



# Organised crime and fragile states African variations

by Luca Raineri and Francesco Strazzari

Exactly how transnational organised crime (TOC) poses a security threat that may undermine the state, including its societal institutions, geopolitical stability and economic prosperity, is a question that has gained traction in public debates over the past decades. And discussions about extra-legal governance – i.e. those political, economic and social arrangements that take shape beyond and against the law – are very much present in Africa, where states are often portrayed as defective. Such discussions are often articulated through dichotomies, such as fragility vs. resilience, good governance vs. ungoverned spaces, and legal vs. criminal activity. Frequently inspired by abstract templates and moral logics, these dichotomies sometimes rest on the use of loose concepts, and hardly convey the meaning given to them by those people who deal with them in their daily lives.

## Understanding organised crime

While debates on good governance and fragility stem from the world of development research and practice, the concept of ungoverned space belongs to the sphere of security doctrines and strategies. In 2011, the World Bank's World Development Report cast a bridge between them and called to acknowledge "the repetitive and interlinked nature of conflict, and the increasing challenge of organised crime [...] for development". The report claimed that fragile states

represent a serious challenge to international security, given their incapacity to counter sovereignty contenders that are nestled within their own territory, including criminal organisations and terrorist networks. In the meantime, scholars have been putting forward theories on the nexus between TOC and armed conflict/civil wars as well as TOC and terrorism.

Ten years after the 1994 Washington Convention on Organised Crime, the UN High-Level Panel on Threats, Challenges and Change ranked organised crime among the top-10 global security priorities. In the following decade, TOC was mentioned in 77 resolutions and presidential statements of the UN Security Council: 83% of these mentions relate to countries or regions in Africa. In the following years, the key terms of the debate have remained significantly vague. Regarding Africa, in particular, perception surveys show that legal and scholarly definitions tend to diverge sharply from local understandings and practices. A basis for consensus lies in the acknowledgement that organised crime should be defined in light of its economic, social and political context, but the specificities of organised crime in Africa remain unclear – whereas research on the Italian mafia or the Japanese Yakuza, for instance, has managed to combine individual specificities with cross-case comparisons and generalisations.

The lack of reliable data complicates things further. Due to its clandestine nature and the elusiveness of its operations, uncertainty about evidence is a structural characteristic of organised crime at all levels – and all the more so in Africa, where the reliability of available statistics is questionable even when they deal with perfectly legal economic activities. Moreover, the capacity to paint a credible picture of undocumented political and economic activities in unmonitored remote regions across Africa is limited. It should therefore come as no surprise that aggregate figures concerning the extent of criminal phenomena in Africa typically vary by up to almost one trillion dollars.

Given these challenges, understanding (and tackling) organised crime in Africa requires systematic reflection and granular analysis combined with creativity, strategic thinking and nuanced responses. A critical investigation of the link between state fragility and TOC is needed in order to detect longer-term trends. Instead of simplistically seeing organised crime as a substitute for the state in conditions where the latter is weak or captured and the territory is ungoverned, the focus should arguably shift towards ‘hybrid’ orders and micro-political economies. Since the colonial era, the rise of the state has indeed been mediated by (various) sovereign practices coming to terms with local interests and hierarchies. Comparative historical sociology focusing on the dynamics of protection and extraction can thus help assess the role of organised crime in the making – and unmaking – of the state in Africa.

### Predators, parasites, facilitators

Examining organised crime means addressing the question of extra-legal governance structures, their business models, their social embeddedness, and how they relate to formal state authorities. Organised crime does not inevitably feature a confrontational relationship with the state, and is not necessarily bound to drift towards violence. Instead, the relationship between criminal groups and the state is subject to significant variation and evolution across time and space, ranging from predatory to parasitic and symbiotic models.

Criminal trajectories can be seen evolving from service provision to mediation, as well as alliance and symbiosis with formal power wielders. In this framework, organised crime may be seen as a sector of activity, not necessarily a distinct actor in its own right:

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criminal actors may find incentives to operate in legal markets, while perfectly legal economic or political actors may have incentives to operate in criminal sectors.

The following can be looked at in order to understand how organised crime affects fragility: the state’s monopoly of coercion, the administration of justice, the degree of administrative capacity, the provision of public goods, and conflict management. The logics of and pressures for protection and taxation are typically more cogent and pervasive where uncertainty is high and formal authority is unable or unwilling to deliver public goods, beginning with security (of individuals, communities, business activities).

