Protecting Politics

Deterring the Influence of Organized Crime
on Local Democracy

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Preface

The heart of democracy lies at the local level. Citizens' direct experience of political participation and deliberation mainly takes place in the context of city councils, associations and local branches of political parties. The local government's capacity to provide basic services fundamentally shapes the relationship between citizens and their representatives. Decentralization reforms, migration and increasing levels of urbanization in recent decades have changed how local governments cope with citizen demands—and which avenues they offer for people to engage in the political decision-making process.

Other global trends, however, threaten to erode this relationship between local democratic actors and citizens. The presence of organized crime works as a catalyst for political corruption, hollowing out institutions at all levels of government. The goals of, and relationships between, organized crime and politicians may overlap in several ways—for example, through mayors involved in money laundering, community police turning a blind eye to trafficking corridors or local political parties supporting candidates with criminal linkages. While such illicit networks may also affect national-level politics, a number of specific factors—including lower levels of media attention, tighter economic interests, fewer oversight mechanisms and local authorities' reduced capacity—make local democracy particularly vulnerable to the interests of organized crime.

Understanding which local democratic weaknesses these networks exploit is the first step towards preventing and mitigating political corruption at the local level. Since 2011 the International Institute for Democracy and Electoral Assistance (International IDEA) has contributed to enhancing this understanding as part of the Protecting Politics project. By analysing the evidence and policy related to the nexus of organized crime and democracy, this project has shed light on these networks' capacity to exploit institutional fragility around the world. International IDEA and other partners conducted research in Latin America, the Baltic states and West Africa between 2012 and

2014. This research revealed that attention needed to return to the local level in all of these regions, particularly to communities in which organized crime exploits resources for illicit activities. This report contributes to that effort.

In 2015 the Global Initiative against Transnational Organized Crime joined forces with International IDEA to explore how organized crime becomes an engine for political corruption at the local level. It examined the situations in three countries in detail: Afghanistan, Colombia and Niger. These case studies provide examples from different geographical regions, local democratic structures, degrees of decentralization, levels of fragility and development contexts.

This report is part of a series of four papers that examine how organized crime affects political parties, elections, service delivery and local democracy. Together, these reports provide a unique and detailed overview of democratic systems' capacity to deal with complex security threats such as organized crime.

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Acknowledgements

Chapter 1

Introduction

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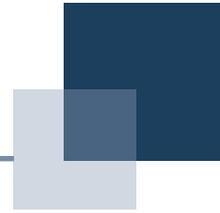
Introduction

> They [the drug cartels] have millions of dollars and you need to be a saint to reject that.
>
> Former Foreign Minister of Sierra Leona, Zainab Bangura
> (quoted in Locke 2012: 3)

In late 2012 Italy's interior minister dismissed the entire local government of Reggio Calabria, a municipality located in the southern tip of the peninsula, due to allegations that several council members maintained ties with 'Ndrangheta, a powerful Calabrian organized crime network (Donadio 2012). 'Ndrangheta was, and still is, a key player in drug trafficking in Europe (Hooper 2006), and its international connections to drug trade extend all the way to Mexico (Corrado and Realacci 2014). This is an example of how the spreading tentacles of organized crime affect local governments.

The relationship between illicit networks and politicians is often symbiotic, mainly based on shared economic interests and, at times, ideological objectives (Briscoe, Perdomo and Uribe Burcher 2014). While violence and other forms of criminality are important ways for organized crime to protect their business, corruption—particularly at the highest levels of government—is a more discrete way to maintain territorial control, secure transportation routes and infrastructure, avoid prosecution and legalize profits. And this is a two-way street. Some politicians have been savvy in exploiting the resources—human and financial—available from organized crime to maintain their grip on power. In some extreme cases, criminal figures have even been elected to public office.

This nexus between organized crime and state actors has a devastating impact on the legitimacy of government institutions, actors and processes.

The international community is increasingly concerned, as 'crime is fuelling corruption, infiltrating business and politics, and hindering development. And it is undermining governance by empowering those who operate outside the law' (United Nations Office on Drugs and Crime 2010: ii).

This report looks at the interlinkages between organized crime networks and political actors at the local level, as well as some policy responses (particularly decentralization policies) that have had intended and unintended effects on the collaboration between illicit networks and political actors at the local level. While the crime–politics nexus has been analysed before, both in general terms (Sullivan 2013; Rapley 2006; Miklaucic and Naim 2013; Briscoe, Perdomo and Uribe Burcher 2014) and at the local level (Jamieson 1990; Siegel and van de Bunt 2012), there is little analysis of subnational policy responses to the problem, despite the global trend toward decentralization. This paper begins to fill this gap.

This report is structured in three sections. The first section introduces some basic notions of decentralization, fragility, local democracy and illicit networks to provide a common conceptual framework for the analysis. Next, some of the effects of organized crime as it operates in decentralized contexts are explored, with a focus on increased levels of corruption, violence and weakened democratic deliberation.

Case studies from three countries—Afghanistan, Colombia and Niger—illustrate the struggles to counter the corruptive influence of organized crime across different regions. All three countries have important, though diverse, illicit markets operating in their territories: in Afghanistan the main illegal commodity is opium, while in Colombia it is cocaine and in Niger it is smuggling of goods (United Nations Office on Drugs and Crime 2010).

The cases illustrate how illicit networks relate to local levels of government and decentralization processes. They also describe some state policy responses— or lack thereof—that have enabled or prevented organized crime engagement in political corruption at the local level. While three case studies cannot comprehensively represent the issues this report analyses, they illustrate some of its main arguments.

In addition to providing geographic diversity, Afghanistan, Colombia and Niger were selected because they reflect different stages of development, ranking 171st, 97th and 188th, respectively, on the 2015 Human Development Index (UNDP 2015a: 48–50), as well as fragility—ranking, respectively, 107.9 (high alert), 85 (high warning) and 97.8 (alert) on the 2015 Fragile States Index (FFP 2015).

These countries also have different, albeit complicated, histories of protracted conflicts. Since the military takeover in 1973, a subsequent government crackdown in 1975 and military coup in 1978, Afghanistan has been in and out of armed conflict. Until 1988 the conflict involved the Soviet Union, afterwards various groups (most prominently the Taliban) competed for government power, and since late 2001 the conflict has involved the coalition led by the United States. In contrast, Colombia's conflict has been mainly internal. Widespread political violence between the conservative and liberal parties between 1948 and 1958 led to a coalition government that lasted 16 years and excluded other political actors. Since the mid-1960s the conflict has mainly involved left-wing guerrilla insurgents, and several paramilitary groups since the early 1980s. Niger was subject to authoritarian regimes from the time of independence in 1960 until the end of the 1980s. Afterwards, particularly during the 1990s, it was affected by intermittent conflicts (UCDP 2015).

The three countries also have different local democratic systems: Afghanistan is a very centralized state that delegates little—if any—formal power to local authorities. Colombia, by contrast, is highly decentralized, particularly since the passage of the 1991 National Constitution. In Niger, local authorities were somewhat empowered during colonial times, but afterwards (and until the decentralization reforms of the mid-2000s), local authorities had little or no control over local affairs (see Figure 1.1).

Figure 1.1. Local government index: Afghanistan, Colombia and Niger, 1900−2012
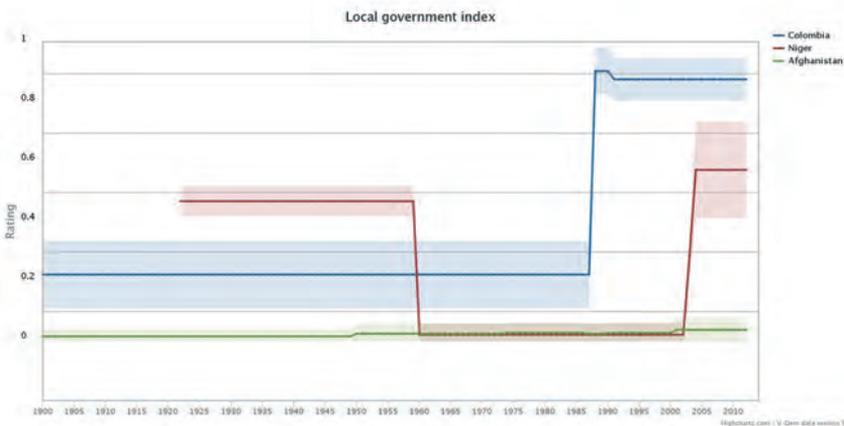
Source: V-Dem 2015, <https://v-dem.net/en/analysis/analysis/>, accessed 23 February 2016

Basic definitions

Local democracy

For most countries, the lowest administrative level comprises villages, towns and cities (McMann 2014: 3). Local political institutions encompass formal as well as informal authorities at the subnational level. Traditional governance mechanisms, de facto authorities and other informal structures are also part of these local institutional dynamics. *Loya jirgas* (grand councils) and warlords in Afghanistan, for instance, are telling examples of informal and traditional authorities that play important roles in local and regional politics (see Chapter 4).

Local democracy can be defined as responsive and accountable government at the lowest administrative level. As Dahl notes, democracy is 'a political system one of the characteristics of which is the quality of being completely or almost completely responsive to all its citizens' (1973: 2). One of the most important functions of these units is therefore to ensure that services are delivered in specific locations (Bannister and Sutcliffe 2014: 5). However, a country's various local authorities may have an uneven capacity to respond to the public's service demands. Protracted conflict and the marginalization of some communities can contribute to that unevenness, as the Colombia case exemplifies (see Chapter 5).

