



Protecting Politics

Deterring the Influence of Organized Crime
on Political Parties





Clingendael

Netherlands Institute of International Relations

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Preface



Political parties play a crucial role in the functioning of democracy. As the intermediaries between political representatives and the citizens, parties hold the keys to ensure that institutions are inclusive and responsive. In essence, the policies and ideologies that parties uphold are designed to mirror the wishes and needs of the people, and the candidates that these organizations support become the voice for those ideas within elected offices.

The general distrust of political parties, and their subsequent weak legitimacy, is therefore one of the most pressing problems for democracy today. This phenomenon corrodes the precious relationship between citizens and politicians, thus destroying the basic fabric of representative democracy. The low levels of membership in political parties reflect this disturbing trend. Citizens are seeking alternatives, increasingly turning to the streets and forming citizen movements to voice their concerns. Recent protests in Asia, Europe and Latin America reflect this general dissatisfaction with the way democratic institutions in general, and political parties in particular, are tackling inequality, poor service delivery and, most importantly, political corruption. Indeed, corruption, partly fuelled by illicit money, is arguably one of the root causes of citizen distrust in political parties.

The International Institute for Democracy and Electoral Assistance (International IDEA), the Netherlands Institute of International Relations (Clingendael) and other partners are therefore committed to shedding light on how organized crime corrupts political parties. Injecting dirty money into political parties and pursuing alliances with key politicians and their intermediaries are some of the principal avenues these illicit networks use to penetrate democracy. This report provides insights into these issues, as well as potential strategies for preventing and mitigating relationships between criminals and political actors, by looking at the specific cases of Georgia, Mali and Mexico.



This report builds on comparative research that International IDEA has conducted since 2011 under the umbrella of the Protecting Politics project, which broadly focuses on the threat that organized crime poses to democracy around the world. In 2015 the Clingendael Institute joined International IDEA in exploring the particular dynamics that organized crime uses to engage with political parties and actors. Three other reports complement this study by looking at the related issues of elections, service delivery and local democracy.

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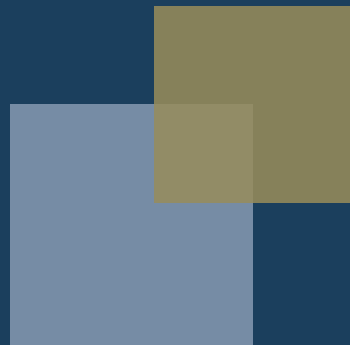
We would like to express our sincere gratitude to Catalina Uribe Burcher who edited the report and the paper series, as well as to Ivan Briscoe and Diana Goff who authored the report, including the case studies. Our appreciation also goes to the various colleagues at international IDEA who helped shape this report. Catalina Perdomo and Kimana Zulueta-Fülscher supported the design of this project from the outset, and Nathalie Ebead provided feedback at various stages of its development. We especially thank our colleagues Keboitse Machangana, Nana Kalandadze, Victoria Perotti, Annika Silva-Leander and Daniel Zovatto for their insightful comments, David Prater and Lisa Hagman, who led the production of the report, and Rosinah Ismail-Clarke who supported the entire process.

The production of this report would not have been possible without the assistance of Rusudan Zabakhidze during the research process in Georgia and Lalla Mariam Haidara in Mali, as well as all the experts and practitioners who kindly agreed to share their time and knowledge during the field trips to Mali, Mexico and Georgia. A special acknowledgement goes to the expert peer review provided by Alexander Kapatadze, Diane de Gramond and Judith Vorrath, and the comments provided by the Electoral Tribunal and the National Electoral Institute of Mexico, as well as the excellent work of our copy editor, Kelley Friel and our designer, Santangelo Diseño.



Chapter 1

Introduction



Chapter 1



Introduction

Democratic systems around the world, both old and new, are facing a series of pressing challenges. Manipulation of the electoral process by authoritarian regimes—for example as occurred in the 2014 elections in Egypt and Syria (Norris, Martínez I Coma and Grömping 2015)—the prominent yet opaque role of political finance, or the general public disillusionment with ‘establishment’ leaders in an era of global economic integration are high on the list of sources of public discontent and unease with democracy. There is, in the words of former British Prime Minister Tony Blair, ‘a vast wave of feeling against the unfairness of globalisation, against elites, against the humdrum navigation of decision-making in an imperfect world’ (Blair 2015).

A common thread uniting these concerns is the low level of credibility enjoyed by many politicians and political institutions. Political parties and public officials are two of the five most corrupt institutions around the world, according to the composite index of corruption perceptions published by Transparency International (2013: 16). Yet this tarnished public image, which is confirmed by a host of country-based and regional opinion polls exploring attitudes towards political and social organizations, has not undermined parties’ pivotal role in the functioning of electoral democracy (Diamond and Gunther 2001; Dalton, Farrel and McAllister 2011). Since the middle of the 19th century, political parties have—despite their imperfections—been integral to the working and legitimacy of most democratic governments. As the German sociologist Max Weber noted, parties are ‘the children of democracy, of mass franchise, of the necessity to woo and organize the masses’ (Weber 1946).

The ideal functions that Weber describes, such as political parties’ capacity to aggregate diverse interests, mobilize voters and translate public preferences

into government policy, have not changed in substance over time. However, parties have been exposed to a series of changes in societies and states that have imperilled their status as effective intermediaries between the public and government. In particular, this report will explore some contributing elements behind political parties' engagement in corruption and organized criminal activity, which has a deep and toxic effect on democratic life in various regions.

Drawing on previous International IDEA and Clingendael research on the linkages between organized crime and democratic politics around the world—and specifically in the Baltic States (Villaveces-Izquierdo and Uribe Burcher 2013), Latin America (Briscoe, Perdomo and Uribe Burcher 2014) and West Africa (Aning and Edu-Affuland 2013a, 2013b)—this report explores how multiparty democracy has occasionally shaped and extended the linkages between political parties, politically exposed persons (PEPs) and criminal activity.¹

International IDEA started working on research and policy support concerning the nexus between organized crime and democratic politics in 2009 when it hosted a Democracy Round Table in Mexico, entitled *Illicit Funding in Politics*, resulting in the discussion paper *'Illicit Political Finance and State Capture'* (Kupferschmidt 2009). International IDEA then decided to partner with the Clingendael Institute, whose Conflict Research Unit has carried out continued field research on state fragility for over a decade, with a focus on the linkages between politics and criminality. The project *'Protecting Politics'* emerged from this collaboration. Part of the results of this research are presented in this report. The methodological challenges involved in investigating and analysing this topic (namely its opaque, secretive and complex nature) made it necessary to rely on many anonymous sources, which were corroborated as far as possible by comparison with other sources as well as numerous other bases of evidence, including academic, governmental, judicial, media and policy reports, investigations and other written material.

The report first outlines the most important features shaping the linkages between organized crime, political parties and PEPs in multiparty democracies: the changing character of organized crime and corruption in general, the most common points of interaction between politicians and criminal networks, and the triggers that may convert parties into hubs for

1 According to the Financial Action Task Force, PEPs are formally understood as 'persons with prominent public functions'. However, the term also includes close family members and associates of a PEP (Financial Action Task Force 2013: 4–5).

illicit networks. It then presents three case studies that focus on ‘third-wave’ democracies on different continents: Georgia, Mali and Mexico. Although these countries are distinctive in fundamental ways—most obviously in terms of population, religion, ethnic diversity, income per capita and levels of human development (see Table 1.1)—each transitioned to multiparty democracy at roughly the same time, albeit from very different initial regimes and at variable speeds. Most interestingly for this report, these three countries have been marked by the presence (to a greater or lesser degree) of organized crime, armed violence and political corruption.

Table 1.1. Case study countries compared

Country	Date of transitions to multiparty democracy	Population (million)	Religion	Ethnic composition	Income per capita (USD)	Position on the Human Development Index
Georgia	1991–1995	4.5	83.9% Orthodox Christian; 9.9% Muslim; 6.2% other	84% Georgians; 6.5% Azerbaijanis; 9.5% other	3,720	79 th
Mali	1991–1992	17.1	90% Muslim; 9% animist; 1% Christian	25% Bambara; 12% Senoufo; 10% Songhai; 9% Fula; 8% Malinké; 8% Soninké; 6% Dogon; 5% Arab; 5% Tuareg; 9% other	660	176 th
Mexico	1989–2000	125.4	82.7% Catholic; 8% other Christian; 9.3% other	62% mestizo; 28% Amerindian; 10% other	9,860	71 st

Sources: World Bank, ‘Country Data at a Glance’, [n.d.], <<http://econ.worldbank.org/WBSITE/EXTERNAL/DATASTATISTICS/0,,contentMDK:20485916-menuPK:232599-pagePK:64133150-piPK:64133175-theSitePK:239419-isCURL:Y,00.html>>, accessed 28 March 2016; US Central Intelligence Agency (CIA), *World Factbook* (Washington, DC: CIA, n.d.), <<https://www.cia.gov/library/publications/the-world-factbook/>>, accessed 28 March 2016; United Nations Development Programme (UNDP), *Human Development Index* (New York City: UNDP, n.d.); Organisation for Economic Co-operation and Development (OECD), *An Atlas of the Sahara-Sahel* (Paris: OECD, 2014), <<http://www.oecd.org/swac/an-atlas-of-the-sahara-sahel-9789264222359-en.htm>>, accessed 28 March 2016.

The researchers conducted extensive desk research, fieldwork, and dozens of anonymous interviews with high-level officials from various governmental and non-governmental institutions, as well as experts in all three countries in order to describe the main illicit circuits and transactions linking parties and politicians to criminal networks in each of these cases. The case studies highlight the specific factors contributing or deterring the links between crime, violence and politics, and discuss the similarities and parallels of the effects of democratic transitions on these illicit networks. The report assesses the principal efforts in these countries to regulate and circumscribe this nexus, as well as the reasons why these initiatives have succeeded or failed, with Georgia as a particularly positive example of how this type of corruption—to an important extent—has been curbed.

On the basis of this evidence, and drawing on experiences from a range of other countries, this report finally raises the urgent question of what can be done to halt or reverse the nexus between organized crime and certain political parties and politicians. It maps out a set of realistic policy guidelines for civil society, states and the international community in their efforts to protect democratic life from the spread of illicit influence.

Political parties: the global context

Political parties' pull on the public's hearts and minds has weakened in almost all democracies, in both developing and developed countries: party membership and affiliation have fallen as citizens seek out other vehicles for their loyalties and free time (*The Economist* 2010). Parties themselves, meanwhile, have received increased financial protection and support from governments, which have compensated for falling membership dues or declining trade union donations by providing greater levels of public funding. State funding for parties was pioneered in Latin America, where it was introduced by Uruguay in 1928 and Costa Rica in 1954, before spreading to Western Europe in the late 1950s and 1960s. As multiparty democracy reached Africa, Asia and other countries in Latin America in the following decades, so did the practice of state funding for parties (Van Biezen 2003: 34; Falguera, Jones and Ohman 2014: 77, 96, 140). According to International IDEA's study of political finance around the world, over 65 per cent of a sample of 180 countries currently provide some form of public funding for political activity (International IDEA 2015).

This trend towards higher levels of public funding is a natural (and often necessary) consequence of political parties' role as crucial transmission



mechanisms between state power and more fragmented and diverse societies. It helps ensure that minority opinions are heard and respected, which is vital to the stability of many countries. Public funding should also in principle shield parties from an over-dependence on private donations, and the threat that a narrow interest group will capture the decision-making process, among other risks (Casas-Zamora and Zovatto 2016).

But the turn to state protection and funding has also generated criticism for supposedly reinforcing the estrangement of professionalized political parties from the grass-roots level, as well as strengthening parties' access to the state apparatus and its resources, creating opportunities for the abuse of public resources. This phenomenon has been denoted as the rise of 'cartel parties', in which big state-supported parties crowd out new political forces (Katz and Mair 2009). Studies of political finance support the (apparently contradictory) effects of state support for parties, which—contrary to intentions—tends to be linked to higher perceived levels of political corruption (Casal Bértoa et al. 2014). Evidence from several democratic countries such as Brazil and Mexico shows that public financial support for parties goes hand in hand with large private donations, not all of them legal (Norris, Abel van Es and Dennis 2015).

More broadly, the thorny question of political funding focuses attention on a key concern for democracies worldwide: the proximity between interest groups, party elites and the exercise of state power. Party leaders' privileged access to the state, and the favours or abuses that this access can generate if it is not properly controlled, constitutes a grave threat to democratic legitimacy (Carothers 2006). It also forms the general background against which the particular crises of organized criminal influence in political life should be understood.

Crime and transitions

The scope and significance of the linkages between political actors and criminals can vary, from occasional acts of public-sector corruption, such as bribe taking, to the systemic alliance between state actors and criminal organizations (Buscaglia, Ruiz and Ratliff 2005; Garay-Salamanca and Salcedo-Albarán 2012). Indeed, in many democracies with high-level corruption and state facilitation of criminal activity, illicit links to political parties and PEPs are either proven or widely suspected. For example, The Party of the Regions in Ukraine, under former President Viktor Yanukovych, was known for siphoning off state resources and distributing them among

its elites: 18 of its parliamentary deputies in 2012 were reported to have had continuing links to organized crime (Kudelia and Kuzio 2015).

The extent of the perceived corrosion of public life by crime and corruption is striking: people in the developing world are more alarmed by these phenomena in their countries than by any other problem (Pew Research 2014). The capacity to control corruption has reportedly fallen in all the world's regions since the mid-1990s except for the former Soviet Union, Europe and North America (IEP 2015: 10). According to a number of experts, the most pressing current international security dilemmas, such as jihadist terrorism and mass forced displacement of people, are rooted in the malaise and social hopelessness generated by democracies affected by high levels of crime and corruption (Shelley 2014; Chayes 2015).

As numerous surveys on perceptions of corruption and integrity suggest, political parties are at the heart of these difficulties. In various countries—and above all in the third-wave democracies that emerged following the end of communism or other forms of authoritarian, military or single-party rule across much of the developing world (Huntington 1991)—electoral democracy has spurred the rise or re-emergence of political parties that have weak or transient links to the public, but which have cultivated strong ties with criminal activity, both general and organized.

