



**THE NEW DEAL'S
PEACEBUILDING AND
STATEBUILDING GOALS
AND ORGANISED CRIME**

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THE NEW DEAL'S PEACEBUILDING AND STATEBUILDING GOALS AND ORGANISED CRIME

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About the Disrupting Violent Connections Programme

Seeking to bridge the security–development nexus and break down existing analytic, programmatic and institutional silos, International Alert is exploring and researching innovative peacebuilding solutions at the interface between crime, violence and conflict through its Disrupting Violent Connections Programme. The aim of the programme is to design, test and promote peacebuilding approaches to address the evolving context with respect to new patterns of violence, where criminal, urban and gang violence are having broader political and social impacts. An Advisory Group – comprised of researchers, practitioners and policymakers – will come together approximately three times a year to engage in interactive workshops designed to draw out learning from real experiences. The group will exchange ideas and provide perspectives on effective responses to criminal and other violence in complex contexts, in order to assist with the distillation of best practices. In addition, Alert will seek to design and pilot innovative projects, exploring peacebuilding responses to criminal groups and urban violence. Through this work, we hope to influence the security agenda currently dominating responses to the collective impact of crime and violence on communities, and to encourage the need for a more integrated and de-securitised approach.

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Glossary of terms

Fragility

According to the Organisation for Economic Cooperation and Development (OECD) definition: ‘A fragile region or state has weak capacity to carry out basic governance functions and lacks the ability to develop mutually constructive relations with society. Fragile states are also more vulnerable to internal or external shocks, such as economic crises or natural disasters. More resilient states exhibit the capacity and legitimacy of governing a population and its territory. They can manage and adapt to changing social needs and expectations, shifts in elite and other political agreements, and growing institutional complexity. Fragility and resilience should be seen as shifting points along a spectrum.’¹

Moreover, fragility can exist at national and sub-national levels, creating fragile pockets in otherwise stable states. It can also exist within individuals, causing them to respond violently to stressors. The World Bank has initiated important work on this last aspect. In its 2012 publication on this topic, it views fragility as a problem not only of state capacity, but also of relationships in society.² In other words, while some elements of fragility emanate from the state, others are deeply rooted in societal dynamics – the way individuals and groups interact and the relationships that form out of these interactions.

Organised crime

For the purpose of this report, organised crime will be regarded, in accordance with the United Nations Convention on Transnational Organized Crime, as a series of illegal activities that are perpetrated for profit by a group of three or more persons. Activities include human trafficking, migrant smuggling, drug trafficking, environmental resource trafficking, counterfeit goods trafficking, maritime piracy and cybercrime. We use a number of terms here interchangeably to refer to these various activities and groups. It should be noted that ‘organized crime groups may go under a variety of different names in different countries: syndicates, crime networks, criminal groups, gangs and a host of other, more context-specific, terms’.³

Peacebuilding

Peace is when people are able to resolve their differences without violence and can work together to improve the quality of their lives. Peacebuilding, as defined by International Alert, helps people achieve this by ensuring they can live in safety, have fair and effective laws, participate in shaping political decisions, make a decent living and secure their wellbeing.

The United Nations conceptualises peacebuilding as involving ‘a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundations for sustainable peace and development’.

1 OECD (2012). *Fragile States 2013. Resource Flows and Trends in a Shifting World*. OECD Development Co-operation Directorate (DCD-DAC). p.15. Available at <http://www.oecd.org/dac/incaf/FragileStates2013.pdf>

2 World Bank (2012). *Societal Dynamics and Fragility: Engaging Societies in Responding to Fragile Situations*. Washington DC: World Bank. Available at <http://siteresources.worldbank.org/EXTICPR/Resources/407739-1313432470798/Fragility-Summary-WEB.pdf>

3 M. Shaw and W. Kemp (2012). *Spotting the Spoilers. A Guide to Analysing Organized Crime in Fragile States*. New York: International Peace Institute. p.24.

Statebuilding

Statebuilding is defined by the OECD as: ‘an endogenous process to enhance capacity, institutions and legitimacy of the state driven by state-society relations’. Furthermore, ‘it must be understood against a background of long-term historical and structural factors that contribute to shaping the contours of state formation and the nature of state-society relations. And it must be understood within the exigencies of current circumstances in the country concerned.’⁴

⁴ OECD (2011). *Supporting Statebuilding in Situations of Conflict and Fragility. Policy Guidance*. DAC Guidelines and Reference Series. OECD Publishing, p.20. Available at <http://dx.doi.org/10.1787/9789264074989-en>