But local democracy goes beyond service delivery. It is characterized by a myriad of factors, most importantly participation, openness, deliberation and accountability, as well as the capacity to act (Sisk 2001). Indeed, the participation of local communities is the 'cornerstone of modern notions of citizenship' because it conveys ordinary citizens' opinions and ideas to government officials (Sisk 2001: 13). Participation therefore allows for inclusive and consensus-based decision-making processes. This is necessary for responsive local institutions since it allows people to communicate their needs to their representatives. While it is a key feature of democratic systems, participation does not necessarily entail every member of society getting directly involved. Rather, the defining characteristic of a responsive democratic system is *openness*, which enables all members of society to participate (Sisk 2001: 29). Yet an open system is in itself no guarantee that all citizens can dissent. Indeed, an open system could arguably still deepen the disadvantages of the poorly organized. Achieving openness therefore requires more than the right to participate; it also relies on the presence of civil society organizations, citizen consultations and representative political parties (Sisk 2001: 30). In addition to participation and openness, moving towards a deeper
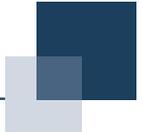
and more sustained level of public intervention and debate requires creating opportunities for *deliberation and accountability*. Civil society should engage in deliberative politics and be able to hold government officials accountable when they put private interests above those of the community (Sisk 2001: 31). Deliberation without a focus on public interests and accountability is not democratic deliberation.

These key elements of responsive local governance are meaningless if local institutions are fragile, as measured along three dimensions: capacity, authority and legitimacy. Local democracy therefore requires the *capacity to act*; an effective bureaucracy and professional expertise are essential. Capacity to act therefore requires tackling, for example, 'issues of poverty, economic renewal, unemployment, environmental decay, and crime' through 'blending . . . the resources of government with those of non-governmental actors from civil society' (Sisk 2001: 31). For example, Reitano and Hunter argue in the Niger case study (see Chapter 6) that weak institutions and state fragility have 'largely left citizens reliant on mixed or entirely privatized systems'.

While integrating all these elements requires sustained efforts in every democratic and decentralized system, new democracies and countries that are undergoing state-building, recovering from conflict or facing a fragile security situation face greater challenges, as Perdomo highlights in the Colombia case study below. There is also an extensive movement towards decentralization and other forms of subnational power devolution, particularly among conflict-affected countries. Indeed, 18 of 33 countries that experienced conflict in 1990 increased the reach and power of local governments between that year and 2012 (see Figure 1.2).[1]

Decentralization

Decentralization is the devolution of decision-making powers from the central to the local government (Sisk 2001; Martinez-Vazques 2011). Manor argues that decentralization is 'undertaken both to deepen democratic systems and, within some less open systems, as a substitute for democracy at the higher levels' (2011: 1). Ideally, this process should include greater formal administrative and political autonomy, the financial strengthening of

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1   A total of 35 countries experienced conflict in 1990 according to the Uppsala Conflict Database, but the Varieties of Democracy (V-Dem) project lacked data for two of them as of February 2016: Liberia and Kuwait. V-Dem's local government index looks at whether the country provides for elected local governments, and to what extent these operate without interference from unelected bodies.

Figure 1.2. Countries experiencing conflict that extended the level of power of local authorities between 1990 and 2012

■ Countries that experienced conflict in 1990
▨ Countries that extended the level of power of local authorities from 1990 to 2012 among those that experienced conflict in 1990
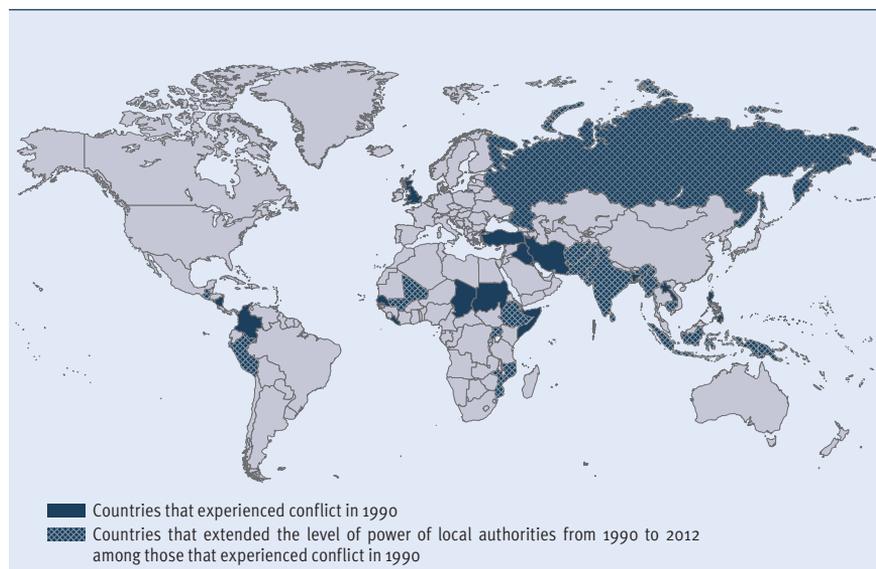
Sources: Uppsala Conflict Data Program (UCDP), UCDP Conflict Encyclopedia, 2016, <http://www.pcr.uu.se/research/ucdp/database/>, accessed 13 February 2016; Varieties of Democracy (V-Dem), 'Analysis', 2016, <https://v-dem.net/en/analysis/analysis/>, accessed 23 February 2016

local governments, as well as the transfer of competencies from the central government to local levels of public administration (Nickson 2011: 1; Falleti 2005). The notion of deepening democracy by bringing institutions and decision-making processes closer to the people has encouraged many countries, civil society organizations, and international actors to advocate and implement decentralization reforms.

Indeed, decentralization has been at the core of policy experiments and institutional redesign in a large number of developing and transitioning economies in Africa, Asia and Latin America over the past 20 years, and (under the guises of devolution and federalism in policy discourse) in the European Union, the United Kingdom and the United States during the same period (Bardhan 2002; Faguet 2004; Lago-Peñas, Lago-Peñas and Martinez-Vazquez 2011). According to Bannister and Sutcliffe (2014: 5), approximately 80 per cent of countries introduced some type of decentralization measure during this time period.

Decentralization reforms have mainly been introduced in efforts to overcome the shortcomings of centralized governments by increasing governments'

responsiveness and efficiency (Bardhan 2002): 'decisions are made closest to the people, promoting the realization of self-government and the maximization of democratic values of participation, inclusion, accountability' (Sisk 2001: 46). Decentralization also promotes economic efficiency by creating a closer partnership between governments and the private sector; it also facilitates the definition of local objectives and increases non-government organizations' flexibility to form effective partnerships (Sisk 2001: 46–47). Thus, decentralization tends to encourage 'allocative efficiency'—when production fully responds to consumer demand, reaching an optimal delivery system for products and services—by facilitating the state's understanding of local preferences for public goods (Litvack, Ahmad and Bird 1998).

In addition, decentralization promotes the creation of civic spaces that allow for checks and balances, contributing to 'the creation of non-governmental centres of authority and power within a society' (Rosenbaum 2013: 7). This should result in 'greater levels of empowerment for women and marginalized groups' (Bannister and Sutcliffe 2014: 10) because they provide mechanisms targeted towards inclusive representation, broader participation and self-government. Decentralized governments are therefore arguably more pluralistic as it is harder for a single party to dominate all government entities across the country.

Some scholars maintain that decentralization reduces corruption due to strengthened accountability and competition among local governments (Weingast 1995; Arikan 2004 quoted in Martínez-Vazques 2011: 8; Shah, Thompson and Zou 2004: 11). Others, however, are more cautious and find no conclusive evidence that decentralization affects corruption, either positively or negatively (Treisman 2007: 235–36).

Decentralization, might also create numerous challenges. When local governments lack technical and financial resources, for instance, decentralization fails to provide a better framework of governance (Prud'homme 1995; Falleti 2005; Faguet 2004; Lago-Peñas, Lago-Peñas and Martinez-Vazquez 2011). While that is true for any level of government, local authorities—particularly during democratic transitions and decentralization processes—are arguably more vulnerable to resource shortages. Sisk states that decentralization can be economically inefficient due to a lack of common standards, economic and social disparities among different regions or cities, resource gaps, barriers to citizen participation and a weaker national coherence (2011: 47). Johnson (2001) further explains that the unchecked power of local elites can further perpetuate existing poverty and inequality. Indeed, Bardhan describes how decentralization policies intended to bring decision-making closer to the

people might end up doing just the opposite: 'In many developing countries, the poor and the minorities, oppressed by the local power groups, may be looking to the central state for protection and relief' (2002: 188).

Bardhan agrees with the opponents of decentralization and argues that while corruption might affect both centralized and decentralized governments, corruption is more predictable in the former and tends to be more fragmented in the latter (1997: 1325). Other researchers suggest that in some contexts— particularly countries with low capacity and accountability mechanisms that are facing political transitions—decentralization might facilitate illegitimate, illicit and non-transparent interests influencing decision-making processes (World Bank 2000: 42; Martinez-Vazquez 2011; Shleifer and Vishny 1993; Bardhan and Mookherjee 2000).

