with health, environmental, and other effects. Access to

53. See <http://transform-drugs.blogspot.com/2012/09/how-organization-of-american-states.html>

54. The initiative will be launched in Rome, Italy in May 2013

financial data is also essential for targeting high-ranking crime targets, their financial advisors, and more legitimate partners. Journalists and civil society can publish this information to make the public aware of corruption and hold public officials and private sector actors to account.

Organized crime-related research is generally conducted within a predominantly Western understanding of institutions, and little is known about the relationship between organized crime and traditional or informal governance structures. The Ghana, Sierra Leone, and Nepal studies shed some light on these issues, although understanding the interaction of organized crime and complex systems of social and cultural norms requires much deeper and careful research, not least because accepted norms of behavior in one setting are not necessarily acceptable in another. Development programs ignoring these differences might do more harm than good in the mid- to long-term. In this regard, development actors can:

### Targeted Action

**5.1** Support efforts aimed at providing different sources for collecting and monitoring crime and financial data. Donors should explore potential partnerships between government and the private sector, including major information technology companies as a means to leap-frog some of the traditional challenges encountered in the collection and processing of baseline data and support more participatory forms of data collection.

**5.2** Invest in strengthening the capacity of national and regional policy think-tanks, academia, and investigative journalists to conduct research on organized crime, particularly in relation to the political, social, cultural, and developmental impacts of different forms of organized crime. The Open Society Foundation’s (OSF) Drugs, Security and Democracy fellowship model aimed at supporting policy relevant research in Latin America and the Caribbean would be worth exploring.<sup>55</sup>

**5.3** Invest in mapping development actor efforts against organized crime (particularly support to justice

55. 2011 WDR

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and security institutions and legislative bodies) and assessing their effectiveness. In particular, and in respect of the principles of shared accountability and responsibility, donors should also become more transparent and accountable for the limited impact of the significant resources spent on supporting better political and economic governance in developing countries.

**5.4** Invest in strengthening internal [development agency] analytical capacity and tools and those of national stakeholders to better understand the nature of organized crime and associated impacts.

Finally, as noted in the Executive Summary, the development community must invest more heavily in the development of political economy assessment and analytical frameworks to understand when to engage on organized crime-related issues, and where to focus efforts within these five core areas. The next section provides deeper insights into how this might be achieved. It also provides an outline for longer-term research: a framework developed on the principle of ‘do-no harm’ for analyzing types of relations between organized crime and political institutions and how they impact on political arrangements and governance.



### III. KNOWING WHEN TO ENGAGE AND WHERE TO PRIORITIZE EFFORTS

The previous section highlighted core areas around which to target development assistance in settings where organized crime is prevalent, or where it risks becoming so because of its interactions with the political process. As noted earlier, development actors’ room for political maneuver is often limited, particularly in traditional development settings where political leverage is limited. If a recipient country’s core interests (or the interests of elite groups within a country) are threatened by external actors, it can easily play the sovereignty card or impose a range of obstacles to prevent donor agencies from overstepping non-articulated boundaries. This is all the more complex in countries where decision-makers might be complicit in different forms of organized criminal activity. For development actors, knowing when to engage on organized crime-related issues is therefore critical.

The following section provides options for frameworks that can help donors assess and analyze organized crime in a given setting, and inform decisions on where to prioritize engagement within the five suggested areas for targeted action.

#### 1. Political Economy Assessments

As noted earlier, certain factors can serve as important indicators for assessing a country’s exposure to the risk of organized crime penetration and gauging the degree of state involvement. These include the existence of internal and external checks and balances; a strong culture of freedom of, and access to, information; a culture of asset disclosure among elected officials and political parties; the

existence, strength, and independence of anti-corruption bodies; legislative drafting capacity (particularly regarding resource extraction and trafficking in illicit substances); and citizen perceptions of organized crime or specific illicit activities. Applying these indicators in different settings (conflict, post-conflict, transition, traditional development settings) will likely yield very different results, and therefore development responses should evidently be attuned to the political realities of a given setting, not least because they will also have varying degrees of leverage to influence change depending on the setting.<sup>56</sup>

In addition to these indicators, we also suggest that development actors should make more strategic use of political economy assessment tools to determine when to engage and guide prioritization of action. For example, a recent USAID study included a focus on i) sources of support for/ tolerance of drug trafficking; ii) sources of opposition to drug trafficking; iii) government complicity and opposition; and iv) stakeholder interest and influence as core elements of a political economy assessment to guide donor engagements in their responses to drug trafficking. The section on government complicity and opposition aimed at “examin[ing] who in government is complicit in the trade, and who opposes it (...)” is particularly insightful (see Figure 2 below). More specifically, it suggests that:

*“Complicit officials, like their opponents, may be concentrated within offices, ministries, levels of government, political factions, or political parties or may have networks working across these divides. The complicity of higher-level officials denotes a greater threat to governance than the involvement of just*

56. For a more detailed discussion on the question of context and leverage, see for example, Kavanagh and Jones (2011), *Shaky Foundations: An Assessment of UN Rule of Law Support*, NYU Center on International Cooperation.

Organized Crime Sensitive Programming Framework				
Core Area for Targeted Action				
1. Protecting the Political Process	2. Modernizing and Strengthening the Criminal Justice System	3. Supporting Smart, crime-sensitive, economic and Social Policies	4. Engaging Civil Society and the Media	5. Deepening the Knowledge Base

Figure 1

lower-level officials, but the stance of other officials in the government influences the contours of the threat (...)" When high-level government actors are complicit in drug trafficking and opposition from other parts of the government is weak, the situation is stable and the prognosis for [counternarcotics] efforts is poor. Direct interventions to reduce drug trafficking are unlikely to have an impact. When high-level government actors complicit in drug-trafficking face strong anti-trafficking factions in other parts of the government, the prognosis for reform is hard to predict; direct interventions may be possible but are potentially destabilizing. By contrast, when government involvement only extends to lower-level officials, the threat to governance is lower. The prospects for reform are strongest when high-level officials champion counternarcotics efforts, but are less clear when no high-level officials do so, though political pressure may advance reform in this scenario.<sup>57</sup>

Such an assessment would enable development actors to determine initial political obstacles to engagement on drug trafficking (and broader organized crime) issues, even if commitment has been anchored in theory, in national development or security strategies, bilateral agreements or other. It can also help determine the degree to which civil society can be engaged in the response to organized crime.

For example, in the case studies conducted for our own research, high-level officials in two of the countries –

Ghana and Sierra Leone – have publicly condemned government involvement in drug trafficking. Despite huge external investments to bolster capacity in these countries, significant challenges remain. Notwithstanding, direct interventions in these countries are still possible and do not appear to be destabilizing. External support to these countries has, however, been front-loaded to supporting traditional law enforcement efforts, with limited focus on targeted deterrence or accompanying law enforcement mechanisms with efforts aimed at bolstering vertical and horizontal accountability mechanisms, although the latter might be destabilizing if core interests are threatened.

In Nepal and Mozambique, high-level officials have not made any obvious statements signaling their opposition to state involvement in drug trafficking (or other forms of organized crime). Given how organized criminal gangs have been used to support political objectives in Nepal, direct intervention might not be advisable, although efforts can be channeled to supporting inter-party dialogue and the development of Codes of Conduct to guide behavior during periods of tense political contestation. In Jamaica, and until 2009, empty statements were often made by high-level officials to signal their opposition to state involvement in organized crime. Direct interventions were possible, but were fruitful only when accompanied by significant political pressure from the United States, which in turn was driven by its own national interest of stemming the flow of drugs and arms to its territory. Meanwhile, in Guyana, government involvement in organized crime or criminal penetration of government at all levels is obvious, but there are no champions for countering

57. USAID (April 2013), The Development Response to Drug Trafficking in Africa: A Programming Guide

		Level of Corruption /Infiltration	
		Low Level Officials	High-Level Officials
Opposition within Government	Strong: High-level officials oppose state involvement in trafficking	Best scenario for direct interventions	Direct interventions possible but potentially destabilizing
	Weak: Relatively few high-level officials oppose state involvement in trafficking	Direct interventions most effective when combined with increased political pressure	Direct interventions not advisable

Figure 2. Drawn from USAID *The Development Response to Drug Trafficking in Africa* (p.20)

these challenges within government or limited voices and limited leverage among external actors to increase political pressure to advance reform efforts.