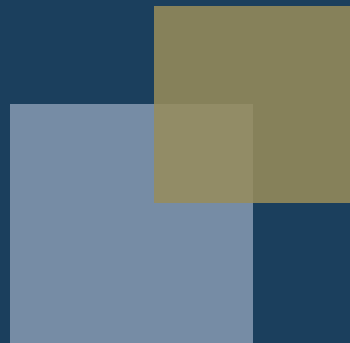
Political parties in West Africa, such as the New Patriotic Party in Ghana, have been accused of close association with drug traffickers (Aning, Kwarkye and Pokoo 2013: 109). The populist Líder Party in Guatemala is reported to have been intimately connected to a scam that laundered money for drug traffickers, with the blessing of the former head of the Central Bank—who then became the party's vice presidential candidate (CICIG 2015b). Even far more reputable parties with strong governing records, such as the Workers' Party in Brazil, the Popular Party in Spain, or the main political forces in India, the Bharatiya Janata Party (BJP) and the Indian National Congress, have been entangled in scandals involving crimes such as illicit cash payments, kickbacks on procurement contracts and, in India, the recruitment of criminals as candidates (Segal 2015; Ekaizer 2013; Vaishnav 2014).

Cases such as these, which have attracted vehement public outcry and media attention in every instance—and helped lead to the toppling of a government in Ukraine—account for the widespread perception that political parties are organizations designed to capture or exploit public resources for the private benefit of a party cohort, and its allies in business or crime.



Chapter 2

**Organized crime, corruption
networks and the exploitation
of state weakness**



Chapter 2



Organized crime, corruption networks and the exploitation of state weakness

Organized crime, which is usually defined as a durable activity involving multiple partners engaged in carrying out serious crimes for profit, has grown in size, diversity and geographic footprint in recent decades (Miklaucic and Brewer 2013). Its various forms include illicit trafficking of drugs, humans and arms, cybercrime, smuggling, extortion, kidnapping, money laundering and crimes against the environment. Estimates of the value of transnational organized crime are contested (Picard 2013), but judicial and media investigations indicate that prominent illicit organizations have expanded in size and scale: the Sinaloa Cartel, one of the world's largest drug trafficking organization, is reportedly present in 54 countries (Calderón and Marcial Pérez 2015). At the same time, the linkages between criminal activity, armed conflict, terrorism and political instability have become conspicuous across many countries and regions (De Boer and Bosetti 2015; Briscoe 2015).

Criminal activity was an integral part of both the armed insurgency and state governance in northern Mali in 2012 (Briscoe 2014). Indignation at political pillaging of the state was a crucial element in the swelling of discontent that brought down former Ukrainian President Victor Yanukovich in 2014, whose profiting from public service was conspicuous in the trappings of his mansion and the estimated size of his personal fortune (York 2014). Formal accusations against the sitting Guatemalan president and vice president for their part in orchestrating a customs racket led in 2015 to their imprisonment, and triggered huge public protests against their abuse of state power (Waxenecker 2015).

However, such episodes of rebellion, revolution and public mobilization, sparked in large part by indignation over the criminal exploitation of democratic politics, are still rare. Instead, the routes used by criminal enterprises to capture

and shape the political environment in their favour tend to exploit institutional and regulatory weaknesses, such as flawed electoral management, limited civil or judicial oversight over public bodies, weak political finance controls and, above all else, the existence of networks of political corruption. Such networks are, in principle, distinguishable from organized crime. Political corruption, for instance, need not be oriented exclusively to material benefit; nor is it always durable or structured. However, the frontiers separating political corruption and organized crime remain diffuse, and the two are frequently entangled.

Corruption stands out for the way it is closely associated with the existence of high levels of organized crime (Buscaglia and Van Dijk 2003). Cooperation and complicity between political actors seeking advantages in competitive elections or personal enrichment, on one side, and criminal groups searching for protection or impunity, on the other, can become normalized within the political system. Indeed, the relationship is often one of mutual consent. Yet by harnessing for illicit purposes established weaknesses in the state's authority, capacity and legitimacy, a nexus between corrupt political actors and criminal networks can achieve a far-reaching transformation of public power. In the words of one specialist in state-based crime, 'institutions are defined by a progressive deterioration of public services; its security apparatus increasingly operates as a "state within a state," and protective of itself, including the police and armed forces; powerful groups compete for and achieve the capture of the state and economic institutions for exploitation' (Karstedt 2014: 315).

Various examples show how crime exploits existing informal entry points to political life. Feeble control over parties and candidates, for instance, enable private businesses (and criminal networks) to violate political finance regulations. The International Commission against Impunity in Guatemala (CICIG) has noted that approximately half of all campaign financing is now sourced in unofficial donations from companies seeking contracts with the public sector. Given the exceptionally weak controls over this funding—no criminal complaints were filed for illicit election funding between 2007 and 2015 in Guatemala—25 per cent of campaign funds are now estimated to come directly from organized crime (CICIG 2015a: 46, 66 and *passim*).

Attempts to uproot this political–criminal nexus, as Colombia has attempted through multiple prosecutions, legislation and institutional reforms in recent decades, can simply displace the problem from the central state to local or regional authorities, or from reputed criminal lynchpins holding high political office to the family and clan networks that act as their 'fronts' (Briscoe, Perdomo and Uribe Burcher 2014; Londoño 2016).

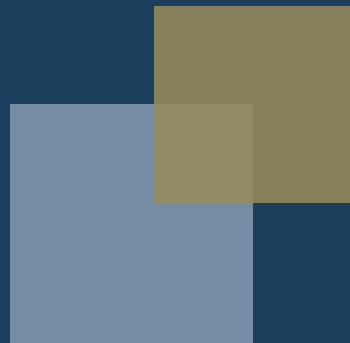


The implications for policymaking of these links between corruption and crime are immense. Tackling the threats posed by criminal infiltration in the political system includes the particular challenges of identifying and confronting expansive criminal groups and the threats they pose. But it also involves the more general, system-wide challenge of reforming and strengthening state structures and legal regimes that tend to be weakly enforced, underfunded or shaped by long-held informal practices.



Chapter 3

**Spaces of interaction
between political parties and
organized crime**



Chapter 3



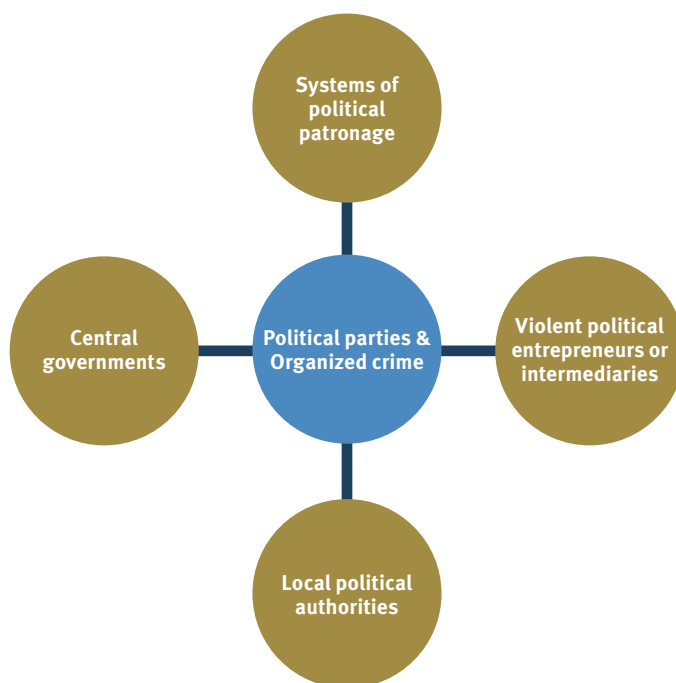
Spaces of interaction between political parties and organized crime

As intermediaries between the interests of groups and individuals and the exercise of political power, political parties play a crucial role in the practice of electoral democracy. But as competitors for shares of local and central government, they have long displayed less noble characteristics, including serving as machines for buying votes, intimidating opponents, and preserving the access of the party elite and its associates to public spending and lawmaking.

It is important to sift the evidence of concrete interactions between criminal networks and political parties from the more general phenomenon, discussed in Chapter 2, of avaricious and self-serving political elites. Even in the most criminalized environments, non-state illicit groups may have surprisingly limited interests in routine political life. This point was underlined, among others, by the Sicilian Judge Giovanni Falcone, assassinated by mobsters in 1992: ‘The Mafia doesn’t enjoy getting involved in politics. Political matters are of little interest unless it feels its power or means of income have been directly threatened’ (Della Porta and Vannucci 2013: 202).

With this caveat in mind, four important and relatively well-documented spaces for interactions between organized crime, politicians and political parties stand out—each of which involves a distinct exchange of finance and favours, although in practice these spaces are far from mutually exclusive. These spaces are: patronage systems, violent political entrepreneurs or intermediaries, local political authorities, and central government (see Figure 3.1).

Figure 3.1. Spaces for interaction between organized crime, politicians and political parties



Entrenched *systems of political patronage* serve as vessels through which criminal support for political parties and candidates can flow, often without causing consternation within populations accustomed to the behaviour of local political bosses. In Ghana, robust patron–client relations—the country’s president, for example, can directly appoint 4,050 individuals to positions of public authority—create a receptive environment for criminal benevolence to political parties and to communities of voters. ‘The strength of these relationships is such that there are times when formal rules are mostly disregarded... Despite anti-corruption efforts, petty and grand corruption is endemic in Ghana’s civil service and among sections of its political elite’ (Aning, Kwarkye and Pokoo 2013: 104–05). Similar crossovers between entrenched, largely male-dominated, political patronage networks and new sources of illicit finance are found in a number of African and Latin American states. The rural Guatemalan electorate has proven highly supportive of various local drug traffickers when they support local employment or fund social welfare, which in turn makes these criminal actors attractive allies to national political parties and local political candidates (Dardón and Calderón 2014; ICG 2014).



Where illicit economies do not generate such abundant patronage resources, ties between political parties and organized crime can be reinforced by the actions of *violent political entrepreneurs and intermediaries*. As the Georgia case study (see Chapter 5) notes, thuggish attacks against rivals have become a common part of political life. Elsewhere, intermediaries such as gang leaders or local criminal bosses occupy a hybrid and informal space between illicit activities and formal politics. In certain cases they have become exceptionally important mobilizers of popular support for parties, and hubs for the distribution of scarce public goods and employment in marginalized communities. Their presence is characteristic of the ‘garrison communities’ of Jamaica, where criminal ‘dons’ act as gatekeepers for parties seeking electoral support (Harriot 2007; Leslie 2010), or in large and fractious urban settings dominated by ethnic gangs, such as Nairobi and Karachi (Briscoe and Macaluso 2015).

In Haiti, the second round of the 2016 presidential election had to be postponed after a contested first round led to rampant violence by rival gangs (Robles 2016). Urban gangs in the country appear to be linked to both high-level political patrons and transnational organized crime, alternating between them as conditions change. But the political attraction of working with gangs remains strong, according to one expert: ‘In Haiti, if you want power, you have to control the popular neighbourhoods. So if you want to control the popular neighbourhoods ... you have to pay the bandits’ (Schurbeth 2015: 181).

This underlines a general truth about the relationship between politics and organized crime, and a third outstanding feature of the spaces connecting them: the setting in which this relationship is most intimate and organic is the *local political authority*. A report for the European Union (EU) on the linkages between organized crime and political corruption stressed this local dimension, noting how corrupt municipal authorities ‘can be uniquely powerful instruments for organised crime’ (Center for the Study of Democracy 2010: 40). In places where organized crime is entrenched, such as southern Italy, these relations can be intense and stable over time, involving regular exchanges of ‘protection’ in both directions: politicians attend to mafia business interests and mitigate the risks posed by possible state controls over them, while the mafia offers candidates the electoral support of its client base and a reduced risk of violence for local political leaders (Della Porta and Vannucci 2013: 202). In these contexts, criminal–political relationships do not necessarily involve the exchange of financial resources. The mayor of the Mexican municipality of Iguala, in the state of Guerrero, was arrested in 2014 for various crimes, including complicity with local drug traffickers and security forces in causing the forced disappearance of 43 trainee

teachers—an atrocity that led to national and global condemnation of the Mexican state. However, the mayor's apparent criminal takeover of the local branch of a national political party did not generate any reported influx of financial resources for the party—although the candidate did fund his own campaign (Centro de Estudios Políticos 2015: 15). At this micro-territorial scale, relations between state officials, politicians, parties and crime tend to be mediated by concerns and transactions that surpass the exchange of money, and involve the threat of physical violence.

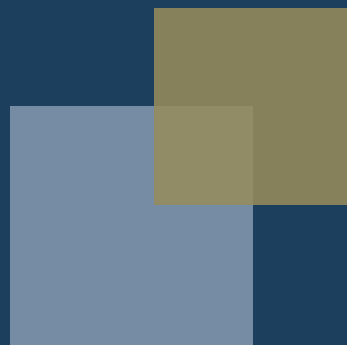
A fourth space in the nexus between parties and crime is even more alarming, but far harder to track: the role that parties play in *central governments* as conduits for national and transnational criminal networks that seek to capture and exploit state power and the legal system. Targets may include lawmaking, public procurement, central banking, the activities of state-run companies and the provision of national security—including control over borders and airspace. State powers to prosecute and marginalize political opponents through the use of the legal system are also of great interest to parties and their business or criminal allies. As the highest level of criminal influence over political affairs, illicit relations at the central state level mark the most complete and radical reorientation of public power towards criminal ends (Bayart, Ellis and Hibou 1999). Unlike the local networks described above, they are the nexus that would seem to depend most on substantial criminal funding for political parties and candidates.

Examples of this phenomenon include the paramilitary sponsorship of deputies and senators in Colombia's national Congress—the so-called *parapolitics* case (López Hernández 2010). The corrupt powers exerted by the Party of the Regions and its oligarch support base under ousted Ukrainian President Yanukovich reached far into the legal system (Bullough 2014). So coveted was the role and powers of a national parliamentary deputy under the latter regime that the 'price' of obtaining a party candidacy in Kiev or Odessa is reported to have risen to USD 1.5 million (OCO 2015: 120). The case of Edgar Barquín, the former Guatemalan central bank governor whose case was mentioned above, even points to a criminal transaction involving one of the most fundamental aspects of modern state power: control and supervision of the money supply (CICIG 2015b).



Chapter 4

Political parties: triggers for political–criminal influence



Chapter 4



Political parties: triggers for political–criminal influence

Chapter 3 addressed the four main spaces in which criminal connections to political parties and PEPs arise. Attention has also been drawn to the benefits that each side, political and criminal, may draw from their mutual relationship. But it is also important to note that illicit networks of this sort are not universal to all democracies, transitional or otherwise: not all local political arenas or patronage networks become criminalized, nor do all political intermediaries rely on the threat of violence.