Local governments seem to be easier targets for illicit interests than national governments. Contributing factors include the existence of highly concentrated interest groups at the local level that easily dominate the market for political influence; homogeneous local economies that create a revolving door between dominant economic actors and local politicians; and weaker local institutions—for example, assemblies, local councils, the judiciary, the media and civil society organizations—in charge of overseeing the executive (Campos and Hellman 2005: 240). As Perdomo explains in the Colombia case study in this report, 'decentralization [in Colombia] exacerbated institutional weaknesses. These authorities did not have the capacity to meet their new roles and corruption thrived'. Decentralization in these contexts is therefore linked to higher levels of corruption.

Organized crime

Almost all articles and books related to organized crime begin by stressing that organized crime is a contested concept. This report uses the description provided by the 2000 United Nations Convention against Transnational Organized Crime (the Palermo Convention), which defines transnational organized crime as 'a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offenses … in order to obtain, directly or indirectly, a financial or other material benefit' (UNODC 2004). It uses 'organized crime' and 'illicit networks' interchangeably.

Organized crime can be further defined by the type of activity and the type of association. Such activities include, but are not limited to, illegal drugs,

human or weapons trafficking, small arms manufacture, piracy and Internet fraud, forgery and extortion, and the use of violence and corruption (Skaperdas 2001; Dordevic 2009; Kavanagh 2013). Academics such as Alemika (2013: 17) concur with the UNODC's definition but explain that these networks have hierarchical structures and lack ideologies, and that their main objective is securing profit and power. Recent research states that the new structures of these groups tend be more diffuse, informal and horizontal, so the notion of networks (rather than structured groups) is increasingly gaining traction (Briscoe, Perdomo and Uribe Burcher 2014: 22). When these networks have an international reach, organized crime is considered 'transnational' (Dordevic 2009: 42). Indeed, organized crime has long been a feature of global society, but it has become more complex in recent years due to the world's increased interconnectivity (Sung 2004).

Chapter 2

Organized crime, democracy and the state
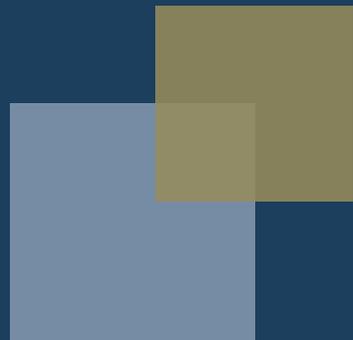
Chapter 2

Organized crime, democracy and the state

Transnational organized crime generates an estimated USD 870 billion in annual revenue (UNODC 2015). A United Nations report found that almost half of the organized crime groups surveyed extensively penetrated the legitimate economy in order to launder this profit (UN 2002) and protect their activities. One-third of the same organized crime groups surveyed indicated that they had political influence at the local, regional and national levels. The result of the relationship between organized crime and politics is to 'distort economic planning through transfers and laundering of illicit wealth and … undermine safety and societal fabric through the use of threat and corruption' (Alemika 2013: 95). Organized crime that is undertaken with the support of political actors and state officials undermines fledging democratic institutions, state legitimacy and the delivery of public services.

To understand the relationship between organized crime and politics, scholars have examined three key aspects: (a) how democratic institutions and organized crime networks affect each other; (b) the types of arrangements between organized criminals and politicians; and (c) how these relationships benefit both parties.

How democratic institutions and organized crime networks affect each other

When attempting to understand how democratic institutions and organized crime networks affect each other, there are two aspects to consider. On the one hand, democracy provides mechanisms to hinder organized crime. Indeed, Buscaglia and Dijk argue that the 'consolidation of democracy taking

place concomitantly at the local and national levels impedes the growth of organized crime' (2003: 8). On the other hand, organized crime threatens democratic institutions and processes, particularly in countries undergoing democratization processes. Bribery and corruption can affect state institutions (Kavanagh 2013: 19). In many cases, organized crime networks can develop political capital with the local population, as well as challenge the power and services delivered by the state (Felbab-Brown and Williams 2012). In the Niger case study in this report, Reitano and Hunter explain how a re-focus of the state towards national and international security over local development enhanced criminal actors' legitimacy as an alternative to government institutions and undermined the efficiency of democratic governments by shifting public resources to private pockets and illicit interests.

While these dynamics might also be found in autocratic regimes, in democracies (especially transitioning democracies), organized crime can create a nexus with political actors that erodes the rule of law and the open nature of decision-making and 'subverts the values of justice, liberty, and democracy through the methodical exploitation of human and institutional weakness' (Sung 2004: 22). For example, organized crime can easily exploit weaknesses such as a poorly staffed police force, fragmented political parties or a lack of oversight of candidates' expenditure. Fragile and new democratic institutions at the national or local levels—with weak structures and procedures, low state capacity and poor enforcement mechanisms—tend to face greater risks of organized crime presence (Sullivan 2013; Locke 2012). General state dysfunction (characterized by eroded legitimacy and authority) and feeble democracies can even provide opportunities for organized crime to reconfigure power structures (Skaperdas 2001). Rodriques explains this in the context of Afghanistan (see Chapter 4) where, as in other weak local government contexts, 'neo-feudal arrangements' are common other weak local governments where 'neo-feudal political arrangements' are common (Rapley 2006; Sullivan 2013), parallel sovereignties coexist or compete with the state.

Types of arrangements between organized criminals and politicians

The types of interactions that organized criminals seek with politicians may vary, and in some cases various types of arrangements can take place concomitantly. Cockayne (2013) explains that these interactions can include *sharing goals* with political actors, usually through agreements in common economic ventures, for example money laundering schemes facilitated by politically exposed persons. Forming *strategic alliances* with politicians can

also help criminals wield power over political or criminal adversaries. In other instances, usually when the state is weak, organized crime networks may seek *intermediary roles* between state actors and citizens, channelling their interests through corrupt negotiators (Cockayne 2013: 10–24). In other examples, the state might simply turn a blind eye, or what Briscoe refers to as 'profitable permissiveness' (Briscoe, Perdomo and Uribe Burcher 2015: 49). The Niger case study below provides an interesting example of these dynamics. Reitano and Hunter explain that 'unable to provide viable long-term economic alternatives, the government finds itself having to choose between allowing its political allies to benefit from smuggling and risking a zero-tolerance policy that spawns the rise of smuggling networks hostile to its interests'.

In more extreme circumstances—particularly where strong systems of patronage are in place—criminals and politicians can even merge, for example when criminals become an integral element of the political system by establishing candidates and political parties. All these ways in which organized crime interacts with political institutions are based on the assumption that there is a (basic) functioning state with which to interact. That is not always the case. At the subnational level, organized crime can act *autonomously*, using warlords or gangs when the state is absent, either formally or de facto. Although such cases are relatively rare, under these circumstances organized criminals exercise power through military-territorial control, taking on some intrinsic state functions. Finally, organized crime networks sometimes use *terrorist tactics*—commonly defined as anxiety-inspiring violent methods against random targets, typically conducted for political or ideological reasons (Schmid and Jongman 1998: 28)—to inspire fear and manipulate public opinion and political decision-makers.

How these relationships benefit both parties

Organized crime primarily benefits from these relations by avoiding prosecution. In some cases, organized crime also uses politicians for money laundering schemes through public channels, to gain access to lucrative bureaucratic contracts and even to avoid paying taxes (Briscoe, Perdomo and Uribe Burcher 2014). State officials are motivated to collaborate with criminals either to avoid extortion or blackmail or to gain benefits in the form of material compensation (bribery) or increased political capital, through vote buying or voter intimidation against their competitors (Villaveces-Izquierdo 2013: 275). Kavanagh explains that 'in Nepal, Jamaica, and Guyana, political leaders have mobilized gangs to support their electoral goals or hamper those of others' (2013: 18).

Chapter 3

The nexus between organized crime and politics at the local level
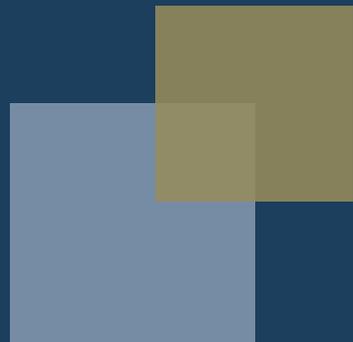
Chapter 3

The nexus between organized crime and politics at the local level

At the local level, informal governance structures provide useful spaces for interaction between organized crime and politicians. While not necessarily illegal, informal leaders—who typically have a relevant role at the local level—often control shadow structures that lack the controls imposed on formal structures of governance.

Another important underlying pattern that in many cases seems to facilitate the connection between criminals and politicians is that in the past 20 years, many efforts to strengthen democracy have included decentralization measures. In some instances, these strategies have led to more robust mechanisms to prevent and mitigate corruption originating from organized crime, usually when decentralization measures succeed in engaging citizens, making their governments accountable and improving efficiency in public service delivery. The Niger case study in this report describes how efforts to tackle inequality and provide development in tandem with the decentralization process has arguably been key to decreasing the opportunities for organized crime to engage in political corruption. These efforts were especially targeted at localities vulnerable to the presence of organized crime, such as the Tuareg communities in the north of the country.