Even before considering it a criminal enterprise *per se*, the provision of security on a private basis could be seen as a form of parasitic contract enforcement, a guarantee of the predictability of transactions through the imposition of some form of compliance. In these cases, terms such as ‘violent entrepreneurs’ may be more accurate reflections of reality than an imported reference to the notion of organised crime. Needless to say, such an actor has a vested interest in the reproduction of the conditions that nurture its own rise: uncertainty, poor regulation, selective implementation and – as a profit booster – a broad sector of activities and commodities that, despite being criminalised, are in high demand.

Organised crime can thrive when a given type of activity, although illegal, is considered socially legitimate, and therefore able to generate large profits which, in turn, fosters social mobility and political influence. Situations like this include: border regions, where the presence of sharp economic differentials feeds informal economies, and peripheral or remote regions, where central authorities are more likely to strike informal power deals to ensure loyalty in exchange for turning a blind eye to extra-legal activities. Similarly, while the export of raw commodities represents the core business of several African fragile states, criminal actors are highly likely to step in and ensure intermediation between international markets and extractive industries at local level – especially where regulations might be absent or too strict *vis-à-vis* economic appetites and opportunities.

In some circumstances, however, criminal organisations may have the power to increase social vulnerability and destabilise society: a vast sector of illicit

economy is hardly reconcilable with investment in infrastructure, social services and redistribution. Likewise, the arrival of proceedings from illicit activities is highly likely to distort the way local markets function: some actors will rise while others will be pushed to the margins. And harming the functional integrity of the state or its international reputation is an important part of the debate, too.

Taken all together, these aspects illustrate the need to pay attention to grey areas where collusion and connivance are the rule. In other words, focusing on local practice, rather than on deviance from a norm defined according to abstract legal frameworks, is crucial to understand properly the impact of organised crime in fragile African states.

### Destabiliser or stabiliser?

It is far from clear why, how, and even whether the proliferation of organised crime in fragile states leads to soaring violence and instability. While profitable illegal markets bred violence and even armed conflict and civil wars in a few well-known high-profile cases (such as emerald mining in Sierra Leone and gold mining in eastern Congo), the correlation between the most widespread forms of organised criminal activities in Africa (such as illegal logging, fisheries depletion and tobacco smuggling) and the inception or reproduction of politically destabilising forms of violence is less straightforward. Similarly, the degree of criminal violence associated to wildlife poaching varies dramatically across different African contexts and states.

Recent research shows how other forms of organised crime, in Africa as elsewhere, are not always overtly violent and defiant but can serve as a tool of social control and, therefore, stabilisation. Unsurprisingly, the provision of protection on a private and extra-legal basis can reveal patterns of cooperation – rather than competition – *vis-à-vis* distant state authorities, to the extent that it may contribute to extending territorial control in peripheral regions. State actors have been known to actively promote the dismissal of many of their own functions to the benefit of private and criminal actors, including in the realm of security. Nigeria's Delta region, Mali's north or South Africa's suburbs represent examples of these dynamics. In many cases, including in the Sahara-Sahel peripheries, state authorities have secured the loyalty of local and traditional elites by turning a blind eye to their involvement in illicit economies, such as the smuggling of goods.

In other words, in the short term organised crime may contribute to stabilising, rather than destabilising, the hybrid order of fragile states. This state of affairs is

likely to continue as long as political imperatives do not change or new factors do not emerge – e.g. exogenous shocks such as price changes, new technologies, new political priorities, new actors – do not alter the *status quo*, thereby revealing its fragile foundations.

This collusion (or symbiosis) between states and organised criminal actors is reflected in the growing literature on non-state security providers in African state-building and suggests a focus is needed not only on warlordism and gangsterism but also on the specific dynamics of protection which often remain below the radar.

### Captured or capturing?

Criminal organisations have reportedly stockpiled an unprecedented amount of resources. UN Office of Drugs and Crime threat assessments point out that the estimated GDP of organised criminal networks can outweigh that of some sovereign states in Africa. Scholars and policymakers often use the image of 'state capture' to interpret political instability, violence and *coup d'états*. Borrowed from studies on transition economies, the idea of state capture suggests that fragile states cannot resist the pressure of powerful criminal groups which pursue their interests by hijacking state institutions and distorting policymaking, therefore hollowing out basic rule of law principles and practices. In other words, state capture denotes an extreme version of clientelist or patrimonialist appropriation of the state by illicit criminal groups. In the most extreme cases, state capture may reach law enforcement agencies and the military.