The existence of a strong organized criminal sector or the presence of violent armed groups is a necessary condition driving illicit influence on political activity (Uribe Burcher and Perotti forthcoming). Likewise, opportunities for criminal complicity with political parties presuppose that state and judicial controls are either absent or have been weakened by networks of corruption. Yet the strength of these political–criminal connections also depends on a series of more specific vulnerabilities in competitive political parties that can act as triggers for the expansion of illicit networks into the heart of the state.

The traditional model of political parties points to the number of connections and common interests between political parties and the public. One recent scholarly account names five such linkages: structuring election campaigns, achieving voter participation, creating ideological affinities with the public, representing citizens' preferences in parliament and government, and establishing policies that broadly match public preferences (Dalton, Farrel and McAllister 2011).

However, some parties in transitional democracies fail to connect with citizens in ways that go beyond the rudimentary purpose of winning competitive

elections. As the case of Mali (see Chapter 6) shows, the thin and transient nature of these linkages between parties and the electorate induces a reliance on high levels of campaign expenditure to compensate for the absence of other sorts of ideological, programmatic or policy connections. In all three case studies, the role of the media as a paid accomplice to politicians' ambitions is a recurring theme—from small-scale payments to journalists in Mali and municipal Mexico to political takeovers of media corporations in Georgia.

Political forces in these contexts can become little more than marketing vehicles for political elites to acquire state power. The parties themselves sometimes lack any permanent apparatus: the CICIG report on party finance in Guatemala states that parties enter a period of 'hibernation' between elections (CICIG 2015a: 47). Such parties tend to be dominated by elites who have little or no accountability to party members or activists, but strong funding sources among (and links to) national business elites. Parties that have emerged from former insurgent movements may have especially weak internal democracy, even though the party's social network remains robust. Perhaps most significantly, a party's ideological profile may be irrelevant to the motives of its leaders and candidates, and of little use in understanding its actions once in government. In contrast, programmatic parties are reported to generate stronger institutions and better social welfare when they attain power (Cruz and Keefer 2013; International IDEA 2014).

These conditions of party life should not necessarily be the object of criticism. Relatively low levels of economic development are highly conducive to weak, patronage-based political forces, which can facilitate the emergence of personality-based politics. 'The personalization of politics by faction leaders and the organization of politics as a competition between factions' is the defining feature of developing country democracies, according to the political scientist Mushtaq Khan (2005). Deep structural causes account for the power and appeal of such patronage-based parties in developing contexts, such as a low tax burden and the absence of support for a broad agenda of income redistribution. Strong patron–client traditions in national political life, of the sort displayed by Mexico's extremely powerful trade unions (Díaz-Cayeros 2013: 253), can further entrench public expectations of patronage. As a result, while many democracies in developing countries are exposed to cut-throat competition at election time, these battles do not hinge on ideological or policy differences between parties, but on the factional quest for pay-offs, rents and rewards from the state—legal or not.

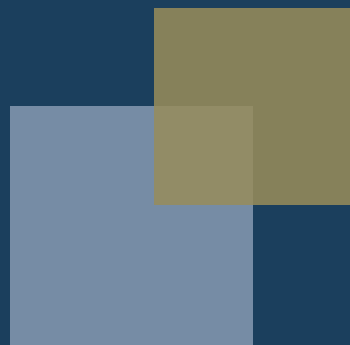
This sort of party competition can trigger stronger illicit links to politics in various ways. Once in power, a party elected in this fashion is likely to

reward its members and backers by misusing state resources. The need for a substantial war chest at election time, and other means of harnessing support, may encourage the party to collaborate with criminal funders and violent gangs. And the selection of candidates, not least those representing peripheral areas where national parties have a skeletal presence, will be biased towards hopefuls who can finance their own campaigns and mobilize voters. As the cases of Mali and Mexico show, not to mention numerous other Latin American countries (Briscoe, Perdomo and Uribe Burcher 2014: 68–70), this is one of the most common routes for the collusion of criminal actors with political parties. Parties rooted in patronage, centred on elites who have little interest in the workings of internal democracy (and who are very dependent on substantial flows of private funding and support for structural, historical and electoral reasons) have a series of vulnerabilities that can be readily exploited by illicit interests.



Chapter 5

Case study: Georgia



Chapter 5



Case study: Georgia

Georgia has made an extraordinary transition from post-communist conflict in the 1990s to a widely hailed model for anti-corruption efforts following the 2003 Rose Revolution. Georgia declared independence from the Soviet Union in 1991, but the immediate effect of its newfound status was violence, chaos and civil war. The first president, Zviad Gamsakhurdia, was overthrown in 1991 by the political opposition, which was supported at the time by security and paramilitary groups. Eduard Shevardnadze, a formerly high-ranking Soviet politician, was invited to become president in 1992.

Shevardnadze faced a daunting task in governing the country, and struggled to foster democratic governance. Instead he apparently tolerated the influence of criminal actors within the government. The most infamous was probably one of his first deputies Jaba Ioseliani, an accused professional criminal and paramilitary group leader (Bonner 1993), who had backed Shevardnadze's power bid. Rather than building strong state institutions, Shevardnadze also apparently allowed informal groups, such as the so-called thieves-in-law—a criminal fraternity with origins in the Soviet prison camps of the 1930s—to provide for citizens' security and justice needs. However, with corruption rampant and popular discontent rising due to failures in various areas of state provision, such as electricity, Shevardnadze was peacefully removed from power in the 2003 Rose Revolution (Kupatadze 2009). This marked the beginning of a new era of government under the leadership of a young lawyer named Mikheil Saakashvili and his United National Movement (UNM) party.

The new president quickly restored order by adopting new laws that made association with mafia-type groups such as the thieves-in-law illegal, and by filling the perceived voids in authority with state officials. He fired the entire

traffic police force and built new glass police stations in an attempt to end low-level corruption, and to bring transparency in its most literal sense to the police services (Kupatadze 2012; Corso 2012; Slade 2012). The various anti-crime initiatives were quite successful, in part because the thieves-in-law had not achieved the same organizational strength as drug cartels in Latin America (anonymous interview, Tbilisi, October 2015). In 2004 Georgia's economy was estimated to be 80 per cent informal (Nordin and Glonti 2006). However, it moved from a ranking of 124 out of 133 on Transparency International's CPI in 2003 to the position of 55 out of 175 on the 2013 Corruption Perceptions Index (CPI) (Ferris 2014). By 2009, 97 per cent of citizens reported that they had not needed to pay a bribe over the previous two years (Ferris 2014). By 2012, the police also had an 87 per cent approval rating (Corso 2012).

However, as successful as UNM's anti-corruption efforts appeared, they were carried out in an authoritarian fashion that apparently did not sufficiently curb high-level corruption (Kupatadze 2012). This outcome can be gleaned from the accounts of certain businesses and individuals, who were told that if they wanted to make progress with their affairs, they would need to hand over a certain amount of money to the state (Fairbanks 2012). New plea bargain legislation, introduced by Saakashvili in an effort to ease the backlog of court cases, is alleged to have been the pretext for gross abuse by prosecution authorities.

The UNM reportedly passed laws and reprivatized properties to help its allies, while key sectors such as the media, advertising and construction were allegedly controlled by UNM partners and used for the party's advantage (Rimple 2012). Furthermore, while crime rates fell after the Rose Revolution, the prison population increased by 300 per cent between 2003 and 2010, extrajudicial killings by police went up, and violence and torture became systemic in the country's jails (Slade and Kupatadze 2014). While admiring Saakashvili's success in rebuilding the Georgian state, civil society members contend that he did not manage to build strong democratic institutions (anonymous interview, The Hague, October 2015).

It is no wonder, therefore, that there were mass protests calling for Saakashvili to resign in both 2007 and 2009 (Harding 2009). However, the opposition parties in Georgia were too disparate and financially weak to pose a real challenge to the UNM. This situation changed following the 2011 decision of billionaire Bidzina Ivanishvili, a man with a personal fortune larger than the Georgian state budget, to enter politics. He invited the opposition parties to join his party Georgian Dream in the Georgian Dream coalition (GDC), which for the first time was able to provide a robust opposition to the



UNM. The GDC ran on a platform of being the ‘good guys’ who would not unlawfully arrest people, steal assets or use torture.

Prior to the parliamentary elections of 2012, opposition party television showed lengthy videos, which were obtained from a prison guard who fled to Belgium, of torture, taunting and sexual assault of prisoners, including sodomization with broom handles. Some argue that the GDC victory was to a large extent the result of these leaked videos—which the opposition had allegedly paid for—and that the timing of their release just prior to the election was a commonly used Georgian political tactic, known as the ‘September Surprise’ (anonymous interview, Tbilisi, October 2015).

The eventual opposition victory led to a peaceful transfer of power in 2012. While the first two years of GDC rule were generally applauded, several interviewees expressed concern that the GDC is currently resorting to old patterns of governance. Saakashvili is now a citizen of Ukraine, where he was appointed as a crusading anti-corruption governor of the Odessa Oblast region, although he is still the head of the UNM.

Currently, the political arena contains hundreds of parties. Political finance regulations are regarded as strong, with equitable state funding for political parties, strict rules on donations to parties and regular control of party accounts by the State Audit Office. However, parties are not required to submit a detailed account of their campaign spending, and there is no legal ceiling on this expenditure (Moses 2015; International IDEA 2015).

None of these parties has a large and loyal following. In one poll ahead of the October 2016 parliamentary elections, 31 per cent of voters declared that they were undecided, while 15 per cent said they would vote for the UNM and 14 per cent for the GDC (NDI 2015). The Irakli Alasania-Free Democrats, Alliance of Patriots of Georgia, Labour Party and the Nino Burjanadze-United Opposition party also polled at between 4 and 6 per cent. While the UNM is known as a party with a free market, anti-corruption, pro-West agenda, the GDC is an ideologically mixed coalition regarded as being more inclined towards support for Russia, and set on unravelling the excesses of the UNM. The national election in 2013 saw Giorgi Margvelashvili, the GDC candidate, elected president with over 62 per cent of the vote. The GDC also won a clear majority in the local municipal elections in 2014, although with a lower turnout and a lower share of the vote than in the 2012 parliamentary elections.

Politics, crime, illicit networks and the partisan use of prosecutions

Accusations of engagement with crime have become an integral part of the polarization and competition between Georgia's main political parties. However, these claims have not always accurately captured the nuance and extent of real illicit activities, and have given rise to far-reaching politicized use of the legal system.

UNM's heavy hand in destroying the political corruption linked to organized crime that existed in Georgia prior to the Rose Revolution has been treated by the current government as the work of a criminal organization—a claim asserted by former Prime Minister Irakly Garibashvili after a prison abuse video from 2011 was aired on a Ukrainian-based website (BBC News 2012; Antidze 2015). However, the balance of evidence suggests that the UNM resorted to aggressive, extra-legal tactics in order to restore order and curb organized criminal influence within the state, at least in the beginning (anonymous interviews, Tbilisi, October 2015). Local civil society also cautioned against branding a party such as the UNM as criminal, because if it does win the 2016 parliamentary elections, the GDC may find itself in the awkward position of ceding power to a seemingly 'criminal organization' (anonymous interview, Tbilisi, October 2015).

Since the handover of power from the UNM to the GDC, there have been unverifiable reports that some of the more 'criminal types of abuses that were attributed to the UNM are receding' (anonymous interview, Tbilisi, October 2015). Immediately following the handover of power in 2012, for instance, a senior justice official declared that businesses and individuals were still attempting to pay fees extorted by state offices that were assumed to be used to fund various public projects, such as the parliament building in Kutaisi, which was allocated a budget equivalent to USD 45.3 million in a non-transparent process (*The Economist* 2012; anonymous interview, Tbilisi, October 2015). This practice seems to have ended after the GDC came into power: civil society organizations are not aware of any new cases (anonymous interview, Tbilisi, October 2015).

As for the abuses that occurred in prisons under the UNM government, senior party officials attempted to justify the harsh treatment of prisoners as necessary in order to break the criminal networks that had thrived before the Rose Revolution (anonymous interviews, Tbilisi, October 2015). Soon after the GDC took power in 2012, it passed amnesty laws that were projected to release up to 3,000 inmates and reduce the sentences of 14,000 more.



Although Saakashvili, who was still president at the time, vetoed the bill, declaring that the prisoners were spies from Russia, this was easily overturned by the GDC-dominated parliament (Vartanyan 2013).

Since the change in government, many former senior officials have faced prosecution, and elite-level corruption has been targeted. For example, Interior Minister Giorgi Mghebrishvili recently abolished special permits that were issued by a secret order in 2009 to allow friends of government officials to violate traffic rules (Democracy & Freedom Watch 2015a). A recently created Department to Investigate Offenses Committed in the Course of Legal Proceedings in the Chief Prosecutor's Office is tasked with investigating cases involving crimes committed by public officials against citizens, with a focus on those committed prior to 2012. In one case, several former top officials were charged with the illegal seizure of vehicles, including ten Toyota Hilux vehicles worth GEL 443,223 (USD 187,000), from the head of the Mate Motors car importing company (Agenda.ge 2015a).

The UNM has reportedly retaliated against these actions by forcing out the GDC-connected chief prosecutor, Otar Partskhaladze, in 2013 after allegations that he had been convicted of robbery in Germany some years beforehand, and that he had faked his diploma (Devidze 2013). This prosecutor was evidently a particularly important target because he had indicted the former UNM-affiliated mayor of Tbilisi, Girogi Ugulava, for embezzling a large amount of money allocated to the Tbilisi Development Fund in order to finance the UNM's election expenses. Ugulava was eventually found guilty in September 2015, and sentenced to 4.5 years in jail.

Examples of the partisan political exploitation of corruption and crime cases can be found elsewhere, and have become a matter of international concern. An Organisation for Security and Co-operation Europe study of 14 trials involving state officials found that 'the respect of fair trial rights in the monitored cases was not fully guaranteed by the Georgian criminal justice system' (OSCE 2014: 10).

Following the 2012 handover of power, the Prosecutor's Office dismissed over 100 prosecutors and investigators without using transparent procedures. Although the GDC ran on a platform to correct past abuses, the initiation of investigations against high-level UNM officials suggested that these prosecutions could have been politically motivated. The justice minister, Tea Tsulukiani, publicly declared that she had 'already destroyed UNM' during an interagency commission meeting on the 2014 elections (Civil.ge 2013). This statement gives further credence to accusations that the 35 former government

officials and dozens of UNM-connected civil servants who were prosecuted in the wake of the 2012 elections were targeted for political reasons, in part to distract attention away from the GDC's inability to improve people's socio-economic conditions (Popjanevski and Funke 2014).