But decentralization measures can backlash, and young democratic systems in the midst of decentralization processes are particularly vulnerable and can therefore become easy prey for organized crime (Sisk 2001: 45; Arias 2013; Briscoe, Perdomo and Uribe Burcher 2014; Bardhan 2002; Faguet 2004; Falleti 2005; Martinez-Vazquez 2011). This is usually the case when decentralization reinforces local patronage systems and the revolving door between economic and political local elites, and when

poor oversight mechanisms pave the way for politicians to act in an unaccountable manner.

The problem is not only that the nexus between organized crime and democratic politics often materializes at the local level, but also that the consequences of these relationships are mainly felt locally. Guatemala City is a case in point. There, 'criminal groups interfere with local politics in order to control the granting of permits—for example, the sale of alcohol' (Briscoe, Perdomo and Uribe Burcher 2014: 44). Colombia faces similar challenges: 80 municipalities that went bankrupt between 1999 and 2011 in that country had electoral results favouring candidates with close links to paramilitary groups (Briscoe, Perdomo and Uribe Burcher 2014: 42). Similarly in Peru, for example in the locality of Puno, protracted political corruption and the presence of organized crime have contributed to exacerbating exclusion, poverty and inequality (Briscoe, Perdomo and Uribe Burcher 2014: 146–58).

Organized crime has three main effects on democratic local politics: it (a) further hinders political contestation; (b) exacerbates weak governance and corruption; and (c) contributes to violence.

Further hindering political contestation

One by-product of the relations between organized crime and democratic political actors is the reduction in opportunities for political contestation. Arias focuses on Jamaica to shed light on the way organized crime turns out votes during elections by mobilizing supporters or intimidating voters in the opposition (2013: 230). Similarly, during the 2014 regional elections in Peru, the Ministry of the Interior announced that 124 candidates maintained links with traffickers of illicit drugs because they were (or had been) under investigation, prosecution or conviction for drug trafficking charges; 14 per cent of those were finally elected (*El Comercio* 2014, 2015).

Political contestation is especially undermined in political contexts characterized by clientelistic behaviour (i.e. activities based on relations of patronage), weak state oversight and an absence of social control. Clientelistic networks allow politicians to distribute publicly funded goods and services, and design policies tailored to individuals in return for their votes and political support. These challenges are particularly acute at the local level: 'With smaller jurisdictions, local politicians are more likely to engage in clientelistic forms of "retail" politics to win elections and maintain
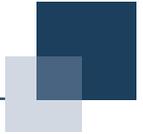
political support networks' (Campos and Hellman 2005: 241). Organized crime networks and the dirty money they generate can expand these 'illicit clientelistic roots' by providing additional resources with which to distribute goods and services across these constituencies.

The capacity of organized crime to influence local elections can be further exacerbated by weak state oversight. Kupferschmidt argues that, in some countries, 'enforcement of campaign finance laws tends to focus largely on presidential elections and to a much smaller degree on parliamentary elections. Meanwhile, local elections are almost entirely overlooked, and it is here that the capacity to monitor, audit and enforce campaign finance laws is weak to non-existent' (2009: 10).

Finally, political contestation is largely affected by the absence of social control by journalists and civil society organizations. Indeed, organized criminals and politicians can sometimes get away with manipulating elections at the local level because of the media's focus on national rather than local elections (Kupferschmidt 2009). Moreover, even if the media draws attention to local elections, organized criminals and candidates use intimidation and bribery to obtain neutral or even positive coverage (Shelley 1995: 33, 468). In East Asia, for example, the 'main media outlets are highly concentrated in the capital city [and therefore] local newspapers and television stations resort to "selling news for cash" to survive, regardless of its veracity' (Campos and Hellman 2005: 240). Labour unions and civil society organizations are also susceptible to corruption and channelling illicit interests, which can make local politics a melting pot of corruption (Campos and Hellman 2005: 468; Villaveces-Izquierdo and Uribe Burcher 2013: 30; Shelley 1995: 467).

Exacerbating weak governance and corruption

Weak local democratic structures facilitate corruption, which can take place either in centralized systems (e.g. Afghanistan, where national authorities cannot reach the regions) or decentralized systems (e.g. Colombia, where some local authorities lack sufficient capacity). Indeed, while centralized systems mainly experience corruption as a 'single-bride game'—in which corruption is concentrated on a single actor—in decentralized systems corruption becomes a 'multiple-bride game'—in which corruption is spread across various actors (Contreras 2012: 6). Besides spreading corruption across multiple actors, decentralization might exacerbate corruption, as local authorities tend to enjoy increased discretion powers with regard to national decision-makers (Prud'homme 1995). There is a counter effect for organized crime actors in

this scenario: because there is an increasing number of actors to corrupt, this might increase the transaction costs for the criminal actors (Prud'homme 1995; Bardhan 2002; Contreras 2012). Organized crime networks usually solve this problem by targeting politicians, rather than lower-level state officials, since politicians can help them reach police, customs authorities and other key local institutions (Shaw 2015; Casas-Zamora 2013).

Contributing to violence

At the local level, organized criminal activity can promote violence. Organized criminals face many security challenges and require protection, not only from prosecution and law enforcement operations, but also from other threats to their lives and wellbeing. Centralized systems offer a comfortable solution in the form of 'protection outsourcing' (Contreras 2012: 8), whereby the state, through its security forces—controlled at the national level and present throughout the country—protects organized crime. However, decentralization complicates this scheme, since organized crime networks need to deal, through bribery and other forms of corruption, with too many intermediaries. Creating their own private armies becomes an easier (and cheaper) long-term solution for organized crime networks—which provides further opportunities for violence.

In decentralized systems, 'violent criminal organizations are less likely to be punished' (Contreras 2012: iii), which enables violent behaviour (Peluso 2007). Even if amicable relations between criminals and the state result in a short-term violence decrease—what some scholars refer to as a *pax Mafiosa*—this does not necessarily translate into long-term stability. Indeed, organized crime offers a powerful muscle for politicians to secure power and pressure opponents, often contributing to intimidation and repression (Arias 2013). The skyrocketing homicide rate in Central America, particularly in Honduras and El Salvador—broadly associated with organized crime activities in general but also with their relations with politicians—is a case in point (Cawley 2013).

Chapter 4

Case study: Afghanistan
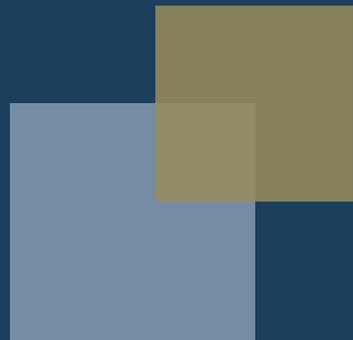
Chapter 4

Case study: Afghanistan

Despite significant international investments in a wide variety of sectors and projects over the last 15 years, Afghanistan remains deeply submerged in crime. This is due predominantly to the policy and structural decisions made by the Afghan Government as it has tried to establish itself in the post-Taliban era. While the government is extremely centralized, it has little control over outlying areas. It has insufficient capacity to tackle the large, sophisticated organized criminal networks in the country's rural areas.

This case study demonstrates that, despite the absence of effective formal local democratic institutions, the local level is still a key arena for politics, competition for resources and power dynamics. Warlords are the dominant local power holders. They have strengthened their control over the security apparatus in their localities. Left without capacity and accountability, some local power structures—formal and informal—serve the interests of illicit actors, not the citizens.

Government in the centre, warlords on the periphery

A combination of factors have contributed to the fragility of local governments in Afghanistan, and the subsequent incapacity of the state to effectively crime and political corruption in the peripheral areas of the country. Weak democratic mechanisms for citizen participation, openness, deliberation and accountability, as well as a poor capacity to provide services at the local level are at the core of the problem. These factors exacerbate the challenges of minimal access to revenue, weak allegiance of the provinces to the central state (even though provincial governors are nominated by the central government), and the magnitude of developmental and security challenges facing Afghanistan, which has in turn created opportunities for crime and corruption to expand.

In the years immediately following the overthrow of the Taliban government in 2001, policies and practices in Afghanistan focused on developing and strengthening the central government in Kabul. According to analysis written in 2005, 'underpinning the Afghan state building process is the belief that national-level institutions are best placed to deliver basic public goods to the population' (Sedra and Middlebrook 2005: 5). As a result of this emphasis, the current Afghan state, as laid out in the 2004 Constitution, is—at least on paper—one of the world's most centralized polities.

The Constitution provides for provincial and district offices of the central state, which have little autonomous authority. Local governments are essentially representatives of the country's ministries (Shurkin 2011: 5). Municipalities are the only form of local government in Afghanistan; they are relatively autonomous bodies with elected authorities who hold financial and political decision-making power.

In practice, this means that the central government is the locus of authority for all levels of government in the country above those of individual towns and cities. Provincial and district governors are appointed by the Independent Directorate of Local Governance, a Kabul-based body that is itself appointed by the president. Province and district funds are allocated from the central government budget, but only after the central ministries receive their shares. This is problematic due to the Afghan state's weak revenue base: in 2013, the government collected only about USD 2.5 billion in tax revenues from the country's roughly 30 million inhabitants (Katzman 2015). By contrast, the Colombian Government collected over USD 33 billion in tax revenue in 2014 from its 48 million inhabitants—more than 13 times more than the Afghan Government's revenue.