## 2. Typology analysis<sup>58</sup>

Based on our own research and the core areas we have identified for targeted programming, we have also developed the option of a typology analysis framework, grouping forms of organized crime/politics relations into two broad typologies: enclave or *mafia*. The framework is sharply underpinned by the ‘do no harm’ principle and could, with more research and field testing, be coupled with a political economy assessment such as the one suggested above, to set the broad outlines for an organized crime-sensitive development strategy. For now, we do not argue that any of our cases studies fit neatly or entirely within either one of these ‘ideal types’. Different aspects may be present in one country at the same time, or the dynamics of a country may force a shift from one ideal type to the other. The ideal types should be seen merely as analytical lenses, whose use in examining specific country cases may help draw out certain aspects of the impact of organized crime on governance, thereby improving the prospects of effective, do no harm-based development interventions. The typology analysis could also serve as a useful framework for determining priority actions within the five areas outlined above. Through further research, conceptual development and testing, similar frameworks may provide a basis for more sophisticated analytical and program

### Enclave Scenarios

Some organized crime groups – including gangs, drug cartels, and warlords – use violence to develop and retain control over territorial or social enclaves within states, such as Jamaica’s garrison neighborhoods, Brazil’s favelas, or hinterland communities in Somalia, Afghanistan, and Myanmar. Mark Duffield has described rulers of these enclaves as local strongmen able to control an area and exploit its resources while, at the same time, threatening

central authority or keeping it weak.<sup>59</sup> In these cases, an organized criminal group can take advantage of the state’s weak territorial, social, or administrative reach to assume a governance role within a defined enclave within the state. As Desmond Arias describes, states can – and frequently do – extend control over these enclaves through incorporating these strongmen into the political order, creating a system of “violent pluralism.”<sup>60</sup> This produces a kind of political settlement based on indirect rule through criminal proxies and local powerbrokers.<sup>61</sup> Our research highlights the prevalence of such systems in Latin America and Caribbean, and points to signs of a related, but somewhat different system emerging in Nepal, as Box 1 below explains.

### Box 1: Enclaves and Violent Pluralism – from Kingston to Kathmandu

Armed gangs with historic affiliations to Jamaica’s political parties dominate working class neighborhoods in the Kingston and Saint Andrews Corporate Area and the neighboring municipality of Spanish Town. These armed groups control ‘garrison’ communities, delivering voting blocs to Jamaica’s two main political parties, while using the communities as enclaves for drug trafficking, extortion, and violent crime.<sup>62</sup> In many cases, local criminal leaders also seek to control the structure of local state spending in the areas they dominate, deciding who will work on street repair projects or on the yearly efforts to clear the gullies running through the city to prevent flooding during the rainy season, and controlling government construction contracts within those neighborhoods. These gangs also have contacts with Jamaicans engaged in illegal activities abroad. Transnational networks support small-scale smuggling operations with Jamaicans sending drugs to the United States, Canada, and the United Kingdom, and importing arms mostly from the United States and Haiti. Funds from these contacts help criminal organizations offer limited social services to local residents and provide for a measure of independence from elected officials. Like many criminal strongmen in Latin

59. Mark Duffield (1998), “Post-modern Conflict: Warlords, Post-adjustment States and Private Protection,” in *Civil Wars*, Vol. 1, pp. 65-102: p. 81.

60. Desmond Enrique Arias, “Understanding Criminal Networks, Political Order, and Politics in Latin America,” pp. 115-135; See also Schulte-Bockholt, Alfredo (2006). *The Politics of Organized Crime and the Organized Crime of Politics*, Lanham MD/Oxford: Lexington Books.

61. Mónica Serrano (2002), “*Transnational Organized Crime and International Security: Business as Usual?*” in Mats Berdal and Mónica Serrano (eds.), *Transnational Organized Crime and International Security: Business as Usual?*, Boulder CO: Lynne Rienner, pp. 21-22; A. Smart, ‘Predatory Rule and Illegal Economic Practices,’ in J. M. Heyman (ed.), *States and Illegal Practices*, Oxford: Berg, 1999.

62. Anthony Harriott (1996), “The Changing Social Organization of Crime and Criminals in Jamaica,” in *Caribbean Quarterly*, Vol. 42, No. 2/3, pp. 68-69.

58. The following section was developed by James Cockayne, one of the principal contributors to the research project. The examples provided are drawn from the case studies but have not been tested in-country. For further discussion on the approach, see Cockayne, ‘Chasing Shadows: Strategic Responses to Organized Crime in Conflict-Affected Situations’, *RUSI Journal*, April 2013, vol. 158, no. 2.

America, these gang leaders thus exist apart from, but connected to, the national political settlement, serving as a mechanism of indirect rule.

Our research points to signs of related dynamics emerging in Nepal – though perhaps only temporarily, given that country’s constitutional flux. During the civil war, the Maoists taxed illegal logging in areas of their operations – an illegal enterprise they still directly engaged in after the civil war in areas around cantonments that housed their ex-combatants.<sup>63</sup> Economic necessity – namely, an alleged usurpation of the combatants’ salaries by the Maoist party headquarters<sup>64</sup> – may have driven the illegal logging, while the broader local community had few means to oppose the deforestation. *Madhesi political parties* also cultivate particularly strong relations with criminal groups in the troubled and neglected Terai region, where state presence is often minimal. Approximately half of Nepal’s 26 million people live in the Terai. Between 2005 and 2009, many Madhesi armed groups proliferated in the region, and at their peak in 2008 numbered over one hundred.<sup>65</sup> (Some of the groups, however, only had membership in single digits.<sup>66</sup>)

After the end of Nepal’s civil war, the absence of strong political party, campaign financing and asset declaration regulation allowed political actors to exploit these relationships with local criminal actors for electoral purposes. In order to demonstrate street power via *bandhs*, political parties hire criminal groups to recruit young men to staff the barricades. The squatter and urban slum communities, in particular, represent prime targets for such *bandh* recruitment by criminal groups, but political parties also bus rural residents to strike areas for such payoffs. Youth wings of political parties extort businesses for “contributions” to the political parties, secure public tenders (such as construction projects) for their network of clients and party-supported contractors, and create an atmosphere of threat and insecurity to obtain votes and decision-making outcomes favorable to their interests.<sup>67</sup>

Unlike the situation in Latin America, however, in Nepal political parties, rather than local criminal actors, seem to be the dominant actor in the political-criminal collaboration. In both cases, however, political influence is extended to enclave areas through cooperation with local criminal groups.

There is a key difference between governance and development within these enclaves themselves and governance and development within many other modern, developed states. That difference can be understood in terms of the absence, within the enclaves, of the kind of political deals that Charles Tilly and others have identified as the basis for early modern European state development – the deals that were cut between organized violence and productive capital.<sup>68</sup> Criminal groups in enclaves live not off the taxation of a productive economy based on state-provided public goods (such as justice, roads, education, and healthcare), but often off the proceeds of organized crime, especially its transnational version. As a result, they do not always need to tax local populations, and in turn do not need to construct an open-access system of protection, or the state institutions and differentiated bureaucracies that have historically characterized such arrangements.<sup>69</sup> Instead, the rulers of these enclaves can develop governance arrangements that are less differentiated, more personalized, more violent, and more arbitrarily-run than a developed state’s governmental apparatus.<sup>70</sup> As Vanda Felbab-Brown has shown, they offer just enough justice, and just enough pay-offs, to maintain the political support of the populations involved.<sup>71</sup> Though the actual history of the development of particular modern European states may not always hew entirely to the Tillyan scheme, the analytical framework does seem to offer some insights into understanding the relationship between productive (legitimate) and criminal capital, on the one hand, and coercion on the other.

63. Author’s interviews with a high-level Nepal officials in charge of the cantonment oversight and Maoists integration into the Nepal Army, Kathmandu, May 12, 2012.

64. See, for example, International Crisis Group, *Nepal’s Peace Process: The Endgame Nears*.

65. For details on their emergence and growth, see Interdisciplinary Analysts, Nepal Madhesh Foundation, Small Arms Survey, and Safer World, *Armed Violence in the Terai*, August 2011.

66. For a background on these armed groups, see International Crisis Group, *Nepal’s Troubled Terai Region*, Asia Report No. 136, July 9, 2007.