A month after former UNM Prime Minister Vano Merabishvili was sentenced to five and a half years in prison for abuse of power and corruption, the Prosecutor's Office began openly investigating Saakashvili. In July 2014 he was charged with abuse of authority by using force to suppress political protesters in 2007, and with illegally trying to take control of the Imedi television station, which ran programming opposed to the UNM.

Saakashvili has not returned to Georgia to face prosecution, and Ukraine, where he now resides, has denied a request for his extradition. More recently, in October 2015, Georgia initiated a criminal investigation against him and UNM International Secretary Giga Bokeria for an attempted coup plot. Recorded conversations detailed plans to push for an overthrow of the current government on the back of public discontent over a court case to decide the ownership of the pro-UNM television station, Rustavi 2. Although Saakashvili is reported to be considering a return to Georgian politics as prime minister following a possible UNM victory in 2016, President Margvelashvili signed a decree in December 2015 to terminate his citizenship for 'insulting' Georgia by taking Ukrainian citizenship (Agenda.ge 2015b).

External influence and crime under the Georgian Dream

Complaints of misrule have also been levelled at the highest echelons of the GDC. The party's billionaire backer Ivanishvili has left public office, but is still believed to control the party from an informal position outside government. He is also accused of staffing senior government offices with unqualified people who he has a personal connection to, or who owe him favours, including former Prime Minister Irakli Garibashvili—a former employee of Ivanishvili (Tucker 2013)—and Prime Minister Giorgi Kvirikashvili, formerly the director of one of Ivanishvili's banks. One alleged effect of this appointment system is that 'zero decision-makers exist in the government' (anonymous interview, Tbilisi, October 2015; Democracy & Freedom Watch 2015a). However, other experts defend Ivanishvili's continued role in politics as he is still a member of the Georgian Dream party, and point to a number of past conflicts between the prime minister and the president, as evidence that Ivanishvili is not the puppet master he is assumed to be (anonymous interviews, Tbilisi, October 2015).



In addition, there is cause to wonder whether criminal networks are experiencing a resurgence in Georgia. Reports have emerged that thieves-in-law are again being relied upon to manage conflicts within prisons, while known criminal figures who have been extradited or deported to Georgia have also managed to disappear without a trace once entering Georgian territory, despite being met at the airport by government officials in some cases (Slade and Kapatadze 2014; anonymous interview, Tbilisi, October 2015). However, the possible links between organized crime and political parties attract limited public attention, and are obscured by a far greater focus on ordinary crime. Government statistics suggest there has been no increase in crime, but its figures are treated with scepticism due to a lack of transparency in how they are compiled (anonymous interviews, Tbilisi and The Hague, October 2015; Livny and Labadze 2014).

The GDC has also been accused of involvement in violent attacks on politically connected people and party-owned property. High-profile attacks include severe damage to local UNM offices by GDC supporters outside Tbilisi in October 2015 in the wake of the airing of prison torture videos from 2011. The response from former Prime Minister Garibashvili was to sympathize with the attackers, justifying their reaction and aggression as the result of the UNM-supported crimes seen in the videos (Falkowski 2015; Antidze 2015).

News reports have featured pictures of bloodied parliament members who were assaulted, along with accusations of complicity on the part of the GDC. UNM Deputy Nugzar Tsiklauri claimed to have fought off a group of seven or eight men who attacked him outside his home with a taser gun when he resisted getting into their car. This case remains unsolved, but he believes it was because of his political activities. Zurab Tchiaberashvili, a high-ranking UNM member, also had his skull cracked in an attack in 2014 as he walked with a colleague outside a café. The perpetrator who confessed to the crime said he attacked Tchiaberashvili as a protest against the UNM, and was fined GEL 2,000 (USD 840). After the 2012 elections, GDC-connected groups also reportedly attacked local leaders who refused to change their affiliation to the GDC ahead of the local elections in 2014 (anonymous interview, Tbilisi, October 2015).

The Russian sphere of influence

Connections between Georgian political parties and Russia are a matter of fierce debate and speculation. Some observers believe such links have the potential to spur greater illicit activity within the Georgian political system,

given the alleged connections between the heights of the Russian state and organized crime (Felshtinsky and Pribylovsky 2008; Dawisha 2014). While the UNM is a staunchly pro-Western free-market party, the GDC has worked to improve relations with Russia. This policy shift could reasonably be considered a pragmatic acknowledgement on the part of the GDC of the need for improved relations with Russia, which have been strained since the Russo–Georgian War in 2008 (anonymous interview, Tbilisi, October 2015).

Ivanishvili, however, has also publicly made statements distancing himself from Putin. For example, he stated in one interview that he left Russia when Putin came to power because, as an amateur psychoanalyst, the way Putin ‘moved his hands, the complexes he had, it scared me’. He also spoke of having to meet with Saakashvili secretly for fear of Putin finding out and ruining his Russian-based businesses (Walker 2012). Some observers suspect that Ivanishvili plays a double game of supporting both pro-Russian and pro-EU groups only to appease Russia (anonymous interview, Tbilisi, October 2015).

Further suspicions and rumours abound on the subject of Ivanishvili’s motives for entering politics, and the arrangements he may have made with Putin before leaving Russia with his fortune intact. A frequently recounted popular narrative is that Putin’s original choice to unseat Saakashvili was Badri Patarkatsishvili, another Russian-made Georgian billionaire (anonymous interviews, Tbilisi, October 2015). Although originally supportive of Saakashvili, Patarkatsishvili began financing opposition parties and used his Imedi television channel to incite revolution. This led to a government takeover of the station, which was partly a catalyst of the 2007 protests. After his failed coup attempt, Patarkatsishvili fled to the United Kingdom where he died at the age of 52 (Laurent 2008).

Georgia enjoys good relations with the EU signalled by the association agreement signed in 2014 and then reaffirmed in 2015. Yet recent polling indicates that 27 per cent of Georgians favour joining the Eurasian Economic Union, the Russian-supported bloc of former Soviet countries. Russia is also known to be supporting non-governmental organizations (NGOs) in Georgia through non-transparent processes. Allegations have surfaced that Russian-connected groups, such as the Eurasian Institute, paid people in 2014 to stage a fake Gay Pride parade in order to provoke homophobic attacks that would destabilize Georgia’s EU Association agreement and increase support for joining the Eurasian Union (Le Blond 2014). These sorts of accusations are also made against western NGOs, but tend to cause less concern than Russian influence due to the ongoing Russian occupation since the 2008



war of Abkhazia and South Ossetia, which make up 20 per cent of Georgia's territory (anonymous interviews, Tbilisi, October 2015).

As a further sign of rapprochement with Russia, former Energy Minister Kakha Kaladze expressed his support in 2015 for Georgia to resume its relationship with the Russian gas company Gazprom in order to diversify the country's energy supply sources. This proved politically controversial due to fears that dependence on Gazprom threatens state security, and the proposal led to popular protests. Although Kaladze has been dogged by accusations of connections to organized crime in Georgia and abroad, it is unclear whether this was really a move meant to increase Georgia's dependence on Russia, or rather a victory of 'idiocy over conspiracy' (Lonsadze 2015). There also appeared to be a split within the GDC on this issue.

Russian influence on the GDC's membership has also been noted, including several openly pro-Russian members of parliament and mayors, one of whom recently led a government-funded effort to reinstall a statue of Stalin in a museum in Stalin's hometown, Gory (Bell 2013). Conversely, Gogi Topadze, a GDC member of parliament and a vocal promoter of Stalin and the Russian-led Eurasian movement, recently announced that he would resign due to pressure from both the GDC and opposition parties, presumably due to his political views (Democracy & Freedom Watch 2015b).

Conclusion

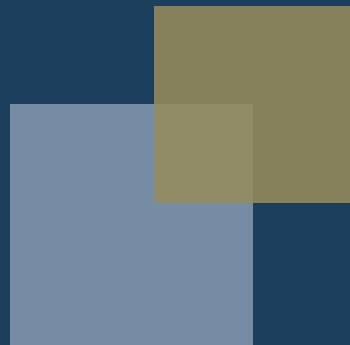
Georgia has established an international reputation for its major offensive against organized crime and corruption. It has had many successes, but these have also fostered a general politicized exploitation of the judicial system. The very impetus needed to generate a clear-out of the state—arrests, police dissolutions and packed prisons—has fostered this level of real and perceived partisan misuse of the law. There has also been widespread discontent with the abuses conducted under the aegis of this anti-corruption campaign.

The UNM has since managed to adjust to the role of an opposition party, and is running on a platform of recognizing past mistakes and returning Georgia to the levels of economic and development growth that existed prior to the GDC victory. Furthermore, while there is no major fear that Georgia will return to its earlier transitional days of large-scale corruption and crime, the efforts being made to push the anti-corruption quest into higher levels and more government departments are likely to generate further political backlashes.



Chapter 6

Case study: Mali



Chapter 6



Case study: Mali

Although it is one of the world's poorest countries, and has suffered bouts of armed insurgency in its northern regions since shortly after gaining independence in 1960, Mali has retained a multiparty democracy since 1992. The country was long regarded as a model to other low-income democracies due to its regular peaceful elections and government turnovers, its enduring—if sometimes opportunistic—political parties, and diverse initiatives in the areas of public participation and transparency (Pringle 2006).

The crisis that engulfed the country in 2012, however, exposed the extreme fragility of Malian democracy. In the space of a few months, the country's democratic system suffered a series of massive shocks (Lecocq et al. 2013). A fourth armed insurgency of the post-colonial era began in the north when an uprising by Tuareg combatants returning from Libya in support of a separate state called Azawad mutated into an occupation by an Islamist militia imposing sharia law. Incensed by the Malian army's failure to defend the north, as well as the perception that military weakness was caused by the corruption of its top brass, junior officers mounted a successful coup in the capital, Bamako, overthrowing President Amadou Toumani Touré in March 2012.

The combination of the extremist violence in the north and the indignation over corrupt practices in the southern political heartland drew attention to a profound public unease with the democratic settlement that had governed Mali since the end of its military dictatorship in 1992. On closer inspection, the political system has been beset with flaws and chronic vices for several years (Briscoe 2014). Various opaque links connected politicians and officials in the central state with illicit traffickers and kidnapping rackets in the north of the country. After the crisis of 2012, signs of democratic corrosion—extremely low election turnouts, widespread perceptions of official corruption and

almost complete judicial impunity for high-level crimes—could no longer be discounted as democratic ‘growing pains’.

Since the French military intervention of early 2013 to retake the north, the country has experienced halting progress towards ending the conflict, as well unconvincing efforts at political reform. A series of major international commitments to peace and stabilization in Mali have included the initial French operation to dislodge the Islamist militia (Serval), followed by the deployment of a 12,000-strong United Nations peacekeeping force, the UN Multidimensional Integration Stabilization Mission in Mali (MINUSMA), and the reconfiguration of France’s initial mission into a counter-terrorist intervention across various countries in the Sahel, known as Opération Barkhane.

Meanwhile, the Algerian Government mediated a peace process between several armed groups in the north and the Malian state, which eventually resulted in the signing of an accord in June 2015. In spite of these various initiatives, sporadic armed violence and terrorist attacks remain regular occurrences in the north (UN 2014): over 100 peacekeepers have been killed since the start of the mission, making MINUSMA one of the most dangerous UN missions in the world (MINUSMA 2016). In addition, Bamako has for the first time been subject to a series of deadly jihadist attacks.

Yet it is in the area of political and democratic reform that the efforts of the post-conflict Malian state appear to have proven least resolute. Elections in 2013 brought to power a new president, Ibrahim Boubacar Keïta (widely known as IBK), whose party, Rassemblement pour le Mali (RPM), soon after acquired a majority in the National Assembly. Keïta vowed to place the fight against corruption and the strengthening of the justice system at the heart of his government programme. However, after over three years of rule, and in spite of a number of initiatives, the behaviour of political elites connected to the new government and the role of private money and corruption in the political and party system have undergone few changes. A study of corruption perceptions in Africa revealed that graft does not appear to have worsened in Mali, and that bribe payments in the country are not as bad as in other African nations. However, it is notable that Malian business executives and judicial officials are regarded as more corrupt than their counterparts in any other African country (Transparency International 2015: 35–6).

A series of scandals over public procurement, nepotism and alleged links with criminal actors—including between IBK and a Corsican businessman, Michel Tomi, who is being investigated in France for organized crime and money



laundering (Davet and Lhomme 2014)—have undermined the president’s reputation for honesty. Experts have described government initiatives in the field of public sector integrity and transparency, notably the Illicit Enrichment Law of 2014, as toothless. The International Monetary Fund has drawn attention to the fact that the law is not applied to parliamentarians or the adult children of politicians, while the declarations of assets by state officials are not made public (IMF 2015: 12).

More generally, the conditions that have encouraged an array of alleged linkages between parties, politicians, state officials, illicit activity, ethnic militias and criminal networks—including a weak and under-resourced judicial system, a lack of control over private money in political life and a style of remote governance over the country’s largely desert north—have not been addressed, and have in certain cases been exacerbated.

Apparent political connections with organized crime have brought the democratic system into disrepute among the general public, and most acutely among certain dissident ethnic groups. Such accusations are readily used as a propaganda tool for recruitment by the jihadist militia, in a society that is now exposed to greater degrees of radical Islamist influence in national public life (Chauzal and van Damme 2015: 27–29). Furthermore, peace in the north is no longer just a ‘security’ problem: it depends upon the Malian state’s willingness and ability to meet the demands of the peace accord that stipulates greater investment and regional autonomy. ‘Usually the government does exactly what it wants after a peace accord’, commented a representative of the High Council for the Unity of Azawad, a Tuareg armed group close to the Islamist organization Ansar Dine. ‘Our only guarantees are the arms we have’ (anonymous interview, Bamako, November 2015).

Political parties and the accumulation of power

The evolution of the political party system has played a crucial role in undermining the legitimacy of the Malian state by shaping the behaviour and incentives of its main political actors—thereby contributing to the violence, lawlessness and radicalization in the country’s north and, increasingly, in the south as well. Despite being held up as a model low-income democracy, Mali has for many years suffered the dilemmas of combining democratic mobilization with the country’s impoverished material conditions. One long-standing former deputy from the country’s north put it bluntly: ‘you cannot win power in a country where the majority of people are illiterate without financial resources’ (anonymous interview, Bamako, November 2015).