In addition, throughout its history, Afghanistan has had a strong tradition of factionalism and militias associated with local power brokers, commonly known as 'warlords'. Their strong informal roles are linked to their 'personal ties to the president, tribal connections, licit and illicit revenues, and access to armed forces'. Meanwhile, district governors can 'access resources and influence of their own, through varying degrees of corruption and/or involvement in the drug trade. They also play a critical role in dispute resolution because of their de facto status as "gatekeepers" to the local government or as key interlocutors between citizens and the state' (Shurkin 2011: 7–8).

All warlords not affiliated with the post-Taliban Afghan Government were supposed to have been disarmed during several rounds of disarmament, demobilization and reintegration programmes and systematic removals
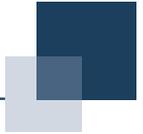
within the ranks of the state (Shaw 2006). However, efforts to shrink the power of local warlords presented a significant challenge, especially since they play an important role in the drug trade, and they often had stronger community ties within their local areas of influence than did the Kabul government (Shaw 2006: 195). Instead, warlords have been co-opted by the Afghan state as a means of projecting the rule of law into the provinces where the state cannot reach. For example, warlords often play many roles simultaneously. The Afghan state has set up (and, in some cases, dissolved) several local police forces in rural Afghanistan over the last decade; many of the policemen and commanders of these forces are either warlords themselves or closely affiliated with them (Aikins 2012). Yet warlords have in some cases created their own private security companies in an attempt to retain control over their weapons and soldiers—some of which have secured lucrative protection and security contracts from the international military forces (US House of Representatives 2010).

Loya jirgas (grand councils) provide an additional example of the importance of informal and traditional local power brokers within local democratic dynamics. These are traditional gatherings of formal and informal tribal, religious and political leaders at which key decisions are made, especially during crisis or transitions, even though they are not formally sanctioned. Members of these meetings are now chosen via elections: one person is elected to represent one district, and there are extra seats for larger constituencies and marginalized groups (Bezhan 2013). Since 2011, *loya jirgas* have been an important way to link local and regional politics—including warlords—to the central state.

Implications for organized crime

The weak national and non-existent local government presence in large areas of Afghanistan, combined with the prominent roles played by warlords, has had important implications for the development and success of organized crime in the country. The most prominent—and infamous—form of organized crime to maintain a strong foothold in the country is drug production and trafficking. Criminals engaged in these activities have benefitted substantially from policies favouring the centralization of power in Kabul.

The production of opium, in which Afghanistan remains the world's unchallenged leader, is concentrated in the country's many rural regions, particularly the southern and southwestern provinces of Helmand, Kandahar, Nimruz and Farah (UNODC 2015a). While these areas are attractive to drug

traffickers for several reasons, including their climate and the ease of access to international markets just across the borders with Iran and Pakistan, the lack of state presence compared to other areas is thought to be the most important contributing factor. For example, despite its long history as a drug-trafficking highway, Nimruz Province was the only province in Afghanistan never to receive a Provincial Reconstruction Team (PRT), the entity responsible for coordinating international and national security force activity at the provincial level (Zurutuza 2010).

Given the Taliban's considerable financial interest in maintaining drug production and trafficking operations, in many areas of Afghanistan it has taken advantage of the lack of state security provision to become the security provider itself. Estimates of the scale of the Taliban's drug-related income vary widely, but according to the UN Security Council's Taliban Sanctions Monitoring Team, it earns USD 100–155 million annually by smuggling drugs, which represents over one-fourth of its funding (Rosen and Katzman 2014). The Taliban still provides security—by keeping police away from opium fields—in exchange for a 10 per cent tax and acquiescence to their presence (*Al-Jazeera* 2016).

Monopoly on violence

Since local state actors have not been able to uphold security, criminal actors have acquired and maintained a monopoly on violence. Referred to as 'warlord economics', the relationship between the lack of local authority and violence manifests itself in myriad ways. An example is the provision of security for convoys of trucks supplying PRTs in southern Afghanistan. Since the region is contested and there were no effective state security actors in the area, international forces had to pay private security companies—linked to local warlords—to guard the (often enormous) convoys. Almost all of the ostensibly separate private security companies offering services along the route from Kabul to Kandahar were owned by the same company, which gave them a virtual monopoly over security in that area: by the late 2000s these security companies were receiving tens of millions of dollars per year to guard convoys on a journey of no more than a few hundred kilometres.

The phenomenon of 'warlord economics' occurs beyond the trucking industry (Bhatia, Lanigan and Wilkinson 2004). Warlords present themselves, not necessarily falsely, as the only option for providing security in particular rural areas. They receive large contracts from international military and development actors, which allow them to purchase weapons, hire soldiers,

and gain control of supply chains and distribution networks for legal as well as illegal goods. These new revenue streams, combined with the warlords' human and political capital, enable them to crowd out other possible security providers, ensuring that any future contracts will also come their way. Thus a self-reinforcing cycle is created. At the start of this process, there are no local state organs able to oversee the awarding and implementation of the lucrative security contracts. By the time the cycle is in full swing, the level of state intervention that would be needed to disrupt the warlords' operations is far too large and coordinated to be easily achieved in Afghanistan.

Conclusion

The Afghan case represents a cautionary tale for future state-building processes. An overly centralized government is an attractive option as it is clear where decision-making authority rests—and with whom to engage. Implementing such a system in a context of low state control over outlying areas, however, is an extremely risky endeavour, as clearly demonstrated by the case of Afghanistan. An excessive focus on developing central institutions, while neglecting to support local or regional power structures and letting unaccountable local informal illicit networks fill in the power vacuum, has made it impossible for the Afghan state to effectively address local political corruption linked to organized crime. Furthermore, the system has allowed organized criminal networks to expand and secure a monopoly on violence.

This has resulted in significant and detrimental effects on the Afghan state and local communities and their citizens: no capacity to provide services, few opportunities to participate, little deliberation and accountability, and a virtually closed system reflecting an almost non-existent local democratic structure. However, the Colombian and Nigerian case studies present some interesting options that could be useful for the Afghan context. Indeed, Colombia has implemented a number of measures to counteract local institutional fragility linked to the influence of organized crime in politics, including better oversight mechanisms. However, the experience of Niger is arguably more relevant to the Afghan case. Despite its limitations, Niger has made systematic efforts to integrate marginalized communities, and various development initiatives have so far limited illicit actors' influence over local politics. Even though the local democratic weaknesses in Afghanistan now seem more difficult than ever to overcome, increasing the accountability, responsiveness and capabilities of local authorities and power structures (both formal and informal) may do much to disrupt the economic power of illicit actors.

Chapter 5

Case study: Colombia
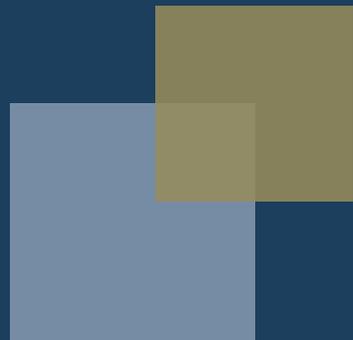
Chapter 5

Case study: Colombia

For many years when Colombia was in the headlines, it was not usually for a good reason. For more than half a century the country has been immersed in armed conflict involving a number of far-leftist guerrilla movements, allegedly fighting for social justice, and far-right groups, supposedly filling the state's power vacuum. It has also led the world's coca leaf production and cocaine trafficking (UNODC 2014: 34).

Asymmetry among the actors involved in the conflict, a common characteristic of this type of internal armed conflict, has profoundly affected how non-state organizations obtain resources. Insurgencies and illegal paramilitary groups, largely underfinanced in comparison to robust state armed forces, use illicit markets to raise funds (Williams and Felbab-Brown 2012: 28), including through kidnapping, drug production and trafficking, the systematic expropriation of land and extortion (Acemoglu, Robinson and Santos 2013: 18).

While the problem of organized crime is generally associated with insecurity, its impact on the legitimacy of the democratic institutions in Colombia has also been a major challenge (Williams and Felbab-Brown 2012: 11, 47–48). As Fukuyama (2011: 5) observes: 'In Colombia, Mexico and El Salvador, organized criminality threatens the state in itself and its basic institutions, and the failure to deal effectively with these problems has undermined the legitimacy of democracy'. Indeed, organized crime has exploited local institutional weaknesses stemming from conflict, particularly a lack of capacity, unequal distribution of resources and state services, marginalization of some communities and poor political participation in some remote localities directly linked to conflict dynamics. Criminal networks have used these weaknesses to fill the gap left by the state to provide services and to secure the support of some communities, thus making the most out of the conflict and extracting as many economic benefits as

possible (Collier 2006). Historical legacies of authoritarianism and state actors' complicity with crime have certainly reinforced those institutional weaknesses.

Transferring power and authority from the central government to the local level

Colombian politics have historically been dominated by two traditional forces: the conservative and liberal parties. During the last three decades, reforms have dispersed national centre authority and power to local levels of administration. The first reforms took place in the 1980s with specific changes in fiscal policy, followed by the delegation of political power to the municipal level with the local election of mayors.