Background

According to the World Bank's seminal *World Development Report 2011* (WDR), a quarter of the world's population today live in 'fragile and conflict-affected states or in countries with very high levels of criminal violence'. This is creating a situation where 'remaining forms of conflict and violence do not fit neatly either into "war" or "peace", or into "criminal violence" or "political violence"'.⁵ This suggests that shifts in the constituents, landscapes, cycles and dynamics of violence have taken place. Traditionally, distinctions have been drawn between organised (collective) and interpersonal (individual) violence, as well as between conflict (politically motivated) and criminal (economically motivated) violence. However, these distinctions are unhelpful in the sense that they imply that it is possible to categorise forms of violence simply and separately, which is not the case.⁶ When motivations stem from political grievances, violent disorder is labelled conflict; when the motivations are seen as arising from a quest for profit, it is labelled crime – and this labelling normally determines whether the response will focus on peace or justice.⁷

However, as demonstrated by the World Bank and others, these conventional divisions between civil war and criminal violence may no longer make sense given the amorphous nature of violence, the frequent recurrence of conflict, and the high levels of violence that are witnessed in "non-conflict" settings. Today, more people die from intentional homicides than in conflict settings. Moreover, with criminal activities often providing a revenue base for rebel groups, the line between armed conflict and criminal violence has become increasingly blurred. In certain (mostly urban) contexts, notably in Latin America but also in parts of Africa and the Caribbean, violence can be characterised as "chronic" – a new perverse normality that undermines social relationships and is 'embedded and reproduced in multiple spaces that range from mother-child relations to the ways that people practice religion and think about their governments'.⁸ In these settings, violence has become an accepted method for solving personal disputes, or for governing and defending communities.⁹ While there are multiple motivations behind violence as well as multiple manifestations of it, arguably profit has become more important for a range of actors – including state actors – who also play important roles in the mediation of violence.

These new forms of violence are now regarded as long-term threats to human development – including to the achievement of the Millennium Development Goals (MDGs) – particularly in fragile and conflict-affected states.¹⁰ Countries and cities that have 'the highest rates of violence

5 World Bank (2011). *World Development Report 2011: Conflict, Security and Development*. Washington DC: World Bank. Within this paper, we use the World Health Organization (WHO) definition of violence as 'the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal-development or deprivation'. See WHO (2002). *World Report on Violence and Health*. Geneva: WHO. p.5.

6 Geneva Declaration Secretariat (2008). *Global Burden of Armed Violence*. Available at <http://www.refworld.org/docid/494a455d2.html>

7 J. Cockayne and A. Lupel (eds.) (2011). 'Introduction: Rethinking the relationship between peace operations and organised crime' in *Peace Operations and Organised Crime: Enemies or Allies?* London: Routledge. p.5.

8 T.M. Adams (2012). "'Chronic violence": Toward a new approach to 21st century violence', NOREF (Norwegian Peacebuilding Resource Centre) Policy Brief; T.M. Adams (October 2011). 'Chronic violence: The new normal in Latin America', *OpenDemocracy*. Available at <http://www.opendemocracy.net/tani-adams/chronic-violence-new-normal-in-latin-america>

According to Jenny Pearce, "chronic" violence can be assessed through 'the persistent and recurring character of [violence], measured across three dimensions of time, space and levels of intensity'. Jenny Pearce suggests the following working definition: 'Chronic violence is present where rates of violent death are at least twice the average for high and low income countries respectively, where these levels are sustained for five years or more and where frequent acts of violence not necessarily resulting in death are recorded across several socialisation spaces, including the household, the neighbourhood, the school, intercommunity and the nation-state public space [which brings in disproportionate, sanctioned and non-sanctioned acts of violence attributed to state security forces]'. J. Pearce (2007). *Violence, Power and Participation: Building Citizenship in Contexts of Chronic Violence*, IDS Working Paper 274. p.7.

9 P. Miraglia, R. Ochoa and I. Briscoe (2012). *Transnational Organised Crime and Fragile States*, OECD Working Paper 5. OECD Publishing. Box 2.2., p.12.

10 Or, in the words of the WDR, 'exact other human, social and economic costs that last for generations'. World Bank (2011). *Op. cit.* p.5.

also register the lowest gains in social and economic progress', indicating a link between insecurity and underdevelopment.¹¹ As such, there is growing rhetorical recognition among most development actors that different forms of violence must be considered within the development agenda. However, there is still little agreement about what this might mean in practice and how this area of work should be conceptualised or approached. Focus on structural causes, the importance of building institutions and state capacity, along with increased attention to political dimensions have continued to gain momentum through the WDR, the Organisation for Economic Cooperation and Development (OECD) and others. Nonetheless, that momentum could slow considerably with the realisation that it is possible to build states that are still ultimately fragile and where people feel as insecure in "peace" as they did in conflict.