Access to financing is essential to electoral success, which has profound consequences. A total of 176 parties are currently registered with the Ministry of Territorial Administration, which is charged with the management of parties and elections. Only around 20 of these, however, are operational in elections. Public funding is available for these parties, an early initiative of the post-dictatorship era, even if the first disbursements were reportedly made with money taken from the coffers of the parastatal cotton company (Pringle 2006: 23). Yet electoral candidates receive no public financial support, and there are no ceilings or reporting requirements on private donations to candidates (International IDEA 2015).

These circumstances place high demands on candidates seeking election as president, or contending for a seat as deputy in the 147-member National Assembly. A number of experienced politicians interviewed for this research—including former deputies and government ministers, as well as current party officials—stated that candidates have no choice but to seek out substantial funding. Campaign expenses are diverse and demanding: they include paying for t-shirts and clothing adorned with the candidates' photos, rallies and vehicles for travel—a far from minor expense in the vast terrain of the north—and targeted influence over the media. A senior editorial writer in one national newspaper observed that journalists on all papers were in the pay of parties and politicians, and that this situation was unavoidable given the dire economic circumstances of the written media and its professional staff. 'We can't prevent journalists from providing their services', he observed, 'but we can't allow them to be completely slanted' (anonymous interview, Bamako, November 2015).

All in all, a former deputy with seven years' experience in the National Assembly estimated each of his campaigns cost at CFA 35 million, worth approximately USD 58,000, of which he received CFA 250,000 (USD 411) from his central party's coffers. A former government minister estimated the cost of a successful presidential campaign at CFA 7 billion (USD 11.5 million) (anonymous interviews, Bamako, November 2015).

A number of parties' headquarters recognize the undesirable consequences of this reliance on candidates' self-funding. 'In certain areas, parties find it very hard to get candidates who won't trick them', observed the secretary general of one major party. The RPM's selection in 2013 of Mohamed Ould Mataly as its winning candidate for the northern constituency of Bourem is a striking manifestation of the deals struck between parties and candidates. The deputy's current role as ruling party member sits uneasily with his reputation as a former associate of the criminalized jihadist force, Movement



for Oneness and the Jihad in West Africa (anonymous interviews, Bamako, November 2015).

Before the multiple crises of 2012, the effects of this system of self-financed political candidates on the evolution of Malian democracy had been noted. In an incisive paper on the subject, Martin Van Vliet explained how the so-called consensus system of former President Amadou Toumani Touré—more widely known as ATT, who ran for election in 2002 outside the party system, before apparently co-opting and silencing most of the parties then present in the National Assembly—supposedly depended in large part on the debts accumulated in parliamentary electoral campaigns. To pay off their financial backers, deputies grew dependent on the government for the provision of state jobs and other perks (Van Vliet 2014: 59). Given that most deputies were more inclined to favour their own and their supporters' requirements over any party or ideological loyalty, most of them apparently became subservient to the demands of ministers who were able to offer material incentives. As one deputy said, 'we are expected to shut up' (Van Vliet 2014: 61). This same assembly was later unable to offer critical opposition to ATT's regime, even as the failure of security policies in the north and the spread of corrupt practices in the state became evident to the general public.

Following the northern uprising and the turbulence in the central state after Captain Amadou Haya Sanogo's putsch, the 2013 elections appeared to mark the start of a new era in Malian politics: in addition to a new president, around 80 per cent of the deputies elected in legislative polls were newcomers to parliament. Although IBK campaigned against corruption and pledged that he would govern through a strong party presence in the assembly (and that he would be happy to confront a robust opposition there), the economic exchanges underpinning the functioning of Mali's democracy seem to have made this impossible. According to a number of interviewees, 20 to 30 deputies have changed their loyalty from other parties to the governing RPM. One former deputy noted that around 25 of the newly elected deputies had no more than a very basic education. The deputies' priorities once in the assembly are demonstrated by their choice of parliamentary commissions to sit on: over 80 deputies are members of the Finance Commission, since 'everyone thinks there's money there', whereas only three are reported to have registered for the Technical Commission of the Assembly (anonymous interview, Bamako, November 2015).

Criticisms of the intellectual level, integrity, honesty and administrative capacity of Mali's elected politicians are acerbic. The role played by private money in generating a political class that to a large extent is driven by

material reward is a widely voiced concern, as is the generally corrosive effect on political coherence and legitimacy posed by the fluidity of loyalties that are brokered by cash exchanges. ‘Voters are not tied in any meaningful way to their deputy, and deputies are not tied to their party’, argued one politician (anonymous interview, Bamako, November 2015). However, these same traits might be found in many other democracies. Mali’s dilemmas of democratic legitimacy derive not merely from the importance of unregulated private political finance, but also from the enormous challenges of enforcing any sort of sanction on the public sector transactions that seemingly stem from campaign finance.

A lack of enforcement: Mali’s missing rules

Tracing the connections between private political finance and decisions taken by state officials in areas that are known to be subject to fraud, such as procurement, recruitment, or security enforcement at borders and transport hubs, is an important step towards restoring the integrity of the Malian state. However, the country’s poverty and the diffidence of its political class combine to pose a series of extraordinary obstacles to any proper investigation.

Mali’s formal judicial system is cash-strapped and, in most cases, dependent on the executive for its resources and the possibility of career advancement for its judges and prosecutors. These conditions, in a country where alternative career paths for legal professionals are scarce, seriously impede the possibilities of a concerted inquiry into political corruption or the existence of political–criminal ties. For example, the country of around 15 million people had a total of 630 judges in 2008, and spent 0.44 per cent of its budget on the judicial system in 2014 (Van Veen, Goff and Van Damme 2015: 45–46). One former Supreme Court magistrate noted that ‘judges are corrupt. Non-corruption is the exception. The environment favours that. What good is there in not being corrupt?’ (anonymous interview, Bamako, November 2015).

These reasons for not pursuing suspected corruption cases are reinforced by a largely informal legal culture that emphasizes the importance of not causing scandal, not generating direct antagonisms and resolving disputes before they reach court if possible. Although this is laudable in some ways, and prevents unnecessary expenses in legal fees, the effect has often been to bury cases before they are investigated by allowing the suspect to return stolen funds through arrangements brokered with the judge.



These circumstances have also made it impossible to track the precise number of potential corruption cases that have (or have not) been investigated. As the IMF found in its recent report on money laundering in Mali, the last formal judicial sentence on the misuse of public property was issued in 2011; since then, there have been no known verdicts for crimes of corruption or money laundering (IMF 2015: 38). ‘It’s difficult to know the number of cases, which end and which don’t’, a former magistrate noted (anonymous interview, Bamako, November 2015). When asked to name a senior politician convicted of a corruption offence, he mentioned a former minister for women, children and the family, Maïga Sina Damba, who was jailed in 2014 for contempt of court regarding a corruption probe and released a year later. Overall, a number of interviewees observed that there was very limited understanding of ‘white collar crimes’. Indeed, ‘the investigative authorities are not trained to recognize “white-collar criminals”, and they admitted that they lump such persons together with “respectable persons”’, according to IMF reports (IMF 2015: 38).

Even so, certain bodies in Mali do have access to precise information on cases involving the misuse of state funds. The General Auditor’s Office—created by statute as an autonomous body, with a relatively large budget supplemented by funds from foreign donors—issues the most carefully researched and detailed analyses of major cases of state corruption. Its 2015 annual report includes an account of the two most significant cases of financial fraud so far faced by the government of President Keïta: the purchase of a presidential jet and the acquisition of general military equipment, both performed through the appointment of shadowy intermediaries—the jet was registered with aviation authorities in Aruba—and with substantial overpricing (BVG 2015: 81–92). Revelations of these scandals in 2014 led to the temporary freezing of multilateral lending programmes to the country, which were restored after the finance minister, Bouaré Fily Sissoko, introduced new rules on procurement practice.

The auditor’s report on the subject concluded that the combined loss to state coffers from the two scandals was in the region of CFA 12.4 billion (USD 20.5 million). The finance minister has since been dismissed. Included in the report are the names of the suspected intermediaries, details of the transactions and reconstructions of the trail of registered shell companies. Along with other documented cases of public fraud, this information was passed to the prosecutor’s office, where it is subject to the economic and political pressures on the judicial system mentioned above. When asked to consider the possible significance of the connection between cases of public sector corruption and private donations handed to politicians, sources in the

General Auditor's Office acknowledge that such payments are very likely a quid pro quo, but insist that they have no mandate to investigate private entities and monetary flows—and that even if they did, they could take no judicial action themselves. 'There is a void that exists in external funding for politics. Illicit external actors have virtually zero visibility' (anonymous interviews, Bamako, November 2015). Another source in the General Auditor's Office questioned whether there is 'really any will to fight against the role of money in politics' (anonymous interviews, Bamako, November 2015).

Other state offices also engage in investigative work that may touch on political–criminal connections. Yet they are also hampered by a lack of resources, a limited mandate, and the inability to pursue or demand judicial investigations. For example, the bureau of the National Financial Intelligence Unit, charged with monitoring money laundering in Mali, has a small set of unmarked offices and a staff of 10 people. As the office's records show, its activities are entirely dependent on reports made from financial entities regarding possible suspicious transactions, which it then investigates. Since 2008 it has received a total of 128 notifications of suspicious transactions, but solely from banks. Although its officers believe the real estate market is a focus for money laundering, they have no right to investigate unless an estate agent or notary denounces a dubious transaction (anonymous interviews, Bamako, November 2015).

Given the overriding importance of network analysis to the understanding of political–criminal ties, the tightly circumscribed and fragmented activities of these investigative bodies cannot generate a reliable portrait of the most important transactions underlying high-level illicit relations. A number of other bodies and commissions were created in the wake of the 2012 crisis to address concerns over corruption, war crimes and human rights abuses, each with failings as regards their composition and independence. One possible exception may be the recently constituted Truth, Justice and Reconciliation Commission, tasked with examining witness testimony and archival research to determine the causes of the ongoing conflicts in the north of Mali since the country's independence, and to assess the state's responsibility in stoking these rebellions. A senior figure recognizes that the daunting systemic account expected of the commission should also embrace the issue of political corruption in the central state. 'We have to attack the first line of corruption, since everyone feeds from that. And to make order in the north, we first have to make order here [in Bamako]' (anonymous interview, Bamako, November 2015). Once again, however, the commission's considerations will have no foreseeable judicial ramifications.



Crime and the north

The issues to which the commission's work will be devoted remain at the heart of international concern over Mali's protracted instability. As mentioned above, armed violence in various forms continues to afflict the north, and has spread increasingly to the country's centre and south during the past two years (Reitano and Shaw 2015). Aside from occasional major clashes between Malian armed forces and rebels—most notably the fighting in Kidal in May 2014, which claimed the lives of dozens of soldiers and forced the military to beat a rapid retreat from surrounding towns after being overwhelmed by Tuareg rebels—most of this violence has taken the form of sporadic, unexpected attacks (notably on UN peacekeepers) or fighting between ethnic militias. Criminal interests related to the control of routes and crossings for illicit trafficking are widely assumed to form at least part of the motivations behind these attacks, and to influence the selection of targets (Duffy 2015).

In this respect, these recent episodes of violence echo the conditions that prevailed in the north in the period between 2006—the year of a brief Tuareg armed insurgency, the third of the post-colonial area—and the conflict of 2012. During this critically important period, high-value drug trafficking involving the transport of cocaine from Latin America—at least until 2010—and hashish, the smuggling of cigarettes and arms, and a lucrative racket of kidnapping Westerners for ransom made up the fundamentals of a criminal economy that displaced older forms of contraband, and enveloped illicit organizations from a number of northern Mali's ethnic and sub-ethnic groups (Lacher 2012; Kühne 2013; Briscoe 2014). Acceptance of these new illicit sources of income and wealth was widespread in a region that is Mali's least developed, and which has long subsisted on contraband in subsidized basic goods from Algeria (Scheele 2012).

This influx of illicit revenue has generated substantial resources for jihadist groups such as al-Qaeda in the Islamic Maghreb, mostly through kidnapping income. This criminalization of the local economy jeopardizes the political and social relations that have long been essential to collective survival in the inhospitable north. In particular, it has aggravated competition and the 'arms race' between different ethnicities (ICG 2012: 4; Strazzari 2015). It has also given the central state in Bamako a cheap and profitable means of rewarding favoured groups by tolerating their illicit endeavours.

Evidence of these relations can be found in various quarters, including the documented official efforts to cover up the investigation into Air Cocaine—the infamous 2009 case of the Boeing jet that travelled from Venezuela to land in

Tarkint, northern Mali, carrying what was believed to contain several tonnes of cocaine—as well as the reported transactions of various intermediaries operating between Bamako and the north (Briscoe 2014: 31–32, 38–40). Contrary to expectations, what was considered to be a cheap means of ‘remote control’ governance resulted in an inexorable loss of control of the north, which had become more armed, intransigent and even less respectful of a central state that had long neglected the region’s development. As such, the security crisis in the north is inextricable from its deeper national political roots (Chauzal and Van Damme 2015).

Little concrete information is available on current trafficking and criminal activities in the north. One UN intelligence officer interviewed for this study lamented a general reliance on hearsay rather than documented cases (anonymous interview, Bamako, November 2015). Policing and judicial engagement in the region is diffuse and exceptionally weak: the Malian police and army presence remains feeble, while MINUSMA’s mandate does not include the right to make arrests except in self-defence or to protect civilian lives. In addition, the mission has no mandate to combat transnational organized crime. Meanwhile, the extended French intervention, or the northern intelligence-led deployments of the Dutch and Swedes as part of the UN mission, are primarily focused on tracking terrorist or militia activity.

However, the highly probable perpetuation of certain criminal activities in the north is likely to impinge on Mali’s political development, and vice versa, in various ways. The peace accord signed in Algiers in June 2015, although still in its early stages of implementation, envisages important changes in political structure in the region (Algiers Process 2015). Perhaps the most important of these is the creation of regional elected presidents, although this initiative had already been approved in Malian law (ICG 2015: 7). Should these reforms and the new budgetary allocations eventually be implemented, they would very probably shape the political prospects of the two blocs of armed groups that eventually cohered during the Algiers negotiations: the pro-autonomy Coordination of the Movements for Azawad (CMA) and the Platform, a coalition of groups that is more inclined to support Bamako’s case.

Representatives from groups in the CMA expressed their belief that these two blocs, despite their various internal frictions, could eventually form the basis for northern political parties that compete for these executive posts (anonymous interviews, Bamako, November 2015). If so, this would profoundly alter the long-standing democratic expression of northern voters, which is directed towards traditional national parties, and in the case of the



Tuareg-dominated Kidal region, to local strongmen or notables standing for whichever party is in power in the central government.