The National Constitution of 1991 further expanded these reforms, including the decentralization of service delivery. These were designed to improve the legitimacy and efficiency of the state by bringing political institutions and processes closer to the citizens (Rodríguez-Takeuchi 2009: 96), increasing the level of competitiveness among local authorities and contributing to peacebuilding (Gutiérrez-Sanín 2010: 24). According to article 287 of the 1991 Constitution, regions and municipalities had the capacity to elect their own governments, manage their own resources, establish and collect taxes, and share in the distribution of national revenues. Since 1991 some reforms have strengthened the power of local governments, while others have weakened it (Gutiérrez-Sanín 2010). On balance, the system is highly decentralized.

More than 25 years of reforms have had mixed results. Nearly 50 per cent of national revenues are now distributed to the local level; social expenditure has increased in relation to the national gross domestic product, particularly for health, education and sanitation; and some local government institutions have been empowered and their capacity has increased (UNDP 2003: 323). However, there were also negative effects. In the most isolated localities—where the conflict had the most devastating effects, corruption was rampant and basic capacity was scarce—decentralization arguably exacerbated institutional weaknesses. Authorities did not have the capacity to carry out their new roles, and corruption thrived. For example, before decentralization was introduced, the two traditional political parties negotiated with each other under a patronage-based system of appointing public civil servants, including at the local level: the incumbent party would usually offer supporters of the opposition party certain positions within the local administration in exchange for that party's support when needed. After decentralization reforms, the negotiation system changed to what Gutiérrez-Sanín refers to as a 'system of arbitration through extortion'

by illegal armed groups and organized crime (2010: 38). Instead of exchanging posts and favours at the national and local levels, they often secured power through kidnapping, extortion, drug trafficking and other criminal activities (Acemoglu, Robinson and Santos 2013).

Organized crime and decentralization

Decentralization reforms in Colombia brought about a period of adjustment characterized by temporary power vacuums. In other parts of the country 'regional authoritarianism' was consolidated (Ávila 2012: 2). Opportunistic local actors achieved this new level of authority by controlling the relationship between different levels of government (municipal, regional and national); appointing allies within oversight bodies so they would turn a blind eye to their activities; and building networks of clientelism using natural resource revenue from the royalties' distribution system, among other methods. This period in the early 1990s coincided with an escalation of the armed conflict. Drug trafficking provided the resources needed to sustain the conflict. Existing elites or rising economic actors, legal and illegal, both benefited from criminal activities and the conflict (Gutiérrez-Sanín 2010: 31).

In many cases, traditional elites benefited from the protection of illegal armed groups or organized crime when redefining their power roles during this adjustment period (Ávila 2012: 3). For instance, in the Cesar region, in the midst of the decentralization process the traditional political elite forged an alliance with paramilitary forces and private armies to exterminate emergent grassroots political movements and secure control over local political positions. Paramilitaries used this opportunity to secure control of the drug-trafficking business in the region. Other alliances between organized crime and political actors were not built upon consent but in response to threats and intimidation. In just two years, right before the first election of local authorities in 1988, more than 100 people from opposition parties and union movements were killed (Ávila and Guerra-Ariza 2012: 367, 370). Between 1998 and 2002, 554 public officials were killed (UNDP 2003: 324). As a consequence, illicit actors found spaces to further consolidate their position in local governments: illegal networks—including paramilitaries, drug traffickers and criminal gangs—controlled 31 per cent of the governors' offices after the 2011 local elections (Ávila 2012: 47).

Legal reforms

A myriad of scandals, particularly during the last decade, revealed long-standing relationships between local political networks and illegal armed

groups, most prominently during the 'parapolitics' scandal in which a number of politicians were investigated for linkages with drug trafficking and paramilitary groups. These investigations even impacted national politics, since these regional connections benefited politicians and parties in Congress (KAS 2015: 6). Many of these relationships developed partly due to the behaviour of political parties and their weak internal control mechanisms at the local level. Indeed, national political parties largely depended on local political power for votes: they expanded their local influence by distributing public contracts and political nominations at the local level. As a result of these scandals, a number of reforms were introduced, which mainly focused on enhancing the control of political parties in the regions. These reforms sought to protect political parties and local democratic governance from the influence of organized crime by increasing the accountability of political organizations and their executives for their possible involvement with illegal groups.

A 2009 constitutional amendment (LA 001) made political parties and organizations and their executives responsible when they were found to have relations with criminal organizations (National Constitution, articles 107 and 134). For single-member constituencies, this offence resulted in a ban to put forward a candidate for the next election, and in multi-member constituencies the party lost its seat with no possibility for replacement (the so-called empty chair). The Political Parties Law 1475 of 2011 further developed this constitutional amendment, targeting the funding of political parties by illicit sources and party sponsorship of candidates with criminal linkages.

The law also included a number of punishable offences related to illegal groups, for which political party executives were also accountable. These included allowing criminal groups to campaign on behalf of a party or specific candidate, and tolerating illicit networks' mobilization of voters in favour of a specific candidate. The law also punished executives who used violence—or consented to it—for political or electoral purposes.

The Colombian Government adopted four strategies related to political party regulation to support the implementation of the Political Parties Law 1475:

1. *Unified candidate history portal.* This mechanism, adopted in 2011, helped political parties and movements to vet their candidates, which was particularly difficult during local elections. The portal gathers all criminal, disciplinary and financial background information about candidates on party lists. The portal was institutionalized as a permanent mechanism in 2015 (Colombian Ministry of Interior 2015a). Before the

2011 local elections, of 167,828 candidates assessed using this mechanism, 13,833 were found to have a criminal, disciplinary or improper record. The total number of candidates that were finally included in formal party lists decreased to 101,432 before the elections. This suggests that 66,396 candidates potentially lost sponsorship (Puyana 2012: 32–33).

2. *Government electoral commissions.* In 2003 the Ministry of the Interior established national and local commissions and subcommissions to facilitate the implementation of the law and to prevent illicit networks from interacting with politicians, particularly at the local level (Decree 2390 of 2003, subsequently renewed for each election; Colombian Ministry of Interior 2015b). The work of the subcommissions focuses on campaign financing, public order and other risks to the electoral processes. The campaign financing subcommission, for instance, evaluates and suggests measures to prevent illicit funding of electoral expenses. The public order subcommission assesses and recommends actions to prevent activities by illegal armed actors and groups that could threaten security during elections. State institutions and political parties are represented on these commissions and subcommissions, and non-governmental organizations participate as observers. As such, the commissions are intended to promote interagency coordination, as well as the participation of civil society organizations, such as local electoral observers and groups promoting freedom of the press.

3. *Immediate Reception Unit for Electoral Transparency* (*Unidad de Recepción Inmediata para la Transparencia Electoral,* URIEL). In 2007 the Colombian Government created this unit to, among other things, facilitate coordination among agencies and promote the efficacy of the government electoral commissions (Decree 810 of 2007, subsequently renewed for each election). In particular, the unit aims to facilitate the electoral commission's investigative capacity regarding money laundering through campaign financing. This unit systematically identifies risks, and compiles claims and complaints from the general public. Between June 2011 and January 2012, URIEL received a total of 5,141 such claims, complaints and requests. The most frequent reports during the 2011 local elections related to the presence of illegal armed groups (229), threats to candidates (133) and voter constraints (432) (CNE 2013).

4. *General Prosecutor's Office, Special Unit for Electoral Crimes.* Most convictions related to the interactions between illicit networks and politicians in Colombia stem from the Supreme Court of Justice and relate to members of Congress with personal or financial links to far-right illegal paramilitary forces. The Political Parties Law 1475/2011 established the new Unit for Electoral Crimes under the National Prosecutor's Office to investigate these cases on a regular basis. Today, the unit has issued 140 warrants against politicians suspected of links with illicit networks or illegal armed groups;

90 of these have resulted in arrests. Between 2005 and 2015, investigations by the General Prosecutor's Office led to 59 convictions related to electoral-related crimes; 15 of these convictions took effect by 2015 and the rest are under appeal (Colombian Deputy General Prosecutor 2015). Furthermore, in 2014 the General Prosecutor's Office adopted an emergency plan to appoint prosecutors and members of the Technical Investigations Team—or judicial police—at the local level to investigate cases related to electoral crime (Colombian General Prosecutor's Office 2014). The prosecutors dealing with these cases must have previously been members of the Unit for Crimes against the Public Administration (that is, corruption). They are therefore able to grasp how electoral crimes usually relate to other corrupt practices beyond the mere election of candidates.

Few systematic evaluations of these measures have been conducted in Colombia. One of them, conducted by the United Nations Development Programme (UNDP) in 2013, examined the impact of the government electoral commissions on the 2011 elections in two regions and two major cities. According to the report, most of the complaints reviewed by the electoral commissions were from political parties, rather than complaints registered with URIEL. The commissions furthermore failed to strategically target the prevention and mitigation measures, and were instead mainly politically based. The fact that no commission meetings took place after election day indicates an inability to follow up on complaints, claims and requests registered with URIEL. UNDP identified additional challenges: most of the concerns raised by the commission related to immediate electoral results, not structural political deficiencies. In addition, while representatives of civil society organizations could join as observers, they were not invited at the local level. Representatives of state institutions serving on these commissions did not have a clear mandate, particularly at the local level, which made decision-making or problem-solving more difficult.

Conclusion

Colombia provides an interesting example of how organized crime networks have used local institutional weaknesses resulting from the armed conflict to help maintain their interests. The historical legacy of political monopoly by the two traditional political forces translated into limited democratic participation, deliberation, and accountability at the provincial and local levels. Decentralization reforms that aimed to solve some of those problems had mixed results: they empowered local authorities and increased efficiency in some localities, while exacerbating existing institutional weaknesses in others.