67. Author’s interviews with businessmen in Kathmandu, Bharatpur, Nepalganj, and Pokhara, May 2012. See also, Carter Center, *Clashes between Political Party Youth Wings Have Decreased but YCL and UML Youth Force Continue to Seek Financial Gain*, February 28, 2011, [http://www.cartercenter.org/resources/pdfs/news/peace\\_publications/democracy/nepal-political-party-youth-wings-022811-en.pdf](http://www.cartercenter.org/resources/pdfs/news/peace_publications/democracy/nepal-political-party-youth-wings-022811-en.pdf).

68. Charles Tilly (1985), “War Making and State Making as Organized Crime,” in Peter Evans (ed.), *Bringing the State Back In*, Cambridge: Cambridge University Press, pp. 169-191; Tilly, Charles (1992), *Coercion, Capital and European States, AD 990-1992*, Cambridge MA and Oxford UK: Blackwell.

69. Douglass North, John Wallis and Barry Weingast (2009), *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History*, New York: Cambridge University Press.

70. Paul Jackson (2003), “Warlords as Alternative Forms of Governance,” in *Small Wars & Insurgencies*, Vol. 14, No. 2, pp. 131-150; Marten, Kimberly (2006/07), “Warlordism in Comparative Perspective,” in *International Security*, Vol. 31, No. 3, pp. 41-73.

71. Vanda Felbab-Brown (2009), *Shooting Up: Counterinsurgency and the War on Drugs*, Washington DC: Brookings Institution Press.

Where criminal enclaves emerge, states often exert control over them by mediating enclave strongmen's access to transnational illicit flows.<sup>72</sup> The result is sometimes a kind of 'violent pluralism,' involving a significant dose of criminal activity as we have seen especially in Africa,<sup>73</sup> and also Latin America.<sup>74</sup> This has important implications for development interventions. Development outcomes within these territorial and social enclaves may be controlled as much by local criminal actors as state political actors. Development actors must therefore anticipate interaction with actors implicated in crime, and consider the dynamics and implications of such engagement. Engagement with such actors can legitimize them, perhaps even at the expense of central state institutions. However a refusal to engage with such actors may, at best, mean that development actors cannot influence development within those outcomes. As the Dudas Coke case in Jamaica demonstrates, external pressure on political actors to turn their backs on local criminal strongmen may even lead to violence (see Box 2, below).

### Box 2: The Results of External Pressure on the Political-Criminal Nexus in Jamaica

In May 2010, under pressure from the US government, former Prime Minister Bruce Golding ordered Jamaican security forces to invade the neighborhoods of Denham Town and Tivoli Gardens in Kingston, Jamaica's capital, to execute an arrest warrant for Christopher "Dudas" Coke, the local "don." Coke was the head of the infamous Shower Posse, a gang that controlled sizable portions of organized crime activity on the island and was accused by the United States government of drug trafficking and racketeering. Gangsters from around the Kingston area converged on these neighborhoods in an effort to protect Coke who ran a sizable and complex criminal operation in western Kingston. Residents of the community had turned out several days before to demand the government give up its efforts to bring Coke to justice. Faced with considerable and well-organized armed opposition,

Golding warned residents to evacuate. On 28th May, troops entered the area and carried out an operation that killed some 70 residents.

These events represented the culmination of eight months of intense political and diplomatic wrangling following a request by the United States government for Coke's extradition. The Golding government had done everything in its power and more to avoid arresting Coke, including hiring a US-based law firm to lobby the Obama Administration to withdraw its request. When Golding's attempt to evade Jamaica's international treaty obligations came to light, the country's political establishment shuddered. Golding resigned as leader of the Jamaica Labor Party (JLP), potentially opening the door to new elections. His party, however, refused to accept his resignation and the administration staggered onwards. The US government found innovative ways to pressure his government, including cancelling the US visa of prominent JLP supporters, thereby creating significant business difficulties and embarrassment for a portion of the Jamaican elite.

Ultimately, the violent military incursion into Kingston Western was unsuccessful in that Coke managed to escape. But with no place to hide, he soon surrendered and was extradited to the US. He pled guilty to racketeering charges in a New York court and in June 2012 received a maximum prison sentence of 23 years.<sup>75</sup> Golding, on the other hand, offered exemption from prosecution to other prominent gang leaders across Kingston in exchange for relative peace. Lower violence rates in late 2010 and early 2011 testify to those arrangements. The only powerful figure to suffer from the Coke debacle in the immediate term was Attorney General and Justice Minister Dorothy Lightbourne who was forced to step down. Golding and his party went on to lose the general elections.

### The Mafia Scenario

The second analytical 'ideal type' is one we describe as a '*mafia* scenario'. In the *mafia* scenario an organized criminal group's political power flows not from its monopoly of violence in a defined territorial space (though it may enjoy considerable influence or even control); rather, a *mafia's* power flows from the relative absence of the state from *criminal markets*. Organized crime groups wield power

72. William Reno (1998), *Warlord Politics and African States*, Boulder CO and London: Lynne Rienner, pp. 8-10.

73. Jean-François Bayart, Bayart, Stephen Ellis, and Beatrice Hibou (2009). *The Criminalization of the State in Africa*, Bloomington: Indiana University Press; Reno, William (2009), "Illicit Commerce in Peripheral States," in H. R. Friman (ed.), *Crime and the Global Political Economy*, Boulder, CO: Lynne Rienner, pp. 67-84.

74. Desmond Enrique Arias (2010), "Understanding Criminal Networks, Political Order, and Politics in Latin America," in Anne L. Clunan and Harold A. Trinkunas (eds.), *Ungoverned Spaces: Alternatives to State Authority in an Era of Softened Sovereignty*, Stanford CA: Stanford Security Studies, an Imprint of Stanford University Press, pp. 115-135.

75. "Dudas gets his due," *The Economist*, June 13, 2012, <http://www.economist.com/blogs/americasview/2012/06/organised-crime-jamaica>

through cooperation with state actors,<sup>76</sup> generating a criminal version of the “mediated state” discussed in recent development literature.<sup>77</sup>

In the *mafia* scenario, if powerful enough, organized crime can become a mediating power, using its control of social networks to help state actors control (and even benefit from) criminal markets, and allowing actors within criminal markets to interface with (and benefit from) state institutions. Unlike the rulers of enclaves, *mafias* do not need to construct a separate governmental apparatus; instead they can corrupt and co-opt state institutions.<sup>78</sup> As Anton Blok has explained, *mafias* can (but not always) become “a pragmatic extension of the state”<sup>79</sup> through control of “markets, services, and votes,” in return for political protection.<sup>80</sup> The *mafia* and state actors can serve as complementary *collaborators* in the exercise of governmental functions, particularly the use of clandestine coercion in the form of corruption, to achieve political purposes and regulate illegal markets.<sup>81</sup> As a result, the middlemen who bring state patronage to local communities in return for their votes can enjoy considerable political legitimacy. The case of Eric Amoateng in Ghana might be used as an example (see Box 3).

### Box 3: Drug Trafficker as Political Broker: The Amoateng Case

In 2005, Eric Amoateng was a tribal chief and Member of Parliament for the south Nkoranza District for Ghana’s then-ruling New Patriotic Party. Amoateng was arrested in the US for conspiracy to transport and distribute 136.4 pounds of heroin into the US, smuggled inside ceramics shipments.<sup>82</sup> Following a plea bargain in March 2007 Amoateng was sentenced to 120

months in prison, with supervised release after five years.<sup>83</sup> He is currently serving his term in New York.

The arrest prompted a joint Ghanaian/US/UK investigation into the activities of foundations to which both Amoateng and a former Ghanaian Minister of Defense, Albert Kan Dapaah were connected. Both foundations had received ceramics shipments from the same supplier in the US. Our interviews indicated a broad perception in Ghana that both foundations were involved in the drug trade.<sup>84</sup> Nonetheless, following questioning by Ghanaian Narcotics Control Board (NACOB) investigators in the Amoateng case, Daapah was appointed Minister of the Interior in a sudden ministerial reshuffle by former President John Kufuor, effectively stalling and discontinuing the investigation.<sup>85</sup> This was significant in that the Ministry of the Interior also supervises NACOB. Also, several of the trained NACOB personnel implicated in the case were either dismissed or transferred to other positions and posts.<sup>86</sup>

Despite his conviction and detention in the US, which led to a prolonged absence from Parliament in Accra, Amoateng’s party – the NPP – fought a fierce rearguard action to prevent him being removed from parliament. Only after sixteen months was a deal reached, which saw a by-election held in his constituency and another NPP candidate elected in his place. Amoateng’s local constituents remained equally supportive, cognisant of the patronage Amoateng had controlled and dispensed. His arrest in the U.S. led to major demonstrations in his district, even after it became known that he was trafficking an illicit substance, and important personalities in his Nkoranza district – including the paramount chief – initially discredited news of his arrest in the US.<sup>87</sup> In 2011 Amoateng was honoured by the chiefs of his district for contributing to the socio-economic development of the area and a road has been named after him.