However, the vision of a brutal capture of the state by external forces is often superficial, and may have misleading implications. By contrast, researchers have tried to sharpen their focus on the intimacy that often links – rather than oppose – state apparatuses and criminal actors devoted to plundering resources or circulating illicit commodities. More often than not, the degree of state interdiction or indulgence is a cost factored in by those who run criminal activities: capturing and maintaining the state entails high costs, and many other options are preferable to this one. Yet state authorities exerting the legitimate monopoly of force and retaining some control of borders may also become embroiled in the organisation of criminal activities, attracted by the disproportionate profits. In other words, fragile states can be expected *to be captured* by organised crime as much as to be capturing criminals. As a result, less attention needs to be paid to the alleged competition between state and non-state actors and more to their welding and convergences.

Illegal profits, in fact, stimulate hybrid assembling. criminal/political entrepreneurs favour economic

development, including in legal sectors, and invest in schemes of social protection to buy consensus and secure their own impunity. Strongmen enriched by criminal activities thus become indispensable political actors and are coopted in the networks of patronage politics structuring African governance in both liberal and authoritarian regimes. However, the system of corruption fed by criminal revenues severely impacts local dynamics of legitimacy and social mobility and exacerbates existing cleavages while fostering new ones. The 'criminalisation of the state' in Africa thus calls into question the contract ensuring the stability of the social fabric and can undermine the stability of the states.

## The political economy of organised crime

Within fragile African states, organised crime proves socially embedded and extremely resilient mainly thanks to its capacity to exploit rapidly changing patterns of profit-making. In the broad basket of extra-legal economies, greater attention should be paid to the important – albeit sometimes porous – line that separates informality from crime. While crime can generate security threats, informality often represents a strategy for the survival of the many in a context where only few can experience social mobility – and therefore typically enjoys a high degree of social legitimacy. However, the huge profits granted by criminal activities (including the trafficking of illicit goods such as drugs and weapons) discourage alternative economic initiatives and undermine less threatening businesses, whether formal or informal.

As with diamonds and gold, drugs are extremely remunerative items whose value chain is not too difficult to protect. Yet, inevitably, tempting profits stir competition: in a sector which by definition lacks legal avenues for protection and dispute resolution (even more so within a fragile state), protection quickly assumes the form of a racket, which in turn attracts arms trafficking, eventually leading to a progressive (para)militarisation of society. Available research suggests that, within fragile states, this is more likely to result in widespread violence and instability, and that deeply rooted organised crime makes conflicts last longer, sabotages peace negotiations and impedes security sector reforms.

As long as illicit profits are disproportionately higher than those of legal activities, success will only be sporadic and elusive, while indiscriminate criminalisation of alleged 'narco-terrorists' can equally crystallise the *status quo*. Both policymakers and scholars have proposed to grant more or less explicit amnesties to criminal cartels, provided they do not engage in spoiling peace-processes, thereby undermining the stability of the state. While initiatives decoupling

relatively harmless smugglers from more threatening armed actors may prove quite effective for short-term stabilisation, in the longer term they risk to legitimise power-sharing arrangements that could be perceived as corrupt by significant segments of the population, ultimately eroding the very legitimacy of the state. By resting on strongmen conspicuously enriched by criminal profits, the consolidation of patronage networks may undermine the credibility of redistributive schemes and exacerbate the dynamics of exclusion. This can pave the way to radical contestation invoking the advent of alternative sources of justice, including religious ones, to replace a secular political system seen as inherently corrupt, unaccountable, and even sponsored by the West.

Tackling the causes, rather than the consequences, and recognising that in this field responses are highly likely to become part of the problem could help. Resorting to amnesties and backroom deals, in fact, shows all the limits and the hypocrisy of a purely repressive stance, as demonstrated by the lessons learnt in Africa and almost everywhere. The high profits of criminal activities depend on thresholds of criminalisation, because legal restrictions tend to increase a given good's value on the black market. Leveraging the thresholds of legality and illegality, therefore, can contribute to addressing the root causes of the problem by making crime less attractive and preventing escalations. Similarly, evidence shows that measures focusing uniquely on the supply side have systematically failed to put an end to illegal markets.

Organised crime continues to be seen primarily as a question of law enforcement, and at best a judicial matter. Little effort is made to acquire a comprehensive understanding of the phenomenon, its political economy and its ambivalent, non-linear relationship with political violence and system stability. Associated with the threat of organised crime, the emphasis on the notion of fragile and weak states implicitly refers to the ideal standard of a strong state, whose normativity is taken for granted. The elusiveness of lasting results, however, should make reconsider the terms of the current policy debate and acknowledge that discussing organised crime means discussing the 'state of the state' in Africa.

***Luca Raineri is a PhD candidate at the Sant'Anna School of Advanced Studies.***

***Francesco Strazzari is an Associate Professor of International Relations at the Sant'Anna School of Advanced Studies and a Senior Associate Analyst at the EUISS.***