One of the main reasons why these results were uneven seems to be associated with the democratic development those localities had at the time the reform process was introduced. Those that were most marginalized suffered from instability due to the conflict, lacked basic capacity and were affected by protracted corruption and thus did not have the capacity to meet their new roles. But even in those localities where decentralization did not render the expected results, the impact on local democracy varied. In some places, decentralization brought temporary power vacuums, while in others regional authoritarianism was consolidated, which changed the type of interaction the state had with organized crime. In power vacuums, organized crime presented itself as a viable governance alternative, while in areas characterized by regional authoritarianism organized crime sought alliances with the local political elite in order to exploit their control of oversight bodies and their clientelistic networks.

The Colombian case also highlights how entangled the relations between conflict and organized crime actors are. Paramilitary forces had clear ideological objectives and used illicit activities to gather resources in order to finance their fight and secure their businesses. At certain periods it was unclear whether they were using crime to finance the war or the war to achieve their business. It seems to have been both.

Finally, Colombia also tried interesting policy approaches in its efforts to counteract the grip of organized crime over local power. Most of these reforms focused on changing political parties' behaviour at the local level by increasing their accountability. A 2009 constitutional amendment that held them responsible for their relations with criminal organizations was the first reform. A 2011 reform sought to further discourage any interaction between these organizations and illegal armed groups by targeting illicit funding and candidates' sponsorship. In order to implement both regulations, the government deployed a series of strategies to help parties meet their increased responsibilities. While further assessments would be needed, the impact of those reforms seems to have been mixed. Parties increased their own internal vetting mechanisms to exclude candidates with criminal linkages. But other strategies, such as those of the electoral commissions, failed to engage actors apart from political parties to participate in the oversight of party activities, finances and networks, and have not had the expected continuity between elections. Nonetheless, the efforts are valuable. Improving the capacity of local authorities and democratic spaces at the local level might decrease the uneven effects of decentralization and reduce the weaknesses that organized crime has managed to exploit.

Chapter 6

Case study: Niger
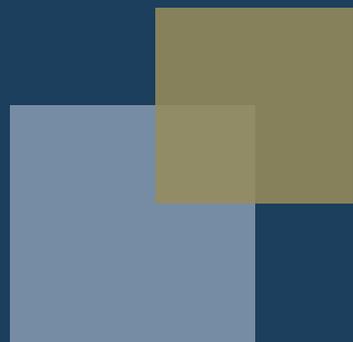
Chapter 6

Case study: Niger

Niger arguably has one of the most open, progressive and secular governments in West Africa and the Sahel. It is considered a major partner to the international community in the fight against terrorism and regional instability, and one of the most pliant in terms of meeting donor conditionalities on transparency and democratic inclusion.

The Tuareg tribe, a nomadic ethnic group reportedly engaged in trafficking, is present in Niger's northern and western regions. Yet, unlike in neighbouring Mali and despite considerable regional unrest, the Tuareg have not presented themselves as a governance alternative, but remain engaged positively in the central and local state. This achievement is largely attributed to Niger's push for inclusive politics, relatively equitable resource sharing, a vibrant and engaged civil society, and a focus on development. Therefore, while organized crime networks continue trafficking drugs, illicit goods and migrants across the country and providing resources to political groups, it is largely considered a livelihood strategy, not a means to fund political movements for strictly ideological reasons.

Yet the people of Niger, and in particular in its borderland localities, remain woefully underserved. Despite possessing great mineral wealth, Niger sits at the very bottom of the UNDP's Human Development Index (UNDP 2015a); the government, particularly the local authorities, has little impact on the quality of life of its population. The failure of local governments to provide basic service delivery, in particular in the north of the country, has largely left citizens reliant on mixed or entirely privatized systems (de Sardan 2011), and it has mainly been informal local government structures (in this case conservative religious groups) that have risen to fill the void (ICG 2013). The growing influence of Islamic extremists both in society and on politics, with

linkages to the illicit economy, is arguably the most incendiary challenge being presented to the state and to national and local stability.

Delinking crime from politics

The Tuareg, as well as other northern tribes, have historically felt disenfranchised and have distrusted the Niger Government since the country gained independence from France in 1960. At independence they felt largely left out of the new government. Later, from 1968–74, when a severe drought killed large numbers of Tuareg and their livestock, many Tuareg felt neglected by the government. In the late 1980s, government corruption and inefficiency prevented government assistance from reaching the Tuareg, which caused the distrust of the government to erupt into an insurgency in the spring of 1990. In 2007, poor representation of the Tuaregs in the government and the military, and a continued failure to tackle Tuareg poverty, resulted in a rebellion (Hershkowitz 2005), which led to a far stronger interest in opening avenues for representative power-sharing in governance. A Tuareg was appointed prime minister, and since then several ministers and senior civil servants have been drawn from the Tuareg community, although based explicitly on their education and skills rather than on a clientelistic or appeasement basis (ICG 2013).

While it was not without its birthing pains, a pivotal point in this process was the 2004 decentralization of the Niger Government. Reforms created new territorial and political subdivisions to give local people more autonomy over decision-making (Alzouma 2015). The current system allows for local representation and decision-making, and the election of local government leaders by the local population (Alzouma 2015). In this sense, decentralization measures successfully implemented the principle of participation to ensure well-functioning local democratic institutions. However, decentralization is always a vulnerable point in a political transition, especially where state institutions are already under strain, because corrupt links between criminal groups and local leadership may be easier to exploit for criminal gain than when government operations are centralized (Midgley, Briscoe and Bertoli 2014: 15).

Niger avoided this pitfall through its consistent approach to improving the capacity of local institutions and local communities (one of the main principles of local democracy) by consciously targeting wealth sharing and development (Barnett 2014). With donor support, the government has invested in a number of development initiatives and economic reintegration programmes for the Tuaregs in the north. In 2013 the government created

an Economic and Development Plan consisting of USD 4.8 billion in long-term development projects, along with a USD 2.5-billion Strategy for Development and Security (Barnett 2014). These projects were explicitly advertised as investments in vulnerable communities or youth employment programmes, rather than as payoffs to conflict regions, former combatants or traffickers. Uranium wealth has similarly been shared via transfers from the central state to the regional governorates, and the president has been a strong advocate of local recruitment into the national uranium mining industries (ICG 2013).

Consequently, Niger boasts a relatively open democratic government that provides opportunities for deliberation and accountability, particularly at the local levels, where major tribes, including the Tuareg, have a high degree of representation. Openness, deliberation and accountability sit at the cornerstone of local democratic principles, thus providing the basis for functional local institutions. Credit for greater inclusion and peace must also go to the Tuareg and other northern tribes and excluded communities, reflecting the reality that the nexus between organized crime and politics is a two-sided relationship. Concerted efforts have also been made by Niger's northern Tuareg to negotiate with the government and maintain the peace (IRIN News 2013). In this sense, Niger has distinguished itself with its capacity to delink the promotion of Tuaregs (in terms of economic development and political agency) from questions of conflict and identity, thereby reducing the importance of these two pillars that in Niger's northern region could have exacerbated the criminal economy.

Organized crime: A livelihood strategy

Niger's economy is undiversified: an estimated 80 per cent of its population is dependent on subsistence agricultural and livestock, which offers little in the way of sustainable livelihoods to the burgeoning population, which doubles every 18 years. Uranium is by far the biggest driver of trade, representing upwards of 70 per cent of national exports. Furthermore, since the government is reliant on donor assistance for the majority of its public services and social investment projects, central state priorities are heavily influenced by the priorities of the international community. In this respect, a parallel can be drawn with the situation in Afghanistan described in Chapter 4. An important difference, however, has been the nature of international assistance, which for Niger has mainly focused on development while in Afghanistan it has been heavily influenced by security and military objectives.

In spite of the revenue produced by the uranium trade, Niger's resources are vastly stretched due to 'challenges related to demographics and the transfer of resources, as well as by a relatively weak institutional capacity and regional bodies that are illequipped [sic] to bring about sustainable local growth' (Sylla and Ndiaye 2015).

Porous borders and relatively weak state capacity mean that trafficking and smuggling are longstanding economic and social resilience strategies, related to citizens' capacity to cope with adversities, adapt to future challenges and transform their institutions to better respond to future crises (Keck and Sakdapolrak 2013: 5). Tribal groups, including the Tuareg, rely on illicit trade for survival and have moved goods across the Sahara for centuries. Trade particularly flourished as a result of the generous commodity subsidies offered by the oil-rich Maghreb states of Libya and Algeria (Shaw and Reitano 2014). However, while decentralization and better representation have increased political access, donor-funded reintegration and economic revival projects are too limited to provide viable sustainable livelihood options, and trafficking remains one of the few ways to make a living.

This situation has extended beyond these borderland regions into key urban hubs, such as Agadez in the centre of the country. The local economies in these hubs are highly dependent on trafficking flows. For example, as noted by a foreign diplomat in Niger regarding human smuggling, 'dismantling the networks of intermediaries, drivers, guides, migrant "welcome centres", and clandestine migration consultants would place the regional economy of Agadez under significant stress' (Reitano, Adal and Shaw 2014: 15). This includes networks that stretch into the local government, such as the police and military, which supplement small state salaries by taxing flows of trafficked goods, drugs or people (Reitano and Shaw 2015). There have also been concerns that the Niger Aïr region, also in the centre of the country, could be susceptible to advances from terrorist groups active in northern Mali, as their financial resources could be seductive to youth in the region (ICG 2013).