76. Cesare Mattina (2011), “The transformations of the contemporary *mafia*: a perspective review of the literature on *mafia* phenomena in the context of the internationalization of the capitalist economy,” in *International Social Science Journal*, Vol 62, No. 203-204, pp. 229-245: p. 236.

77. Ken Menkhaus (2008), “The Rise of a Mediated State in Northern Kenya: the Wajir story and its implications for state-building,” in *Afrika Focus*, Vol. 21, No. 2, pp. 23-38; Wennmann, Achim (2009), “Getting Armed Groups to the Table: Peace Processes, the Political Economy of Conflict and the Mediated State,” in *Third World Quarterly*, Vol. 30, No. 6, pp. 1123-1138.

78. Jean Cartier-Bresson (1997), *État, Marchés, Réseaux et Organisations Criminelles Entrepreneuriales*, pp. 1-16: p. 5.

79. Anton Blok (1974), *The Mafia of a Sicilian Village, 1860-1960: A Study of Violent Peasant Entrepreneurs*, Cambridge: Waveland Press, pp. 94-96.

80. Anton Blok (2008), “Reflections on the Sicilian Mafia: Peripheries and Their Impact on Centers,” in Dina Siegel and Hans Nelen (eds.), *Organized Crime: Culture, Markets and Policies*, Springer, pp. 7-13: p. 8.

81. Henner Hess (1970/1973), *Mafia and Mafiosi. The Structure of Power* (Westmead: Saxon House, p. 29.

82. Aning (2009).

83. United States of America vs Eric Amoateng, Transcript for Criminal Cause for Sentencing Before the Honorable David G. Trager, December 21, 2007. Copy in author’s possession.

84. Interviews with Ghanaian officials, May 2012.

85. Presentation by John Pokoo at Inter-Regional Dialogue on Organized Crime and State Capture, February 2011, Lima, Peru.

86. *Ibid*

87. See Modern Ghana, Brong Ahafo Citizens Stunned, November 23, 2005, at (<http://www.modernghana.com/news/90686/1/brong-ahafo-citizens-stunned.html>). The Chief of Nkoranza Traditional Area said “Akan names are identical. Maybe someone sharing a similar name with Eric Amoateng might have been mistaken for the MP...”

Organized criminal corruption can take a variety of forms, from “paying off the official in the vehicle licensing office to installing your allies in senior cabinet or civil service positions.”<sup>88</sup> Electoral financing is a favored tactic, because, as Glenny notes “traffickers want to create a relationship of goodwill that will pay off in subsequent access to the new incumbent.”<sup>89</sup> It is a form of criminal regulatory capture,<sup>90</sup> which can blur with bribery by legitimate business, as the Trafigura scandal in 2006, discussed in the Jamaica case study, shows. Another example of this strategy in operation appears to be provided by the Mozambican business tycoon Mohamed Bachir Suleman, discussed in Box 4 below.

#### Box 4: Political and Criminal Financing as Mafia Business Strategy in Mozambique

Mohamed Bachir Suleman is a popular figure in Mozambique, famous for his ‘generosity’ to the poor. He is also believed to have given millions of dollars over the years to the ruling FRELIMO party.<sup>91</sup> Following years of investigations, in 2010 the US Department of the Treasury placed Suleman on its Foreign Drug Kingpin list and blacklisted several of his business interests, accusing him of “capitalizing on Mozambique’s corruption and porous borders to facilitate the transit of illegal drugs to Europe.”<sup>92</sup> Suleman was also accused of using several proxy trading interests to smuggle drugs.<sup>93</sup> In 2011, the government of Mozambique initiated an investigation into Suleman’s alleged involvement in drug trafficking but found “insufficient evidence of drug trafficking to prosecute on that charge.” Instead, it found extensive tax, customs, and foreign exchange violations, and commenced administrative action against him for payment of back taxes and fines.<sup>94</sup> He is now paying off the money owed and is unlikely to face a prison term.<sup>95</sup> Other information emerged at the time of writing

that Suleman was also a supplier of mobile telephones to the Mozambican police, raising questions about the potential risks of having someone so implicated in the illicit sector providing core hardware to the security services.

The arrangement between political and criminal actors in the *mafia* scenario may be based on “mutuality, where the political and economic systems become dependent upon and subject to many of the services the criminal organizations have to offer,”<sup>96</sup> while criminal organizations might themselves be dependent on state protection or other resources. Control of state prerogatives and institutions may give these actors a competitive advantage over other criminal actors;<sup>97</sup> and it may allow political actors to reach into “realms beyond day-to-day politics,” often via clandestine commercial networks.<sup>98</sup> This does not necessarily require state actors to participate in illicit business themselves. Instead it may be enough for them to acquiesce in the operation of criminal businesses by “refrain[ing] from enforcing the law or, alternatively, enforc[ing] it selectively against the rivals of a criminal organization.”<sup>99</sup> The M.V. Benjamin case discussed in Box 5, seems to hint at such a dynamic possibly emerging in Ghana.

#### Box 5: State Law Non-Enforcement: The M.V. Benjamin Case

In 2006, Ghanaian security and law enforcement officials received intelligence that a vessel called the MV Benjamin entering Ghanaian waters was carrying a shipment of cocaine. Seventy-six of a total of 77 cocaine parcels seized subsequently disappeared and the vessel was set ablaze.<sup>100</sup> Investigation by a government-instituted commission of inquiry headed by Chief Justice Georgina Wood implicated the Ghana Police Service’s director of operations, Assistant Commissioner of

88. Glenny, Misha (2008), *McMafia: A Journey through the Global Criminal Underworld*, London: The Bodley Head, p. 196.

89. *Ibid.*, p. 88.

90. Kelly, Robert (2003), “An American Way of Crime and Corruption,” in Roy Godson (ed.), *Menace to society: political-criminal collaboration around the world*, New Brunswick/London: Transaction Publishers, p. 106.

91. Interviews in Maputo, April 2012.

92. “Another Bank Pulls Out from Maputo Shopping Centre” available at <http://allafrica.com/stories/201006181101.html>

93. For example, Rassul Trading Co., run by Ghulam Rassul, and Niza Group, owned by the Ayoub family. According to a U.S. report, Rassul, a Mozambican based ethnic South Asian, has been smuggling hashish and heroin through Nampula province since 1993. 2012 International Narcotics Control Strategy Report (INCSR).

94. 2012 International Narcotics Control Strategy Report (INCSR).

95. Portal do Governo de Moçambique (2006), “Fuga ao fisco: Bachir já começou a pagar ao Estado”, available at [http://www.portaldogoverno.gov.mz/noticias/governacao/setembro-2011-1/fuga-ao-fisco-bachir-ja-comecou-a-pagar-ao-estado/?searchterm=pgr](http://www.portaldogoverno.gov.mz/noticias/governacao/setembro-2011-1/fuga-ao-fisco-bachir-ja-comecou-a-pagar-ao-estado/?searchterm=pgr;); and <http://allafrica.com/stories/201109090451.html>.

96. Stanley A. Pimentel (2003), “Mexico’s Legacy of Corruption,” in Roy Godson (ed.), *Menace to society: political-criminal collaboration around the world*, New Brunswick/London: Transaction Publishers, pp. 175-197.

97. William Reno (2010), “Persistent Insurgencies and Warlords: Who Is Nasty, Who Is Nice, and Why?” in Anne L. Clunan and Harold A. Trinkunas (eds.), *Ungoverned Spaces: Alternatives to State Authority in an Era of Softened Sovereignty*, Stanford CA: Stanford Security Studies, an Imprint of Stanford University Press, p. 60.

98. Bayart, Ellis and Hibou (1999), *The Criminalization of the State in Africa*, International Affairs Institute.

99. Richards Snyder and Angelica Duran-Martinez (2009), “Does illegality breed violence? Drug trafficking and state-sponsored protection rackets,” in *Crime, Law and Social Change*, Vol. 52, pp. 253-273: p. 254.