This outcome would also raise the issue of how, in light of Mali's inability to control private financial flows to political parties, illicit influence over emerging political forces in the north would be handled. Local civil society could be expected to play an oversight role, but conversations with sources in the armed groups strongly suggested that relations with illicit and smuggling interests, and their revenues, are deep and difficult to sever. Representatives of criminal interests are widely reported to have assumed a low-profile presence at the Algiers peace talks, while the secretive talks between the Platform and CMA groups that took place in the northern town of Anéfis in September–October 2015 are rumoured to have revolved around deals to share out trafficking routes and protection economies. One source in an armed group indicated that efforts were afoot to extricate trafficking interests with stakes in Mali's northern border trade with Algeria from his organization, although he did not specify what power the non-criminal faction had to achieve this. 'We try to get rid of them but they stick to us', the representative explained. 'They will not play a leading role, but they still have a project to destroy the north with the help of the Malian and the Algerian intelligence services' (anonymous interview, Bamako, November 2015).

A second concern for Malian political and party development stems from the continuation of informal links between actors in northern Mali's criminalized and conflict-affected zones and officials in central government. Following the debacle suffered by the Malian military in Kidal in 2014, the government in Bamako is reported to have depended on a novel proxy force called the Group of Imghad Tuareg and Allied Self-defence (GATIA), itself the heir to a militia formed of members of the Tuareg Imghad—a subordinate clan within the structure of Tuareg castes, which has battled with the ethnic group's noble clans for over a decade.

After a number of military successes, such as the seizure of Anéfis from separatist Tuareg armed groups in the CMA in August 2015, GATIA has become a major player in northern power politics. Foreign intelligence officers note that its arms supplies have received state protection (anonymous interview, The Hague, October 2015). Reports have also suggested that illicit trafficking interests have nested within the pro-Bamako Platform coalition (Africa Confidential 2015), thereby bringing them into close proximity with security and political officials in the capital.

Conclusion

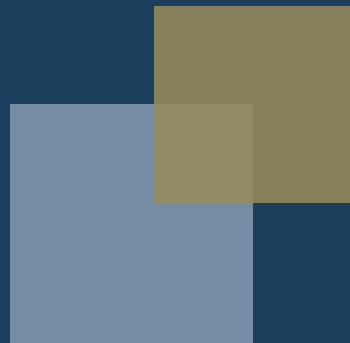
Independent experts, representatives from armed groups and sources in MINUSMA consulted for this research concurred that the peace accord signed in Algiers establishes the conditions for an essential phase of peace in the north (anonymous interviews, Bamako, November 2015). However, the prospect of an end of violence is undermined by the ongoing threat posed by militant spoilers that did not join the Algiers talks, as well as by the risk that Bamako will fail to honour its pledges of greater regional autonomy and economic investment in the accord. As a result, the connections between the central government and the militia or criminal interests that Bamako supposedly uses as its instruments of influence in the north represent a direct threat to peace. They also threaten to reinforce a long-standing and generally opaque complicity between illicit interests in the north and the Malian state.

These illicit relations, however, are not an exceptional phenomenon in Malian politics. As this study has discussed, the political party system's openness to private campaign funds and reliance on weak, personality-led forces have made it highly vulnerable to the influence of corruption networks. A lack of judicial supervision over political life has in turn failed to protect the integrity of a multiparty democracy that has earned many plaudits since 1992, but which generates high levels of discontent or indifference in the public and within key national institutions such as the military. Candidates for election resort to lavish expenditure outside of formal party structures to make up for this high level of disaffection. But in doing so, they create debts and dependencies that reinforce the self-serving nature of a large part of the political establishment. Although reforms have been introduced, their lack of teeth and weak enforcement raise the question of what more robust initiatives or systemic shifts are required to break the multiple loops connecting governance, corruption, and crime in a highly permissive and extremely poor environment.



Chapter 7

Case study: Mexico



Chapter 7



Case study: Mexico

Mexico's transition to multiparty democracy stands out in Latin America, and the world, for its relative smoothness, as well as the institutions and laws that have been put in place to support and regulate the new political system. But the transition is also notorious for less salubrious reasons, above all the rising influence of organized crime on politics and society, and the perceived spread of corrupt practices (Transparency International 2013). The dismantling of the hegemonic single-party system run by the Institutional Revolutionary Party (PRI) and its predecessors since the 1930s—throughout the course of a democratic transition that began in the late 1980s and culminated in the election of an opposition president in 2000—has been an intrinsic part of this process of organized criminal influence in political processes. This is not to say that the previous system was in any way adequately equipped to deal with organized crime or political corruption, or that the relationship between political actor and organized crime can be attributed solely to the democratic transition. Indeed, many of the current challenges of Mexico's democracy are rooted in the institutional fragility of regions that have been historically affected by crime (INE officials, communication via email, September 2016). But the changing nature of the democratic landscape after the end of one party hegemony has had a crucial role in shaping the context and power dynamics under which these relations are now formed.

Establishing what precise linkages connect various levels of political activity and organized crime, and why it has become so difficult to protect state and security institutions from general illicit influence despite multiple efforts to do so through security, justice and anti-corruption reforms, have become critical issues for the health of Mexican democracy. Underlying this reality are Mexico's current socio-economic conditions. High unemployment rates among young people (World Bank n.d.b) contribute significantly to the

expansion of crime-based activities and dissatisfaction on democracy (INE officials, communication via email, September 2016). Growing levels of public unease with the political system have been reflected in both mass protests and opinion polls. According to one survey, Mexico has suffered the second-largest drop in support for democracy in Latin America since 1995; in 2012 only 37 per cent of the population declared that democracy is preferable to any other form of government (Latinobarómetro 2013: 19).

The nature of the Mexican democratic transition is best understood as a two-track process, with formal progress affected by some degree of criminal influence in general, and organized criminal influence in particular. The formal achievements of Mexico's democratization are without a doubt impressive. They include a regular calendar of elections for a six-year presidency, the two houses of Congress, governors and legislators across 32 states, and mayors for the country's 2,438 municipalities. Two well-resourced federal organs monitor adherence to the rules and regulations: the recently renamed National Electoral Institute (INE) and the Federal Electoral Tribunal. A series of laws, discussed in more detail below, provide one of the most comprehensive regulatory apparatuses in the world for the financing, oversight, reporting and sanctioning of political parties and candidates.

On the basis of these rules, nine political parties are formally registered by the INE (2016), although only three are likely competitors for national power: the PRI, the National Action Party (PAN) and the Party of the Democratic Revolution (PRD). The *Pact for Mexico*, signed by all three parties in late 2012, indicated that these parties were able to bury their ideological differences in the name of national economic and social development and institutional strengthening (Montes 2013).

However, this portrait of the Mexican democratic transition, as well as the country's relatively stable, if unspectacular, economic growth since the 'Tequila crisis' of 1995, contrasts with growing levels of public disaffection with the state and its elected representatives as mentioned above. At the heart of these problems stands a starkly differentiated experience of economic development. Mexican society has become increasingly polarized as a result of the country's extraordinarily high levels of inequality and concentration of wealth—resulting, according to one report, in a land of 'two Mexicos' (McKinsey 2014). Mexico, alongside Chile, is the most unequal country in the Organisation for Economic Co-operation and Development. Although its inequality rates have declined somewhat, in line with the trend across Latin America since 2002, the wealth and income accruing to the very rich has grown far faster than that of any other part of the population (Esquivel



Hernández 2015), and poverty rates have continued to rise in spite of overall economic growth (Webber 2015).

This disparity in wealth and income has served to reinforce a pattern of political and economic power that has long favoured the interests of insiders and preferred groups, including business elites and trade unions. According to one expert, Mexico has ‘a highly stratified and unequal social structure in which political and economic elites still undertake transactions on the basis of their personal connections, privileged access to capital, and lopsided government regulation and policymaking’ (Díaz-Cayeros 2013: 235).

The relative immobility and inequality of Mexican society has a huge influence on the way interest groups and the public understand and interact with the state. Mexico continues to trail behind most other Latin American countries in terms of social inclusiveness and its treatment of ethnic minorities (Alidadi et al. 2015). Furthermore, despite many years of affirmative action and some important gains in terms of representation in Congress—42 per cent of people in Congress are women according to the Global Database of Quotas for Women (2016)—women remain largely marginalized from the centres of power (Glover 2014). And whereas regular competitive elections now provide a means for the public to vote out an unpopular or underperforming party from government at the federal, state or local level, they have arguably had limited effects in altering the working practices of the public sector or its officials.

From 2008 to 2014, Mexico fell 33 places in Transparency International’s Corruption Perceptions Index (CPI). Furthermore, 91 per cent of the public regard political parties as corrupt, the worst score of any national institution, including the police (Transparency International 2013). Survey evidence also suggests that the use of corruption to influence the state and its employees is common practice, and not the preserve of a gilded insider elite: 44 per cent of businesses in Mexico report having made unofficial payments to public officials (Amparo Casar 2015: 29). According to Mexico’s National Values Survey, 28 per cent of Mexicans believe success requires breaking the rules (*Este País* 2011).

Given this broad scenario of public sector corruption, it may not be surprising to find that linkages between organized criminal and political actors have also deepened and extended in this period. But it is Mexico’s dominant role in the regional criminal economy that has proven to be the crucial catalyst in this process. Since the dismantling of the large Colombian drug cartels in the 1990s, Mexican trafficking organizations have assumed a pre-eminent status in Latin America’s most lucrative illicit trade. Conservative estimates suggest

that there are now nine major Mexican drug cartels, which earn at least USD 6 billion a year (Keefe 2012). Of this, approximately half is thought to end up in the hands of the most powerful group, the Sinaloa Cartel. Sinaloa and Jalisco New Generation are reported in official documents to be the most powerful trafficking groups at present (*El Daily Post* 2015).

The extremely high returns generated by narcotics, above all cocaine, heroin and most recently methamphetamine—the latter two produced in Mexico—have driven a process of organized criminal expansion and competition that has affected Mexican public life over the past decade, (Kenny and Serrano 2012). Extraordinary levels of violence, a militarized response from the state, and illicit collusion between criminal networks and an array of public institutions have been the most notorious manifestations of this boom (Kenny and Serrano 2012). Numerous non-narcotic rackets, above all extortion and kidnapping, have consolidated as criminal networks compete, disperse and seize control of strategic territories in response to the state's counter-offensive (Santamaría 2014; IDMC 2015). Leading politicians and civil society groups have recognized and denounced the threats that this violent, expansive and very rich criminal presence poses to the integrity of the political system: former President Felipe Calderón (2006–12) called the danger to governance a direct threat to political parties, a position formally shared by all three main parties (Curzio 2013: 154–57).

However, neither these political reactions nor civil society campaigns have substantially weakened the country's illicit networks. Both the disappearance of 43 trainee teachers from Ayotzinapa in September 2014 and the jailbreak ten months later of the Sinaloa Cartel boss (Mexico's most famous prisoner, Joaquín 'El Chapo' Guzmán) showed that the country continues to have grave levels of criminal influence in some of its state and security bodies. For now, its policy approaches to this issue, although numerous, seem unable to halt the tide of organized crime influence.

The political–criminal entanglement: three approaches

Mexico's democratic transition has reshaped ties between organized crime and politics in several profound ways. First and foremost, the fragmentation of political power has led to a parallel decentralization of organized criminal influence. In addition, criminal groups appear to have maintained and deepened direct relationships with at least some high-level officials (as will be illustrated below), and come to implicit understandings with other powerful political actors.



Historical analysis of the ties between some political actors and organized crime in Mexico underline both the routine nature of these relationships as well as the fundamental changes that these networks have undergone following the country's democratization. Declassified US documents describe dozens of cases showing how between 1916 and 1970 'figures from the fields of trafficking, as well as political, military and police power' are connected as 'links in a chain that is necessary for operations to be successful' (Astorga 2003: 13). An illustrative example is the arrest of a trafficker with a stash of various drugs alongside the chauffeur of the governor of Baja California in 1961: within a year the prosecutor in charge of the case had been moved to another post and all the suspects acquitted. The trafficker, Baldemar Soto, was later recruited by US authorities as an informer (Astorga 2003: 66–75).

This relationship between state power and criminal activity was conducted under the umbrella of a state that was controlled at the federal, regional and local levels by a single, vertically integrated party, the PRI. Some state officials, particularly within the central police body that acted as the main intermediary with organized crime networks—the Federal Security Directorate, which was abolished in 1985—reportedly made allowances for drug trafficking, prostitution and other rackets so long as the criminal networks respected state authority and shared some of their revenues (anonymous interviews, Mexico City, September 2015).

Democratization has profoundly changed this system of political–criminal ties. Above all, the fracturing of the single line of party political command, emanating from the presidency, has brought about a major shift in the correlation of forces between some state officials and criminals (Astorga 2015; Flores Pérez 2013). Whereas Mexican criminal networks have become empowered by their key role in the regional illicit economy, multiparty democracy and political alternation have made it harder for a single party or elite to control the executive, legislature and the states. No party can exert vertical command in the way the PRI formerly did; nor can any party control all the activities of its many elected officials.

As a result, criminal networks have adapted to the democratic landscape by deploying greater threats of violence or co-optation at the local and regional levels in order to secure the complicity of the politicians, judicial officials and police officers needed to gain effective control over a territorial base. Increasingly, in Mexico and elsewhere in Latin America, criminal groups form a 'predatory micro-network': 'a set of individuals who work together in a specific territory to exploit others... for personal and organizational profit' (Garzón 2015). Lacking any central level protection, some politicians,

above all in the eight Mexican states most exposed to organized criminal influence—Tamaulipas, Chihuahua, Sinaloa, Nuevo León, Baja California, Michoacán, Guerrero and Quintana Roo (Curzio 2013)—are left to negotiate a relationship with the prevailing criminal protection racket.

Although the decentralized nature of criminal influence on a fragmented democratic system is the most important driver of Mexico's new political–criminal ties, particularly at the municipal level, two additional reinforcements to this nexus stand out. One is the apparent allegiance of a number of intermediaries or facilitators in the central state to particular criminal organizations. An interviewee with experience inside federal security authorities noted a variety of such connections, often involving senior police officers or even cabinet ministers (anonymous interview, Mexico City, September 2015). Personal testimony from the veteran US–Mexican journalist Alfredo Corchado, who briefly fled the country following death threats, also points to individuals within the state and military who appear to have been working in close proximity to drug cartels (Corchado 2013: chapter 14).