The government's approach to balancing organized crime interests with those of the central and local state has not been flawless. Officials allegedly turn a blind eye to criminal activity in some cases for fear that upsetting vested interests may provoke instability in the region. Unable to provide viable long-term economic alternatives, the government has to choose between allowing its political allies to benefit from smuggling and risking a zero-tolerance policy that spawns the rise of smuggling networks hostile to its interests (Lacher 2012: 18). Yet for the moment, while illicit flows are often used to

fund political groups in Niger, unlike in Mali or elsewhere, the funding has not had the same detrimental impact on local state consolidation, due in part to the relatively balanced political representation. Indeed, dirty money in Niger has not yet disrupted the balance of ethnic representation, which is the cornerstone of the country's stability.

Competing power structures and the role of illicit networks: who delivers services?

Although political and economic inclusion have been positive in regards to effective governance and state stability in Niger—at least in broad terms, considering the potential for fragility—fundamentally, none of these reforms has resulted in significantly greater democratic service delivery. Niger posts the lowest development indicators in the world, and its exponentially growing population makes it an almost impossible challenge to meet public needs. Local communes and associations are officially charged with delivering collective goods, yet their operations suffer from acute challenges as they lack basic capacity and organization (The Economist Intelligence Unit 2015: 7). Consequently, although the state is 'present' everywhere, its presence is not very effective, and service delivery relies heavily on non-state actors (de Sardan 2011).

Since the 1990s, the greatest ground in terms of local influence has been gained by conservative, non-militant Islamic groups, which now exert significant cultural and political weight in matters of social development. For example, in part because the state cannot provide livelihoods, education or health services, the practice of *talibé* has become widespread in Niger. Children are sent by their families to live in a Koranic school ostensibly for religious education, but the children are often used predominantly for forced labour and street begging (that is, almsgiving) to fund the institution. The limited education offered is heavily conservative and has strengthened and increased the influence of Islam extremists in the community (DANIDA 2014). For a state that has long been secular, Niger has seen a rise in the number of mosques, Koranic schools, radio stations and political parties, which now have significant weight and leverage. Through these institutions some extremist groups have campaigned hard against social developments that would arguably improve the country's socio-economic trajectory, but that they perceive as being anti-Islamic (ICG 2013).

Another serious concern is the consistent linking of development priorities with security, by both the government and international partners. In

response to growing insecurity in Niger's neighbours to the north and south, the government has redeployed central budget allocations from education and health towards border security and defence (ICG 2013). Similarly, the international community has tied funding of development activities and infrastructure to Niger's continued cooperation in the fight against terror (Reitano 2014). This securitization of governance and service delivery remains a weakness in terms of local government capacity to build credible state–citizen linkages, as it has forced the state to prioritize national and international security objectives over local development and citizen welfare. Some non-state actors have exploited this weakness to bolster their own legitimacy. They are increasingly profiling themselves as viable governance alternatives that can potentially facilitate more development than state institutions.

Conclusion

While Niger's socio-economic and demographic profile, including a reliance on trafficking and smuggling in the north, make local governments vulnerable to organized criminal networks, its push for development and inclusion, as well as continued international support, have largely thwarted the capture of public services delivery. It is particularly important that, despite continued challenges, local populations continue to have high expectations and hold state and local political authorities responsible for these matters (de Sardan 2011), which indicates that the government maintains domestic legitimacy. Sustained failure to deliver on these expectations—as well as the favouring of security priorities over development—may, however, create fissures between the state and its citizenship that might undermine the country's positive trajectory, and reopen political challenges from Islamist groups, neighbouring insurgents and illicitly resourced local power-brokers.

Chapter 7

Conclusions
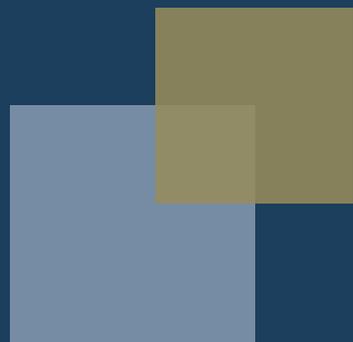
Chapter 7
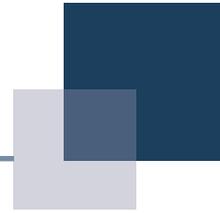
Conclusions

Local democracy refers to a responsive and accountable government, including formal and informal institutions, at the lowest administrative level. Even in the absence of formal institutions, the local level remains an important arena for politics. In those cases, traditional leaders and other informal power structures often exert the political power that formal institutions otherwise would. The Afghanistan case study provides an interesting account of some of these local power dynamics and the de facto structures governing local communities.

Some of the most important functions of local democratic institutions include: (a) participation, allowing citizens to communicate their opinions and ideas to the government; (b) openness, creating spaces for citizens to participate; (c) deliberation and accountability, bringing opportunities to challenge the government when it pursues private interests above those of the community; and (d) capacity to act, allowing local institutions to act effectively and deliver services. By contrast, in contexts where these elements are not present and local institutions are fragile—which is often the case in new democracies and countries undergoing state-building, recovering from conflict or facing security challenges—organized crime is more likely to erode local democratic institutions.

The Colombia case study highlights how organized crime exploited the marginalization and poor political participation in some remote localities involved in the conflict to fill the gap left by the state, as well as to provide services and secure the support of some communities. Organized crime also exploits local democracy weaknesses by using and expanding clientelistic networks. They can use dirty money to distribute goods and services across their political networks, and take advantage of weak local oversight to

increase their political power. Monitoring of political finance regulations, for instance, is usually focused at the national level, but often overlooked at the local level. This situation, coupled with an absence of social controls by journalists and civil society organizations (who are often not present in all localities, or at least those most affected by conflict and insecurity), makes it easy for organized crime to, among other things, mobilize supporters during elections, intimidate voters and promote their own candidates.

Niger and Colombia provide interesting examples of policy responses that might counteract the local democratic vulnerabilities that help organized crime networks penetrate democratic politics. In Niger, efforts have thus far focused on integrating some marginalized communities, improving development and maintaining relatively equitable resource sharing. These development efforts have managed, at least until now, to maintain the state as the primary governance provider. However, these achievements are fragile. A systematic lack of resources is increasingly forcing communities at the borders to turn to extremist religious actors for goods and services. This is what is happening in Afghanistan: the state has consistently excluded some communities located in traditional organized crime centres from certain key development projects.

In Colombia, other reforms have included mechanisms to improve local oversight of the electoral process by appointing special prosecutors and investigators with a mandate to investigate and prosecute electoral crimes. Other instruments have focused on making political parties and their executives responsible for vetting candidates for links with organized crime networks, particularly at the local level. The preliminary results of these reforms suggest that political parties were indeed more prone to exclude individuals with organized crime linkages than they were before the reforms were introduced.

Yet local authorities' capacity and level of autonomy are perhaps the most important aspect of efforts to strengthen local democracy. Decentralization processes are usually intended to provide local governments with greater formal administrative and political autonomy, strengthen their financial capacity, and bring institutions and decision-making processes closer to the people. Accordingly, decentralization should increase governments' responsiveness and efficiency and promote additional checks and balances that reduce corruption.

In some contexts, however, weak decentralization processes seem to have exacerbated local state fragility. Where local governments already lacked

technical and financial resources and the decentralization process failed to address those weaknesses, they risked falling into a vicious circle of fragility. Indeed, some local elites abused their newly acquired autonomy in order to maintain their interests unchecked. Fragmented corruption seems to have been an additional counter-effect, as was the case in some isolated localities in Colombia. In these communities, which already suffered from corruption, a lack of basic capacity and instability due to the conflict, decentralization exacerbated institutional weaknesses.

The key ingredient that makes local democratic politics vulnerable to organized crime, however, does not seem to be the decentralization process per se. While the goal of decentralization is to strengthen local institutions, in certain circumstances—as described in the Colombia case study—it can do just the opposite and exacerbate local democratic weaknesses. Centralized systems can also suffer from the same troubling levels of local incapacity, insufficient participation, poor transparency and limited deliberation and accountability, as the Afghanistan case study highlights. This suggests that the fragility of the local democratic system (in terms of a lack of capacity, participation, deliberation, accountability and openness), rather than local communities' formal level of autonomy, creates opportunities for organized crime to prosper at the local level.

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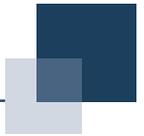
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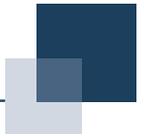
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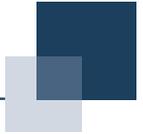
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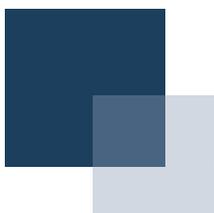
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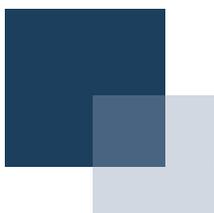
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1. providing comparative knowledge derived from practical experience on democracy building processes from diverse contexts around the world;
2. assisting political actors in reforming democratic institutions and processes, and engaging in political processes when invited to do so; and
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