100. *Ibid.* pp. 3. Between 2-3am on 26 April, two armed fishermen “...collected seventy-six sacks of cocaine from the BENJAMIN and conveyed the consignment to a landing site at KPONE.” It was subsequently “...delivered to ASEM DARKEI SHERIFF and KWAK SEONG...who had them packed into a waiting vehicle and driven away to an unknown destination.”

Police (ACP) Kofi Boakye, and Detective Sergeant Samuel Yaw Amoah of the Ghana Police Service.<sup>101</sup> In a secretly recorded conversation at his house, ACP Boakye bragged that he had raided the vessels with his men and stolen the cocaine.<sup>102</sup> The tape further revealed that ACP Boakye was asked to stay in the background and sort out “the owners of the drugs in the event that they proved difficult.”<sup>103</sup> The commission discovered from the tape “other acts of corruption, abuse of office, professional misconduct and unsatisfactory service on the part of ACP Kofi Boakye” and recommended his arrest and prosecution.<sup>104</sup>

In response to the commission’s recommendations, the government of Ghana arrested and prosecuted some of the suspects. Some received sentences of up to fifteen years.<sup>105</sup> The most notable exception, however, was ACP Boakye; instead of being prosecuted, he was sent on extended leave, during which he studied at the Ghana Law School and later passed the Bar exam. The Police Council, comprising of the Vice President, Minister of the Interior, Attorney-General and Minister of Justice, and the Inspector General of Police investigated ACP Boakye’s conduct, subsequently clearing him of wrongdoing. On its last day of office in January 2009, the outgoing NPP government under John Agyekum Kufuor ordered the Council to reinstate Boakye with full benefits.<sup>106</sup> The same year, however, the NDC government of President John Atta Mills removed Boakye from office again and indicated its intention to conduct a service enquiry into ACP Boakye’s involvement in the case.<sup>107</sup> In October 2009, ACP Boakye was nonetheless reinstated and appointed Director of the Police Education Unit.<sup>108</sup> He was subsequently promoted to the rank of Deputy Commissioner of Police (DCOP) and is currently serving as Director of Education at the Police Training School in Accra.<sup>109</sup>

The research suggests that *mafia* scenarios seem likely to impair the development of state capacity across the five areas for targeted action suggested in *Section II* and Table 1 above. More specifically, they might affect:

- 1) *Political institutions and processes (Targeted Area 1).* *Mafias* look to control legislators so that they can shape the rules of the game in their own interest. *Mafia*-like criminal organizations also intervene in electoral processes as part of the “electoral machinery,” selling their support to one candidate (whether with money, the mobilization of votes, or through attacks against the other candidates or their supporters).
- 2) Public procurement and contracting decisions (*Targeted Area 1*). *Mafias* may seek to steer public works and service contracts to their own preferred recipients.
- 3) *Criminal justice and law enforcement (Targeted Area 2).* A *mafia*’s control of enforcement institutions can allow it to protect its own, threaten rivals, and create a protection racket.

Development strategies dealing with *mafia* scenarios should therefore be especially attuned to the penetration of criminal networks into legislative, electoral, and public procurement processes, and criminal justice and law enforcement structures. They should also aim to strengthen civil resistance to organized crime (*Targeted Area 4*) and address the weak public service delivery capacity of the state (*Targeted Area 3*) that creates opportunities for criminal entrepreneurs in the first place.

### *Different Kinds of Development Strategies Needed*

The governance arrangements associated with each organized crime scenario are quite different – and different developmental strategies may be needed in each case.

In the *enclave* scenario, development actors may need to deal with quasi-governmental institutions that stand apart from the state, and are controlled by political actors with significant links to organized crime. This is the scenario the international community faces in Jamaica, parts of Latin America, and arguably may face in Nepal, not to mention

101. Georgina Wood Committee Report, p. 4.

102. *Ibid*

103. *Ibid*

104. The Commission also found that Detective Sergeant Amoah, who possessed important information that could have led to the immediate arrest of one of the traffickers, withheld such information in exchange for a bribe of USD 3,000. *Ibid*, pp. 5-6.

105. Myjoyonline.com, “Tagor, Abass Jailed 15 Years Each,” 14 September 2011, at <http://edition.myjoyonline.com/pages/news/200711/10871.php>, (Accessed 29 May 2012).

106. Modern Ghana, “Kofi Boakye Reinstated,” 6 January 2009, at <http://www.modernghana.com/news/197584/1/kofi-boakye-reinstated.html>, (Accessed 29 May 2012).

107. Ghana Pundit, “Police Council to Consider Kofi Boakye’s Reinstatement,” 28 July 2009, at <http://ghanapundit.blogspot.com/2009/07/police-council-to-consider-kofi-boakyes.html> (Accessed 4 June 2012). See also, Peacefmonline, “Mills Probes Kofi Boakye,” 10 October 2009, at <http://news.peacefmonline.com/news/200910/28779.php> (Accessed 29 May 2012).

108. Ghana Daily News, “Kofi Boakye Heads Police Depot,” 9 October 2009, at <http://www.ghanadailynews.com/1085/kofi-boakye-heads-police-depot/> (Accessed 4 June 2012).

109. Myjoyonline.com, “Kofi Boakye Promoted to DCOP,” 16 January 2012, at <http://edition.myjoyonline.com/pages/news/201201/79771.php> (Accessed 4 June 2012).



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Afghanistan, Somalia, and Myanmar. Development strategies in this scenario will require finding ways to: a) strengthen local institutions without fracturing the underlying political settlement; b) neutralize or integrate politically and economically powerful local actors into the overall political settlement, without incentivizing further criminal activity; and c) achieving effective and efficient development interventions without violating basic development principles such as do no harm or supporting activity that violates human rights or international law. Since enclave scenarios involve a delicate balance of power between the center and local enclaves, development strategies should also anticipate overt confrontation between political actors, and moments of crisis or even organized violence. Further research on each of these issues may be needed; further guidance to development actors on how to handle criminal actors *will* be needed. Ultimately, development planning for enclave scenarios will be highly context-dependent and case-specific, and must be undertaken both with a realistic and pragmatic assessment of the leverage and capacity of external donors to influence such dynamics, and with a view to the do no harm principle.

In the *mafia* scenario, development actors confront a more covert and clandestine game. As the Ghana and Mozambique cases suggest, more may need to be spent within development programming on tracking and monitoring progress of the political environment, particularly opaque political and economic dynamics that might emerge in relation to electoral and legislative processes. Criminal networks may be working within state institutions to corrupt these processes – and to corrupt development programs themselves. In the *mafia* scenario, particular attention should be paid to strengthening political processes and institutions, with efforts particularly geared towards safeguarding the legitimacy and integrity of electoral, legislative, and public procurement and contracting processes and law enforcement and judicial institutions. Efforts can also be aimed at bolstering vertical accountability measures, particularly the role that non-state actors such as media, civil society organizations, research entities, and academia can play in monitoring and reporting on organized crime related activity.

While in the enclave scenario organized violence is central, in some settings *mafias* rely more heavily on corruption – while in others *mafias* can and do rely on armed violence if they believe their essential interests are threatened.<sup>110</sup> Their preference is however to remain hidden powers, operating from behind the scenes.<sup>111</sup> Only in extreme cases will they resort to open confrontation with the state. Development actors will need to look for entry points where they can reduce the influence of *mafia* actors within the political process, without necessarily precipitating a spike in violence. Identifying those entry points once again requires highly context-dependent analysis and planning.

Since one of the key services *mafia* groups are providing the state is access to social networks, *mafia* groups may see alternative forms of mediating governance – such as traditional authority and religious authority, as well as civil society organizations – as more of a threat than state government itself, with which it closely collaborates.<sup>112</sup> They may manage this threat by corrupting and co-opting those civil institutions. That in turn suggests, however, that strengthening ‘civil resistance’ to organized crime may be a valuable entry-point for development strategies in *mafia* scenarios. Civil resistance has been a key part of the anti-*mafia* strategy in Italy.<sup>113</sup> And Roy Godson has pointed to cases such as Sicily and Hong Kong in arguing that “[c]hanges in culture can facilitate a breakup” of the relationship between politics and organized crime.<sup>114</sup>

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110. Anton Blok (2008), “Reflections on the Sicilian Mafia: Peripheries and Their Impact on Centers,” in *Organized Crime: Culture, Markets and Politics*, Vol. 7, No. 1, pp. 7-13: p. 7.