The case of ‘El Chapo’ Guzmán, who escaped from high-security jail in July 2015 via a 1.5 kilometre tunnel made for the occasion—his second such jailbreak—also raised the question of whether there exists a criminal conspiracy within some federal political and security elites to favour the Sinaloa Cartel over its rivals, notably the Zetas. Investigative journalist Anabel Hernández (2013) has conducted pioneering and courageous research on this issue. Initial arrests after El Chapo's escape have nevertheless focused solely on prison authorities and guards, including the former head of the federal prison system (Beauregard 2015).

A second reinforcement of the country's political–criminal ties can also be found in high-level politics. Here the attention shifts away from concrete individual, profit-sharing complicity between some senior state officials and criminal groups—which remain difficult to prove in the absence of comprehensive judicial investigations into the illicit networks—towards the working arrangements that exist between criminal activity and some forces in the political system. According to one outspoken expert on corruption in Mexico, a ‘pact of impunity’ (i.e. an agreement that law enforcement officials turn a blind eye to criminal activities) unites criminal and some political actors as they seek to perpetuate weak judicial controls and limited powers of prosecution (Buscaglia 2015). According to this argument, while each side seeks to extract illicit profits in different areas—one from influence trafficking in government or the abuse of state resources, notably via public procurement contracts, the other from illicit trafficking and predation—these shared



interests may bring these political elites and criminals into concrete business relationships, or generate 'signals' to the other that their actions are tolerated or welcomed.

As will be discussed below, it remains uncertain whether these relations involve a more or less explicit understanding with criminal networks based on concrete ties or shared interests, or whether they are the result of a competitive and fragmented political system in which short-term expediency trumps systemic reform. In either case, *akrasia*, the ancient Greek term for 'weakness of the will', appears to characterize many of Mexico's formal efforts to combat corruption and crime.

Cases of organized criminal influence: local, state and federal levels

The capture of local territories drives organized criminal strategy across Latin America. Mexico strongly confirms this trend, and it is no accident that the cases of criminal influence over politics, and political parties in particular, are best illustrated by events at the municipal level. A rising tide of murders of Mexican mayors is perhaps the clearest sign that these elected offices are the most coveted by criminal organizations seeking political influence. In total, 82 mayors were killed by organized crime between 2007 and 2014 (Trejo and Ley 2015). The murder rate of mayors is so high—even though it is highly concentrated in certain states, such as Durango, Michoacán and Oaxaca—that the job can be regarded as one of the most dangerous in the world, after industrial fishing and logging (Rios 2012).

This violence is closely associated with, first the presence of rival criminal organizations competing for influence (Rios 2012), and second, criminal groups' efforts to terrorize candidates or elected officials in order to secure the compliance of municipal officials in the areas of finance, policing, transport and business licensing. Furthermore, municipalities in regions run by parties other than the party running the federal government suffer a far higher risk of violence, indicating that state security is not always provided evenly and impartially in a democratically fragmented system (Trejo and Ley 2015).

In extremely inhospitable micro-territorial circumstances, it is not always easy for judicial investigators or the media to understand the exact dynamics of violence, co-optation, and influence trafficking between political parties and criminals. However, a number of recent cases have shed fresh light on the subject. As mentioned earlier, the PRD launched an internal investigation

into the unusual circumstances that led this national centre–left party to nominate local businessman José Luis Abarca to run for mayor of Iguala, a medium-sized town in the state of Guerrero (Centro de Estudios Políticos 2015). Arrested in late 2014, Abarca has since been charged with colluding with the organized criminal group believed to be behind the disappearances of 43 trainee teachers from Ayotzinapa, as well as other crimes.

Abarca's case points to the many shadowy areas of Mexican political party activity, above all when it involves winning elections in peripheral states with a strong criminal presence. Currently, no law obliges electoral authorities to check the background of candidates: parties are solely responsible for deciding who runs for office on their behalf (INE officials, communication via email, September 2016). Although Abarca was not even a member of the PRD party before becoming its candidate for mayor, and the party's national leader was forewarned of his criminal connections—notably due to his wife's family members, allegedly drug traffickers—a group of local party notables resolved to support Abarca's cause. The mysterious nature of this decision is best understood in the context of the mood of violence and intimidation that shaped municipal affairs. Some local PRD leaders, speaking of municipal business under Abarca, 'believed the situation could be considered normal, but within the normality there was fear'. However, 'the issue was not publicly debated in any media, assembly or meeting inside or outside the PRD in the municipality or at the state level' (Centro de Estudios Políticos 2015: 22).

Similar phenomena reveal the penetration of organized criminal powers into politics in certain localities. The state of Michoacán has become notorious for its trafficking groups, as well as the rise of a self-defence militia opposing them. This was the first state where former President Calderón deployed military forces in his offensive against drug cartels late in 2006. In 2009, federal prosecutors began a sweep of the state, arresting 38 officials—including 11 mayors from all three main parties, police chiefs and senior state officials—on charges of complicity with organized crime, and above all of protecting and abetting a local drug cartel known as La Familia. Within two years, however, a local judge had acquitted all the suspects. The case has since been besmirched by claims alleging that it targeted politicians opposed to the then PAN-led presidency with trumped-up charges. The current government of Mexico has publicly stated that it will not seek to repeat such mass arrests at the state level (Castillo 2014).

However, it remains clear that the state of Michoacán continues to suffer from some of the country's most intimate relations between criminal groups and elected officials. One organization, the Caballeros Templarios (Knights



Templars), is reported to demand 30 per cent of municipal public works' budgets for its own purposes (Trejo and Ley 2015). The influence of La Familia on certain municipalities and state officials is unabated, demonstrated in 2014 with the release of six videos showing cordial conversations between, among others, local mayors, media outlets, the son of the former state governor and the head of La Familia, Servando 'La Tuta' Gómez Martínez (Chouza 2014). On the basis of these revelations, the former governor's son was sentenced to seven months in jail in 2016, and released from prison having served his jail-time in custody.

The evidence from Michoacán and Guerrero, as well as the material produced by historical research (Flores Pérez 2013) in states such as Tamaulipas—one of Mexico's most violent areas, and the source of the Gulf Cartel and the Zetas—strongly suggest that some state governors and officials have also played a major role in facilitating and profiting from crime. Experts on the current criminal landscape in Mexico, however, point to nuances in the role played by these governors. Criminal groups seem to prefer the leverage and benefits they enjoy at a more local level. At the same time, state governors in Mexico's multiparty democracy have assumed powers and financial prerogatives far greater than under the previous system of PRI control. According to leading analyst Luis Carlos Ugalde, 'many governors have become de facto regional political chiefs without political counterweights in their states ... They control legislative powers, instead of being accountable to them' (Ugalde 2012: 58–59).

Suspicious and rumours as to the involvement of these regional barons in criminal activity are widespread. One former high-level official noted that governors were, in his opinion, the most corrupted group in Mexican politics (anonymous interview, Mexico City, September 2015). A number of well-known governors have been investigated for their links to organized crime—including three former governors of Tamaulipas in recent years. Levels of impunity nevertheless remain high. Between 2000 and 2013, for instance, 71 alleged cases of corruption emerged involving 41 governors. Of these, only 16 were investigated, and only four were tried and found guilty (Amparo Casar 2015: 57–8). Even fewer major cases of complicity with organized crime are reported and investigated at the federal level: the most important such prosecution remains that of Mexico's disgraced drug czar, the late José de Jesús Gutiérrez Rebollo, in 1997.

The 'pact of impunity' appears to be strongest in the relationship between the state and federal levels. Having gained extraordinary powers in the democratic transition, state governors are essential elements of national

party efforts to assemble electoral majorities—not least because weakly controlled national parties, as the Abarca case shows, appear to have limited understanding of and influence over events at the local level. Governors' access to state resources, connections with local business and influence over the choice of federal deputies also provide them with a very significant voice in the accumulation and distribution of political and campaign finance, an issue that will be considered in more depth below.

Furthermore, observers report that these complex and opaque relations between political parties, state governors and municipal politicians have brought organized criminal influence into the orbit of every major national party. The result is, in the words of one expert, a 'code of silence' on the issue of criminal influence (anonymous interview, Mexico City, September 2015). None of the main parties appear to be direct representatives of or 'front' organizations for criminal groups. However, the sheer size of exposure of all parties at the local level to the coercion and co-optation of criminal groups, the large powers and financial leverage of state governors, and the legal immunity of federal deputies (many of whom began their careers in state-level politics) together make it very difficult to control the influence of organized crime.

Political finance: regulations and loopholes

The financing of parties and campaigns across Latin America provides another avenue for organized criminal influence in party politics at local and national levels. Yet the relationship between organized crime and political finance in Mexico is rendered far more complicated by the exceptionally high levels of public money spent on parties and the apparatus of electoral democracy. Mexico has the highest per capita levels of direct subsidies to parties and campaigns in the region (Gutiérrez and Zovatto 2011: 36–37), and is reported to invest around 0.28 per cent of its GDP on electoral democracy; in 2015, this represented just over USD 2 billion (Ugalde 2015b: 6).

The foundations of this system of generous public finance were first laid out in a political reform law of 1996 that sought to even out the parties' extremely unequal access to finance, in which the PRI had assumed the lion's share of resources. Additional laws adopted in 2007 and 2014 sought primarily to limit spending in certain areas, above all the media, and to reinforce controls over parties' and candidates' revenues and expenditures (Curzio 2013). Indeed, spending on radio and television spots is now forbidden, and access to mass media is granted by the state (INE officials, communication via email, September 2016). These combined efforts have led to the construction



of a system of electoral competition that is not just well-funded and generous in free media airtime, but also features one of the most complete and comprehensive bodies of political regulation in the region.

But major loopholes remain, and allow a portal for various forms of organized criminal access to political life. Real spending by parties and candidates has been estimated to exceed the formal limits on campaign spending by 70 or 80 per cent (Ugalde 2015b: 7). Interviews with various former candidates confirm this finding: although the spending limit for a candidate for the post of federal deputy is MXN 1.2 million (approximately USD 70,000), the real amount that is usually spent is estimated to hover around MXN 5 million, or USD 300,000. For governors, that sum can rise to as high as 42 million USD (Ugalde 2015a). The undeclared difference is generally comprised of cash handouts from local donors to candidates, which are spent on events, patronage and favourable coverage from the local media. One former candidate for the post of local mayor in a municipality in the northern state of Sonora reported that he was directly asked by a local newspaper to hand over close to USD 10,000 a week in exchange for three favourable articles over the same period (anonymous interview by telephone, September 2015).

Numerous corruption rackets emanate from campaigns and candidacies that rely on abundant, largely undeclared, financing. In particular, hand-picked and over-inflated state procurement rackets are an established means of repaying campaign donors, and contribute a large portion of the overall cost of corruption to Mexico, which various sources estimate stands at around 10 per cent of GDP (Amparo Casar 2015: 42). More generally, a highly monetized, competitive democracy, featuring significant levels of state involvement in economic life and a relatively small number of individuals and organizations controlling a very large share of private resources, has encouraged many varieties of influence trafficking.

Cash-based movements that electoral or financial authorities find difficult to control form an important channel through which funding from criminal groups can flow. These cash transfers not only violate electoral laws; they also offer a channel for money laundering via complicit candidates and PEPs. There are, however, no exact figures on the size of contributions from criminal sources as part of the general estimates of illicit financial contributions, which include money from otherwise legitimate sources, such as businesses. One former politician observed that parties running in opposition to incumbent candidates at the local and state levels tend to rely more on criminal funding (anonymous interview by telephone, September 2015). But unlike the

statistics and analysis on violent crime in Mexico, reliable data on the use and incidence of criminal finance are exceptionally scant.

Mexico's electoral and political control bodies have actively sought to control parties' income and spending. The revelation that Vicente Fox's victorious presidential campaign in 2000 received illicit campaign funding from abroad resulted in a MXN 91 million (USD 5.5 million) fine levied on his party (Santiago Castillo 2011). During the 2015 Mexican elections, which included votes for local officials, state governors and congressional federal deputies, all candidates and parties were subject to these and other new controls on their income and spending that were introduced in the reforms approved in 2014. These include the centralization of financial control over political actors through a special Audit Unit (*Unidad de Fiscalización*) of the INE, which now has the power to waive bank secrecy and draw automatically on information from the tax authorities and the Central Bank in order to verify candidates' accounts. With this new 'real time' reporting system, candidates must disclose any income or expense within three days. INE is in charge of overseeing compliance, and parties and candidates can also report when their competitors fail to disclose. In addition, an 'Authorized Supplier National Registry' allows INE to measure general marked prices and, accordingly, ensure that what is disclosed by the parties is generally accurate.

As a result of these initiatives, the finances of 12,914 candidates were monitored, and a total of MXN 394 million (USD 18 million) in fines was initially levied on the ten parties (García 2015). In 2016, out of MXN 419 million pesos in fines (approximately USD 22.6 million), MXN 191 million corresponded to unreported or unsupported expenses, unreported income and overflow of spending ceilings, meaning that almost 50 per cent of all fines were directly linked to the efforts of INE's special Audit Unit (INE officials, communication via email, September 2016).

Within the limits and constraints mentioned above, several political insiders reported that these reforms motivated greater financial caution by parties and candidates (anonymous interviews, Mexico City, September 2015). However, officials from Mexico's electoral system observe that the control of political spending is not the same as the pursuit and prosecution of criminal links to politics, which has remained largely unaffected by the recent initiatives. As one local electoral official lamented, 'it fills me with sadness to see that the intelligence of the human being is used to look for ways and means to evade the limits placed on goods and resources with an illicit origin' (anonymous interview by email, November 2015). If a candidate is suspected of receiving illicit funding—which need not be criminal in origin—the electoral official



continued, ‘the legal timeframe is short, which is to say that there are three days to impugn an election result, and 15 days to resolve the case’ (anonymous interview by email, November 2015). Cases involving alleged (financial or other) connections between parties, candidates and criminal actors involve far more painstaking and longer penal investigations that far exceed the competence of election control bodies, and for which the eventual legal penalty appears to be quite minor.

The same flaws in implementing the new election controls apply to much of Mexico’s system to combat public sector corruption. Numerous laws dealing with these crimes exist, and were complemented in 2016 with the creation of the National Anti-Corruption System, which builds an institutional framework for security and corruption fighting agencies to oversee, prevent and mitigate the role that organized crime plays in electoral politics (INE officials, communication via email, September 2016). An important part of this new system is, for example, the introduction of an independent anti-corruption prosecutor, which should in principle prevent the potential manipulation of the justice system by the executive (INE officials, communication via email, September 2016). These laws are to be further reinforced through additional regulations—most prominently the so called *tres de tres* [three out of three] legislation that, if successful, will require public officials to submit declaration of their asset, conflicts of interests and taxes (Iniciativa Ciudadana contra la Corrupción 2016).