111. Carlo Morselli (2010), “Assessing Vulnerable and Strategic Positions in a Criminal Network,” in *Journal of Contemporary Criminal Justice*, Vol. 26, No. 4, pp. 382-392.

112. Blok, Anton (2008), “Reflections on the Sicilian Mafia: Peripheries and Their Impact on Centers,” p. 8.

113. Parini, Ercole G. (2003), “Civil resistance: Society fights back,” in Felia Allum and Renate Siebert (eds.), *Organized Crime and the Challenge to Democracy*, Abingdon: Routledge, pp. 147-160.

114. Godson, Roy (2003), “The Political-Criminal Nexus and Global Security,” in Roy Godson (ed.), *Menace to society: political-criminal collaboration around the world*, New Brunswick/London: Transaction Publishers, p. 13.

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## IV. CONCLUSIONS

As noted in this report, organized crime is a problem affecting many countries across the globe. It is not an emerging or new challenge, but rather a long-standing feature of global society, very unfortunate for some, bringing illicit fortunes to others. Public and private sector corruption, and the involvement of political actors in criminal activity, are also long-standing features of political societies, regardless of country. These challenges have become more complex because of organized crime's transnational nature in a tightly connected world. Building resilience into governance systems against organized crime, political, and public sector corruption (and their potent mix) is critical for development and security.

Indeed, in each of the case studies conducted for this project, one core element was a constant throughout: political and public sector corruption, including within political parties, the judiciary, and the security services, allow organized crime to flourish, undermining the legitimacy of core governance institutions and their responsibility to develop and deliver effective social and economic policies at national and local levels. In some countries, organized crime is used as an instrument of politics, leaving citizens with few disincentives for engaging in, or benefiting from illicit activities. In others it is a major driver of insecurity, leading to extreme levels of gang-related violence and homicides or provoking important health and environmental risks. Delinking organized crime from politics while enhancing legitimate governance and the delivery of services will remain the most important challenge for developing countries. A focus on reducing the 'thickness' or the extent of the links between governance and organized crime through efforts aimed at shaping responsible state, institutional and societal behavior with regards to organized crime while simultaneously ensuring the protection of fundamental rights, should be the starting point.

The pressures of the international financial crisis have led donors to reduce development assistance in political and economic governance and strengthening the rule of law. If serious about organized crime, development actors (and

their legislatures) must rethink assistance approaches in these areas, and how they can better support the integration of organized-crime sensitive programming into development and security strategies. In doing so, they will also need to pay more attention to aid's unintended consequences, inadvertently nurturing or reinforcing the illicit economy and organized crime. These steps will require bold engagement. They will also require equally bold responses from national stakeholders, as long as the right safety nets are in place. Citizens should be at the center of these engagements.

Development actors can play a smarter role in responding to the impacts of organized crime and reducing the extent of its grip on governance in developing countries. They need smarter and more targeted analytical and programming frameworks to strategically determine when to engage and where to focus efforts, particularly with regard to addressing weaknesses identified in governance frameworks, identifying and prioritizing organized crime actors and activities that do most harm in a given context, supporting deterrence rather than zero-tolerance strategies, and ensuring that citizen needs and respect for fundamental human rights are central to proposed remedies. Certain countries – the UK, US, Germany and Norway - are moving in this direction, at least in terms of funding research, but better efforts need to be made to support national and regional stakeholders build resilience against organized crime from within.

Drawing extensively from the case studies and our research, we have suggested five core areas where we believe donors can play a smarter role in responding to the impacts of organized crime and reducing the extent of its grip on political processes (Section II). In support of those efforts, we have laid out options for assessment and analytical frameworks to help donors strategically determine when to engage and where to focus efforts (Section III). We have combined these under one broad organized crime-sensitive programming framework (see figure 3 below) to be used on its own or in conjunction with broader development strategies. Our hope is that the framework and the tools might assist development actors become smarter at programming for development in countries where organized crime and corruption

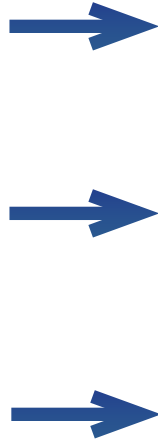
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are prevalent, or where there are strong indications that organized crime is emerging. With the post-2015 development agenda negotiations coming to an end and new development actors and development assistance arrangements emerging, it is certainly an opportune time for discussions and debate on these issues.

**Organized Crime Sensitive Programming Framework**  
**ASSESSMENT & ANALYSIS TOOLS TO INFORM PROGRAMMING**

1. Political economy assessment to determine, for example government complicity or opposition to organized crime; sources of support or tolerance of organized crime; sources of opposition to organized crime, and stakeholder interests.<sup>115</sup>
2. Typology analysis for a deeper assessment of the nature of relations between organized crime and political elites.

<sup>115</sup> USAID (2013)



**Areas for Targeted Action**

1. PROTECTING THE POLITICAL PROCESS	2. MODERNIZING AND STRENGTHENING CJ & LAW ENFORCEMENT	3. STRENGTHENING ECONOMIC AND SOCIAL DEVELOPMENT POLICY	4. ENGAGING CIVIL SOCIETY & THE MEDIA	5. DEEPENING THE KNOWLEDGE BASE
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**Specific Activities**

**1. PROTECTING THE POLITICAL PROCESS**

**1.1 AS A MEANS TO SAFEGUARD THE LEGITIMACY AND INTEGRITY OF THE POLITICAL PROCESS AND POLITICAL CONTESTATION FROM ORGANIZED CRIME**

1.1.1	SUPPORT THE ESTABLISHMENT OF BASELINE DATA COLLECTION, THE DEVELOPMENT OF PUBLIC PERCEPTION SURVEYS AND RELATED MECHANISMS TO REGULARLY MONITOR AND REPORT ON HOW ORGANIZED CRIME IS AFFECTING THE POLITICAL ENVIRONMENT.
1.1.2	SUPPORT THE MONITORING OF JUDICIAL PROCESSES OR ADMINISTRATIVE INQUIRIES IN WHICH PUBLIC OFFICIALS OR POLITICAL AND BUSINESS POLITICAL ELITES HAVE BEEN IMPLICATED IN ORGANIZED CRIMINAL ACTIVITY IN ORDER TO BUILD CONSTITUENCIES AGAINST IMPUNITY AND FOR REFORM.

1.1.3	SUPPORT THE ESTABLISHMENT OF MULTI-PARTY POLICY PLATFORMS ON ORGANIZED CRIME .
1.1.4	PROVIDE ON-GOING SUPPORT TO THE CONDUCT OF NATIONAL, REGIONAL OR INTER-REGIONAL MEETINGS OF INDEPENDENT ELECTORAL COMMISSIONS OR ELECTORAL TRIBUNALS.
1.1.5	SUPPORT SPECIAL LEGISLATIVE COMMISSIONS IN THE DRAFTING OF LEGISLATION ON PARTY CAMPAIGN FINANCING, POLITICAL PARTY LAWS, ASSET DISCLOSURE, MEDIA LEGISLATION (REGARDING CAMPAIGN CEILINGS) ETC. AND THE MONITORING AND REPORTING ON THEIR IMPLEMENTATION.
1.1.6	ENCOURAGE THE DEVELOPMENT OF POLITICAL PARTY CODES OF CONDUCT THAT RULE OUT RECOURSE TO VIOLENCE, AND CONDITION SUPPORT TO THE ELECTORAL PROCESS OR OTHER STRATEGIC AREAS TO THE EFFECTIVE IMPLEMENTATION OF THE CODE OF CONDUCT. SIMILAR APPROACHES CAN BE ENCOURAGED TO GUIDE THE CONDUCT OF ELECTION CAMPAIGNS, AND INTERNAL PARTY FUNCTIONING, WITH THE AIM OF SAFEGUARDING THESE INSTITUTIONS AND PROCESSES FROM ILLICIT FUNDING.
1.1.7	SUPPORT THE DEVELOPMENT OR STRENGTHENING OF INDEPENDENT INVESTIGATIVE JOURNALIST CAPACITY, AND PROVIDE SECURITY SAFETY NETS SUCH AS ASYLUM WHEN TARGETED BY CRIMINALS OR BUSINESS AND POLITICAL ELITES OR TECHNOLOGY SOLUTIONS SUCH AS MONITORING CIRCUMVENTION TOOLS TO AVOID SURVEILLANCE.
1.1.8	SUPPORT THE CREATION OF INCENTIVE STRUCTURES THAT REWARD THE CONDUCT OF 'CLEAN' ELECTORAL PROCESSES AND 'CLEAN' PUBLIC OFFICIALS.
1.1.9	SUPPORT THE ESTABLISHMENT OF INTER- AND INTRA-REGIONAL PLATFORMS ON DIFFERENT FORMS OF ORGANIZED CRIME AND HOW THEY ARE AFFECTING SOCIETY.