While the success of the most recent efforts remains to be evaluated, previous reforms did achieve a notable rise in the number of reports or investigations. At the same time, according to a recent report, ‘changes have been more at the discursive and legal level than in practice’ (Amparo Casar 2015: 50). Most problematically, the new system does not address political influence over the judiciary and prosecution service through the appointments system—regarded by one legal expert as the crux of judicial unwillingness to address illicit ties in politics (anonymous interview by telephone, November 2015). The new anti-corruption prosecutor is due to be selected by the Senate.

As a number of experts concurred, more ambitious plans to trace these networked connections between politics and organized crime could draw and synthesize on information from Mexico’s intelligence service, prosecution service and money laundering monitoring unit. This sort of investigation could be complemented by efforts to explore the political links, if any, of the Mexican individuals and businesses listed on the US Office of Foreign Assets Control sanction list: 605 entities and individuals are currently listed for Mexico (US Department of Treasury 2015).

Conclusion

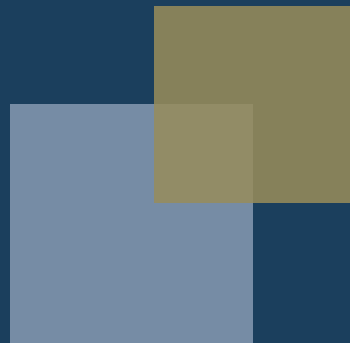
Mexico's democratic transition has presented acute challenges for the legitimacy of its new political system and, more narrowly, has confronted the democratic process with the threat posed by emboldened and extremely violent criminal groups taking advantage of the fractures in political power. The role of political parties is notable in three aspects of this transition. First, the shift to genuine multiparty democracy contributed to increasing criminal organizations' focus on more atomized and fragmented state authorities, especially at the local level. Second, parties remain solely responsible for vetting the candidates running on their behalf, while electoral authorities have no mandate to investigate the background of candidates and their potential criminal backgrounds. And third, despite numerous legal innovations aimed at preventing the criminal capture of political office, efforts in this domain have so far fallen short of avowed intentions.

As has been observed by a variety of commentators, unlike Colombia or Guatemala, Mexico has not introduced a major congressional or judicial inquiry into the sources and structure of political–criminal ties (Curzio 2013: 159–63). Efforts in this direction have fallen short given the scale of the problem. One example was the 'Michoacanazo', an important law enforcement operation in which a number of high level politicians from the state of Michoacán were arrested under charges of apparent relations with organized crime networks. Occasional investigations have led to the arrest and prosecution of political figures, but as of yet they have failed to satisfy a number of civil society organizations, which have become increasingly incensed at the behaviour of the country's political class. Accusations of a pact of impunity, it seems, can only be disproved at this juncture by a campaign of more concerted action to implement the enacted legislation.



Chapter 8

Conclusions and recommendations



Chapter 8



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The diverse challenges to democracy encountered in the three countries studied in this report underline the dangers of rushing to any general judgements about how organized crime affects political parties and politicians—and what could be done to reverse this apparent trend. The decentralization of criminal ties to politics in Mexico, the misuse of state power and exploitation of conflict in Mali, and the anti-corruption successes and excesses in Georgia are very different instances of what might be regarded as a common problem affecting numerous democracies. However, in drawing critical lessons from all three cases, and from other examples of organized criminal influence on parties and PEPs, a number of strategic and policy recommendations for dealing with this threat can be highlighted.

Perhaps the most salient issue is one already highlighted in this paper. Given that the three countries studied, as well as many other transitional or third-wave democracies, are developing nations with limited resources, institutional robustness and judicial independence, it is very hard to expect the sort of oversight of political power that a comprehensive response to illicit networks demands. In other words, before blindly prescribing new policies borrowed from elsewhere, it is first essential to consider how the structural conditions embedded in a country's economy, legal system, and state might assimilate and distort any initiative. The three countries in this paper all have copious legislation on their books; they have evidence of the ties between politics and crime; they have rules on political finance; and, in the case of Mexico, extremely generous public funding of political parties backed by the auditing of party accounts. At the same time, each of them has been exposed to an adaptive and evolving criminal influence on political life.

As a result, it is important not just to outline policies that would in theory address this malaise, but to also identify the approaches that could gain traction under existing conditions or prevent undesired effects. Recent research, for example, demonstrates that stronger anti-money laundering legislation has simply caused banks and financial services to withdraw from countries and markets regarded as risky, halting flows of remittances and access to credit for people in poor countries (CGD 2015). In doing so, the new rules exacerbate the social exclusion and inequality that contribute to many illicit profit-making activities, and of political systems dominated by elite insider factions.

Acknowledging structural constraints, and avoiding these kinds of undesired effects, are crucial to the feasibility of any plan to protect democratic politics from illicit influence, and are reflected in each of the four main policy suggestions below.

Understanding networks

The three countries studied, but particularly Mali and Mexico, tend to have disparate and incomplete information regarding the links between criminal networks, political finance and support, parties and PEPs. Far more systematic efforts to track the loops connecting all these sectors are crucial in order to discern how criminal activity connects with pre-existing routes of patronage or influence trafficking, or generates mutually beneficial relations for politicians, state officials and legitimate businesses.

This sort of network analysis requires judicial and police bodies that combine intelligence and investigations from various fields, and that work alongside election and party monitoring bodies (Falguera, Jones and Ohman 2014: 358). This, in turn, requires political approval and support, which is not always forthcoming. However, on a smaller scale, a number of more ‘technical’ initiatives may help create the conditions for such multi-faceted investigations, or increase pressure on the political establishment to make them possible. Encouraging and acting on information from whistle-blowers is an important enterprise, and has been the source of some of the most significant revelations of high-level corruption and criminal facilitation in recent years, notably through Hervé Falciani’s mass document leak from the Swiss subsidiary of HSBC (Leigh at al. 2015). At the same time, there is little doubt that whistle-blowing encounters major resistance from the establishment, as appears to have been the case upon the creation of MéxicoLeaks in 2015, or can become subject to manipulation, as in the case of Georgia’s prison videos described in Chapter 5. Providing guaranteed means of anonymous document delivery and specialized



judicial resources for criminal cases involving political parties would be an important signal that states are determined to tackle these illicit networks.

Increasing the transparency of political parties is one of most important means of restoring public trust and generating the information needed for network-related criminal investigations. Sworn declarations of assets play a vital role in identifying and sourcing politicians' wealth and business connections, and would appear to be useful innovations for both Mali and Mexico so long as their contents are investigated, and links to business partners and family members explored. Hotlines for the public to report on perceived abuses, as well as other forms of crowdsourced information, have already proven useful in election monitoring in environments with a weak state presence (Bailard and Livingston 2014). New forms of information disclosure and technological innovations, such as an easily accessible electronic portal for information on parties and candidates, can provide better and more regular tracking of political behaviour and finance.

Civil society and the media are vital actors in the fields of political and criminal oversight (Banfield 2015), particularly in relation to tracking the first three 'spaces' of political–criminal interaction: patronage, political violence and interference in local authority affairs. Yet they obviously also face threats, legal obstacles and resource constraints. More can only be expected of these groups and individuals if support is forthcoming from larger organizations and corporations.

Judicial investigations

Judicial investigations followed by arrests, prosecutions, jail sentences and asset forfeiture are important instruments to deploy against political–criminal networks. The examples of the Italian probes into Mafia activity in the 1980s and 1990s, Colombia's investigation of the 'parapolitics' scandal, the Georgian anti-corruption campaign or most recently the work of the CICIG in Guatemala confirm that such probes are feasible even in highly criminalized environments. Although the longer-term effects of these campaigns were not unimpeachable—and in the case of Guatemala, remain hard to foresee—these episodes led to reforms that sought to tackle the impunity of criminal organizations and complicit state officials.

However, institutional and interest group resistance is bound to be greatest in this area. The failure of the judicial systems in Mali and Mexico to act upon evidence of political–criminal links is not merely an accident, but

appears to a certain degree to have been built into the legal system by design. In such cases, the best hope of breaking the judicial deadlock on these matters can be specially appointed and autonomous investigative units, either in the judiciary or Congress. The Narcopolitics Commission in the Peruvian Congress, which has questioned a number of elected politicians and proposed new legislation and sanctions to prevent the political influence of drug organizations, is one recent instance of such a pioneering initiative (*El Comercio* 2015). Using and building on existing investigative institutions, such as the Auditor General's Office in Mali or the INE in Mexico, would likely be more effective than creating entirely new offices that would be subject to the well-known pressures on the judiciary, whether through appointments, resources or direct intimidation.

Political parties' internal affairs

A recurrent feature of political parties in numerous transitional environments is their weak connection to citizens, which is based largely on occasional election campaigns. Loyalty to parties is scant or brittle, party manifestos are thin on the ground, and the grass-roots level is either absent or has very little voice. Stronger membership bases, and more regular control mechanisms by activists of their leaders, could provide mechanisms of internal democracy and accountability. Senegal's recent law banning parliamentary deputies from changing parties is an interesting experiment in maintaining party cohesion and preventing the use of political offices for private interests.

However, stipulating the requirements for internal party democracy in environments where parties are elite-driven vehicles may only increase the number of formalities expected of party leaders, without altering the basic structures of power. In these circumstances, there are two realistic options for promoting responsible and honest party management. The first is by attempting to drain the party and election system of excess expenditure, for example by giving parties that have passed a certain voter threshold free or subsidized access to media airtime (Falguera, Jones and Ohman 2014: 356), as was the case in the Mexican reform of 2007 and the Argentine political reform of 2010. A second area for possible reform is to sanction parties directly for any proven relations between their candidates or elected officials and organized crime, along the lines of the Colombian political reform approved in 2009 (Londoño 2016). These sanctions include fines (including the forced return of state financial support), removal of parliamentary seats or even formal party deregistration. Elected politicians found guilty of ties to organized crime, meanwhile, can be banned from running for public office for life.



Even so, the Colombian reform has not entirely eliminated criminal ties to politics; a number of suspected or indicted individuals have apparently ceded their posts to family members and remained in power behind the scenes: a total of 152 candidates in the local elections of 2015 were accused by monitoring bodies of such criminal linkages, 60 per cent of whom were eventually elected (Ramírez 2015). Moreover, the impact of reforms such as those in Colombia is roughly equivalent to the threat of investigation and sanctions posed by the judicial system, which is by no means guaranteed in many cases.

Phasing and suitability

Reforms need to be tailored to the particular circumstances of each country, and take into account the possibilities of a backlash. The case of Georgia in Chapter 5 is an illuminating example of how sweeping anti-corruption campaigns can enjoy great successes, but are not exempt of side effects that must in turn be addressed through further legal innovations and reforms. Georgia shows how robust methods of clamping down on graft might have contributed to both abuses in the penal system—above all in prisons—and, thanks to the political polarization and geopolitical tensions present in the country during the years of UNM rule, to a perception that the campaign against state or political crimes was a means of ensuring one party's political dominance. These issues and concerns have become increasingly significant to political developments across Eastern Europe; Ukraine's new authorities use the Georgian example to enforce their own anti-corruption measures (*The Economist* 2015).

The three countries analysed have different priorities, which correspond to the distinct phases of a sustainable approach to protecting democratic politics in each context. An essential next step in a context such as Georgia is to guarantee, as much as possible, the independence of the main investigative bodies, and thus the impartial application of the law—including respect for due process and the human rights of all suspects. In Mexico, the priority is a first major offensive against political–criminal ties that avoids the taint of politicized use of the law as much as possible. In Mali, a breakthrough against illicit networks would involve at least one major judicial probe into a member of the political elite that exposes connections with campaign donors, corruption rackets or criminal groups.

The issue of appropriate phasing relates to another crucial consideration—the measures that are suitable for different levels of economic and institutional development. Capacity and resource limits make it absurd and

counterproductive to demand of Mali the sort of sophisticated financial investigations that organized crime merits in other contexts. Thus the law enforcement and legal community should not just address political–criminal ties on the drawing board, but should develop realistic plans for investigative bodies and procedures that can be followed in environments with severely limited capacity. Democracy has spread to many poor, divided and highly unequal social environments. It remains to be seen whether the best methods of protecting democracy can also follow the same route.



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About the organizations



About International IDEA

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization that supports sustainable democracy worldwide. International IDEA's mission is to support sustainable democratic change by providing comparative knowledge, assisting in democratic reform, and influencing policies and politics.

What does International IDEA do?

In the fields of elections, constitution-building, political parties, gender in democracy and women's political empowerment, democracy self-assessments, and democracy and development, the institute undertakes its work in three activity areas:

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
3. influencing democracy-building policies through the provision of comparative knowledge resources and assistance to political actors.

Where does International IDEA work?

International IDEA works worldwide. Based in Stockholm, it has offices in Africa, the Asia-Pacific, and Latin America and the Caribbean. International IDEA is a Permanent Observer to the United Nations.

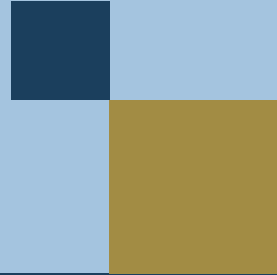
<<http://www.idea.int>>



About the Clingendael Institute

Founded in 1983, The Netherlands Institute of International Relations 'Clingendael' is the leading Dutch think tank and diplomatic academy on international affairs. The institute provides public and private sector organizations with in-depth analysis of global developments in the fields of international security, conflict management and organized crime, and features a number of specialist departments such as the Conflict Research Unit. Clingendael is an independent institute, and as such is not affiliated with any political, social, or religious movement. As a neutral platform, the institute is the ideal location for conferences and round tables, with the primary objective of enhancing the public debate on international affairs.

More information can be found at: <<http://clingendael.nl>>



Political parties are the centrepiece of political representation in democratic systems. Regrettably, political corruption undermines this important role and generates distrust towards politicians, disengaging citizens from public decision-making processes. Organized crime is one of the most conspicuous sources of political corruption. These networks pour money into political parties and forge alliances with politicians and their intermediaries at the national and local levels.

This report provides insights into how multiparty democracy has occasionally shaped and extended the linkages between political parties, politically exposed persons and criminal activity. The analysis focuses on specific cases from Georgia, Mali and Mexico to illustrate these threats, as well as potential strategies for preventing and mitigating relationships between criminals and political actors.

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