1.2 AS A MEANS TO SAFEGUARD THE LEGITIMACY AND INTEGRITY OF THE LEGISLATIVE PROCESS FROM ORGANIZED CRIME

1.2.1	MONITOR (OR SUPPORT CIVIL SOCIETY AND JOURNALIST EFFORTS TO MONITOR) LEGISLATIVE PROCESSES AROUND IMPORTANT PIECES OF ORGANIZED CRIME-RELATED LEGISLATION, AND SHARE INFORMATION ON THESE PROCESSES WITH NATIONAL STAKEHOLDERS AND ACROSS DONORS. SUCH PROCESSES CAN HELP IDENTIFY INSIDER SPOILERS AND HELP DETERMINE WHETHER THERE IS POLITICAL APPETITE TO PASS IMPORTANT PIECES OF LEGISLATION DIRECTLY OR INDIRECTLY RELATED TO ORGANIZED CRIME.
1.2.2	PROVIDE DIRECT SUPPORT TO THE LEGISLATIVE PROCESS, INCLUDING THROUGH INVESTMENT IN RESOURCES. SUCH EFFORTS COULD INCLUDE ENSURING THAT LEGISLATORS AND LEGISLATIVE STAFF HAVE ACCESS TO RESEARCH/INFORMATION ON ORGANIZED CRIME AND ITS PERCEIVED IMPACTS; SUPPORTING THE ORGANIZATION OF CLOSED-DOOR EXPERT SEMINARS AND WORKSHOPS.
1.2.3	STRENGTHEN THE ACCESS OF CIVIL SOCIETY, POLICY THINK-TANKS, JOURNALISTS, ACADEMIA ETC. TO THE LEGISLATIVE PROCESS, INCLUDING THROUGH SUPPORTING EFFORTS TO ENHANCE REPORTING ON LEGISLATIVE PROCESSES, AND COMMISSIONING IN-COUNTRY RESEARCH THAT CAN INFORM THE DEBATE ON ORGANIZED CRIME AND ITS RELATED IMPACTS AT CRUCIAL TIMES IN THE LEGISLATIVE PROCESS.

<b>1.3 AS A MEANS TO SAFEGUARD THE INTEGRITY OF PUBLIC TENDERING/PROCUREMENT PROCESSES</b>	
1.3.1	SUPPORT EFFORTS AIMED AT BOLSTERING THE RESILIENCE OF NATIONAL PROCUREMENT BODIES, PARTICULARLY WHERE THERE IS STRONG EVIDENCE OF MONOPOLY OF GOVERNMENT CONTRACTS BY ILLICIT ACTORS, OR POLITICAL ACTORS USING PUBLIC CONTRACTS AS LEVERAGE TO SECURE THE SUPPORT OF CRIMINAL GROUPS FOR LEVERAGING VOTER TURNOUT OR OTHER POLITICAL ENDS.
1.3.2	SUPPORT EFFORTS AIMED AT GUARANTEEING TRANSPARENCY OF PUBLIC PROCUREMENT PROCESSES; FOR EXAMPLE BY SUPPORTING THE DEVELOPMENT AND PASSAGE OF ACCESS TO INFORMATION BILLS; SUPPORTING EFFORTS TO REGULARLY PUBLISH INFORMATION RELATED TO PUBLIC PROCUREMENT AND CONTRACTING PROCESSES, AND SUPPORTING CIVIL SOCIETY AND MEDIA EFFORTS TO MONITOR AND REPORT ON THESE PROCESSES. THE SUPPORT OF TECHNOLOGY COMPANIES SHOULD BE LEVERAGED TO SUPPORT THE DEVELOPMENT OF EASILY ACCESSIBLE AND NIMBLE MONITORING TOOLS. EXPERIENCES CAN BE DRAWN FROM SMART APPROACHES ALREADY IN PLACE SUCH AS <a href="http://IPADABRIBE.COM">IPADABRIBE.COM</a> .
1.3.3	STRENGTHEN THE CAPACITY OF PUBLIC SERVICES BY ENHANCING SKILLS AND SUPPORTING REFORM OF THE PUBLIC PROCUREMENT PROCESS.
<b>2. MODERNIZING AND STRENGTHENING THE CRIMINAL JUSTICE SYSTEM AND LAW ENFORCEMENT</b>	
2.1	SUPPORT THE STRENGTHENING OF SPECIALIZED AGENCIES SUCH AS THOSE RESPONSIBLE FOR DEALING WITH ECONOMIC AND FINANCIAL CRIMES, AND THE ESTABLISHMENT OF SPECIALIZED CRIME UNITS. ENSURING STRICT AND CONTINUOUS VETTING PROCEDURES IN RECRUITMENT AND PERFORMANCE REVIEW PROCESSES AS WELL AS POST ASSIGNMENT INCENTIVES AND DISINCENTIVES FOR THEMSELVES AND FAMILY MEMBERS CAN HELP SAFEGUARD THESE UNITS FROM CORRUPTION, MANIPULATION, AND INTERFERENCE, AND PREVENT INDIVIDUAL OPERATORS FROM GOING ROGUE.
2.2	IN CASES WHERE IT IS EVIDENT THAT CRIMINALS ARE KNOWN TO HAVE BEEN PROVIDING SERVICES TO CITIZENS, SPECIALIZED LAW ENFORCEMENT AGENCIES SHOULD WORK MORE CLOSELY WITH DEVELOPMENT ACTORS AND NATIONAL AUTHORITIES TO FILL THE SOCIO-ECONOMIC VOID LEFT BY SUCCESSFUL LAW ENFORCEMENT EFFORTS. CITIZEN SECURITY EXPERIENCES FROM BRAZIL'S FAVELAS OR JAMAICA'S GARRISON TOWNS CAN BE EXPLORED FOR THIS PURPOSE, BUT LOCAL CONTEXT SHOULD DRIVE THE RESPONSE AS VIOLENCE IS NOT ALWAYS THE LOGICAL OUTCOME OF THE VOID AND THEREFORE IMPACT CAN BE MORE DIFFICULT TO DETERMINE.
2.3	USE POLITICAL ECONOMY ASSESSMENT TOOLS (SEE SECTION III) MORE EFFECTIVELY TO DEEPEN UNDERSTANDING OF HOW POLITICAL AND BUSINESS ELITES PROVIDE ENTRY POINTS FOR ORGANIZED CRIMINALS AND FOR WHAT PURPOSE (POLITICAL/IDEOLOGICAL, FINANCIAL), AND TO IDENTIFY TARGETED LAW ENFORCEMENT INITIATIVES THAT RAISE THE BUSINESS AND POLITICAL COSTS OF ENGAGING IN ILLICIT ACTIVITY.
2.4	INVOLVE THE PRIVATE SECTOR IN POLICY DISCUSSIONS AND DEBATES REGARDING HOW TO COMBAT ORGANIZED CRIME, AND SUPPORT LEARNING FROM OTHER EXPERIENCES SUCH AS THE BUSINESS AGAINST CRIME OF SOUTH AFRICA (BAC(SA)) INITIATIVE. BAC(SA)'S ORIGINAL PURPOSE WAS TO WORK WITH THE GOVERNMENT AND CIVIL SOCIETY ON SPECIFIC CRIME PREVENTION PROJECTS THAT IMPACTED ON THE COUNTRY'S TRANSFORMATION BY INCREASING CONFIDENCE, INVESTMENT AND JOB CREATION. IT IS STILL ACTIVE TODAY FOCUSING ON ELIMINATING CRIME WITHIN BUSINESS AND SUPPORTING GOVERNMENT RESPONSES TO CRIME.

2.5	USE SECTOR SPECIFIC POLITICAL ECONOMY ANALYSIS TO DEVELOP A BETTER UNDERSTANDING OF THE INFORMATION TELECOMMUNICATIONS (ICT) SECTOR, HOW ORGANIZED CRIMINAL GROUPS MIGHT BE USING ICTS TO ADVANCE THEIR GOALS WITHIN A COUNTRY, AND WHO WITHIN THE GOVERNMENT MIGHT BE COMPLICIT IN THIS ACTIVITY. MONITORING OF JUDICIAL PROCESSES AND EVIDENCE TABLED IN THE INVESTIGATION LEADING TO A TRIAL MIGHT PROVIDE BACK-DOOR ENTRY POINTS TO UNDERSTANDING THE LEVEL OF SOPHISTICATION OF CRIMINAL GROUPS, AND WHICH PUBLIC OR PRIVATE ENTITIES (INCLUDING TECHNOLOGY COMPANIES) MIGHT BE DIRECTLY OR INADVERTENTLY SUPPORTING THEIR WORK.
2.6	SUPPORT POLICY DEBATES AT THE NATIONAL AND REGIONAL LEVEL WITH LAW ENFORCEMENT, THE JUDICIARY, AND SPECIALIZED AGENCIES ON HOW TO BETTER TARGET ORGANIZED CRIMINALS, INCLUDING THROUGH EFFECTIVE DETERRENCE STRATEGIES, SELECTIVE TARGETING, SEQUENTIAL INTERDICTION EFFORTS, AND THE STRENGTHENING OF PROSECUTORIAL CAPACITY.
2.7	WHERE THERE ARE IMPORTANT INCIDENCES OF DRUG TRAFFICKING AND CONSUMPTION, SUPPORT DISCUSSIONS WITH LAW ENFORCEMENT ON HOW TO INTRODUCE HARM REDUCTION POLICIES AND PRACTICES TOWARDS PEOPLE WHO INJECT DRUGS, AND HOW TO APPLY HARM REDUCTION PRINCIPLES TO THE POLICING OF RETAIL MARKETS
2.8	INVEST IN MAPPING JUDICIAL PROCESSES AND NON-JUDICIAL COMMISSIONS OF INQUIRY REGARDING THE INVOLVEMENT OF STATE OFFICIALS IN ORGANIZED CRIMINAL ACTIVITY AS A MEANS TO BETTER UNDERSTAND WEAKNESSES AND GAPS IN LEGISLATION AND IN THE CRIMINAL JUSTICE PROCESS, AND TO IDENTIFY APPETITE FOR REFORM.
2.9	SUPPORT THE ESTABLISHMENT OF NATIONAL, REGIONAL, AND INTER-REGIONAL PLATFORMS VIA EXISTING ORGANIZATIONS AS A MEANS TO ENHANCE COOPERATION BETWEEN POLICY MAKERS, LAW ENFORCEMENT OFFICIALS, CIVIL SOCIETY, AND ACADEMIA IN RESPONDING TO ORGANIZED CRIME.
2.10	INVEST IN MONITORING AND ASSESSING THE IMPACT OF EXTERNAL EFFORTS TO ENHANCE THE CAPACITY OR THE JUDICIARY AND SECURITY SERVICES TO RESPOND TO ORGANIZED CRIME.

### 3. SUPPORTING SMART AND EMPIRICALLY INFORMED CRIME-SENSITIVE SOCIAL AND ECONOMIC POLICIES

3.1	STRENGTHEN THE CAPACITY OF CIVIL SOCIETY AND COMMUNITY GROUPS TO ENGAGE THE GOVERNMENT AND POLITICAL ACTORS ON ORGANIZED CRIME-RELATED ISSUES AT NATIONAL AND LOCAL LEVEL.
3.2	MAP SOCIO-ECONOMIC IMPACTS OF EFFORTS TO COUNTER ORGANIZED CRIME. IN THIS REGARD, DONORS CAN INVEST MORE IN UNDERSTANDING THE IMPACTS OF FORMALIZING OR PROHIBITING OF INFORMAL OR ILLICIT MARKETS.
3.3	SUPPORT PUBLIC PARTICIPATION AND DEBATE ON THE DEVELOPMENT AND IMPLEMENTATION OF SMARTER DRUG TREATMENT POLICIES IN RESPONSE TO DRUG DEPENDENCY, AND PRIORITIZING CITIZENS' HEALTH AND SOCIAL DEVELOPMENT OVER CRIMINALIZATION.

3.4	INCREASE SUPPORT TO SPECIALIZED BODIES RESPONSIBLE FOR INVESTIGATING, MONITORING, AND PROSECUTING ENVIRONMENTAL CRIMES SUCH AS ILLEGAL LOGGING, ILLEGAL TRADE IN WILDLIFE, AND E-WASTE DUMPING.
3.5	INCREASE SUPPORT TO GOVERNMENTS TO DEVELOP MORE EFFECTIVE LIVELIHOOD OPPORTUNITIES TO PREVENT AND RESPOND TO THE HARMFUL EFFECTS OF ILLICIT RESOURCE EXTRACTION, PARTICULARLY WATER BODIES THAT ARE THE ONLY SOURCE OF POTABLE WATER FOR SIGNIFICANT NUMBERS OF PEOPLE; AND AS A MEANS TO REDUCE ENVIRONMENTAL CRIME.
3.6	INVEST IN UNDERSTANDING THE INCENTIVES DRIVING YOUNG PEOPLE TO ENGAGE IN CYBER CRIMINAL ACTIVITY, AND THE IMPACT CYBER CRIME HAS ON EMPLOYMENT AND ECONOMIC GROWTH.
4.1	SUPPORT EFFORTS TO SECURE ASYLUM FOR THOSE WHO ARE TARGETS OF THREATS, AND LEVERAGE THE SUPPORT OF TECHNOLOGY COMPANIES TO PROVIDE MONITORING CIRCUMVENTION TOOLS AND TOOLS TO SUPPORT SAFE AND RAPID REPORTING.
4.2	SUPPORT EFFORTS BY CIVIL SOCIETY OR JOINT GOVERNMENT-CIVIL SOCIETY EFFORTS TO CONDUCT CAMPAIGNS AGAINST ORGANIZED CRIME AND POLITICAL AND PUBLIC SECTOR CORRUPTION, INCLUDING AROUND ELECTORAL PROCESSES.
4.3	SUPPORT EVIDENCE-BASED DEBATES ON CORE POLICIES THAT HAVE A STRONG IMPACT ON GOVERNANCE AND DEVELOPMENT ACROSS COUNTRIES.
4.	<b>ENGAGING CIVIL SOCIETY AND THE MEDIA</b>
5.1	SUPPORT EFFORTS AIMED AT PROVIDING DIFFERENT SOURCES FOR COLLECTING AND MONITORING CRIME AND FINANCIAL DATA. DONORS SHOULD EXPLORE POTENTIAL PARTNERSHIPS BETWEEN GOVERNMENT AND THE PRIVATE SECTOR, INCLUDING MAJOR INFORMATION TECHNOLOGY COMPANIES AS A MEANS TO LEAP-FROG SOME OF THE TRADITIONAL CHALLENGES ENCOUNTERED IN THE COLLECTION AND PROCESSING OF BASELINE DATA AND SUPPORT MORE PARTICIPATORY FORMS OF DATA COLLECTION.
5.	<b>DEEPENING THE KNOWLEDGE BASE</b>
5.2	INVEST IN STRENGTHENING THE CAPACITY OF NATIONAL AND REGIONAL POLICY THINK-TANKS AND ACADEMIA TO CONDUCT RESEARCH ON ORGANIZED CRIME.
5.3	INVEST IN MAPPING DEVELOPMENT ACTOR EFFORTS AGAINST ORGANIZED CRIME (PARTICULARLY SUPPORT TO JUSTICE AND SECURITY INSTITUTIONS AND LEGISLATIVE BODIES) AND ASSESSING THEIR EFFECTIVENESS. IN PARTICULAR, AND IN RESPECT OF THE PRINCIPLES OF SHARED ACCOUNTABILITY AND RESPONSIBILITY, DONORS SHOULD ALSO BECOME MORE TRANSPARENT AND ACCOUNTABLE FOR THE LIMITED IMPACT OF THE SIGNIFICANT RESOURCES SPENT ON SUPPORTING BETTER POLITICAL AND ECONOMIC GOVERNANCE IN DEVELOPING COUNTRIES.
5.4	INVEST IN STRENGTHENING INTERNAL [DEVELOPMENT AGENCY] ANALYTICAL CAPACITY AND TOOLS AND THOSE OF NATIONAL STAKEHOLDERS TO BETTER UNDERSTAND THE NATURE OF ORGANIZED CRIME AND ASSOCIATED IMPACTS

Figure 3



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