Yet, there remains a tendency to categorise peace and security in the traditional mould. Thus, at the global level, much of the conversation still focuses on inter- and intra-state wars and their accompanying conflict drivers. In this sense, "21st-century violence" is challenging not only many of the countries where peacebuilding and development actors currently focus, but also our understanding of violent conflict itself. This suggests that we must cast our net wider and explore further the remit of our methodologies to include a more comprehensive set of actors and a broader range of conflict manifestations. It is time to adapt to these evolving dynamics. Continuing to focus efforts myopically obscures the prevalence, diversity and impact of chronic violence – whether criminal, urban, organised, interpersonal or otherwise – and the effect it can have on efforts to assist in the building and strengthening of states that are truly peaceful and stable.

Box 1: Latin America

The countries of the "Northern Triangle" – El Salvador, Guatemala and Honduras – have combined murder rates that roughly double that of Mexico.¹² The World Bank attributes the rise in violence in the region to 'a complex set of factors, including rapid urbanization, persistent poverty and inequality, social exclusion, political violence, organized crime, post-conflict structures, illegal drug use and trafficking and authoritarian family structures'.¹³ The US government estimates that drugs worth US\$16 billion (about €11.9 billion) pass through Central America – more than the national government expenditures of El Salvador, Guatemala and Honduras combined in 2009.¹⁴ The increased trafficking through the region is largely attributed to the stepped-up enforcement efforts in Mexico, as well as the relatively weak post-conflict institutions in Central America. In particular, the justice sector suffers from high levels of corruption, and infiltration of both the police force and justice sector is widespread. The United Nations-supported International Commission against Impunity in Guatemala (*Comisión Internacional Contra la Impunidad en Guatemala, CICIG*)¹⁵ was established in order to tackle organised crime and strengthen the justice system. Meanwhile, private security companies are flourishing and are used by the elite as a means of problem solving rather than for strengthening the state or the rule of law. The private security sector is poorly regulated and not taxed; therefore, it does not bring in any sort of revenue that can be re-invested elsewhere.

11 R. Muggah and G. Milante (2013). 'Less violence, more development', Global Observatory, 22nd April 2013. Available at <http://theglobalobservatory.org/analysis/484-less-violence-more-development.html>

12 S. Dudley (2010). *Drug Trafficking Organizations in Central America: Transportistas, Mexican Cartels and Maras*. Working Paper Series on US-Mexico Security Collaboration. Woodrow Wilson Center for International Scholars and Trans-Border Institute, University of San Diego. Available at <http://stevendudley.com/pdf/Wilson%20Center%20Central%20America%20Dudley%2005%2017%2010.pdf>

13 O. Jütersonke, R. Muggah and D. Rodger (2009). 'Gangs, urban violence and security interventions in Central America'. *Security Dialogue*, 40 (4–5). pp.373–397.

14 S. Dudley (2010). Op. cit.

15 The CICIG's mandate is unprecedented among UN or other international efforts to promote accountability and strengthen the rule of law. It has many of the attributes of an international prosecutor, but it operates under Guatemalan law and in the Guatemalan courts, and it follows Guatemalan criminal procedure. CICIG carries out independent investigations into the activities of illegal security groups and clandestine security structures. CICIG's mandate is available at <http://cicig.org/index.php?page=mandate>

Introduction

Organised crime is frequently listed as one driver and manifestation of the contemporary forms of violence discussed above that is increasing (although it must be emphasised that crime and violence are not always necessarily linked). Therefore, we have chosen to focus on the impact that organised criminality has on political and social instability, particularly its potential to exacerbate conflict drivers and perpetuate fragility. Recent research has provided convincing evidence that this problem is worsening, in part because ‘globalization has reduced the costs of criminal risk arbitrage, leading to a convergence of zones of crime, corruption and weak rule of law’.¹⁶ Of course, the country-specific dynamics of how criminal violence and organised crime affects the social infrastructure of a country, and thereby its fragility, depends on the market and the strength of the institutions in any given context. However, broadly speaking, settings with institutional fragmentation, weak interpersonal ties, high inequality and a poorly functioning state tend to appeal to criminal actors, who see opportunities within these socio-political gaps.¹⁷ Many fragile states already suffer from some, if not all, of the above. Thus, organised crime has the potential to further contribute to fragility by intervening in what are often fraught relationships between state and society, as well as between citizens themselves. At the same time, the characteristics and occurrence of criminal violence in states not classified as fragile mean that the notion of fragility as a result of absent or illegitimate statehood also needs to be re-examined.

Box 2: Mali

Recently, events in Mali have again served as a reminder of the links between politics, security, development (or lack thereof) and illicit economies. The organised trafficking of drugs, and the complicity of certain elements of the state in the trade, played a key role in the breakdown of trust in the government and the corruption of the military forces. The steady sources of finance available to Ansar Dine, AQIM (al Qaeda in the Islamic Maghreb) and other groups may also have provided incentive structures that have contributed to the current situation.

Mali illustrates the negative impact criminal groups can have on conflict exit and recovery. It also demonstrates the ways in which siloed approaches to different manifestations of conflict do not necessarily correspond to the current reality of violent conflict itself. Yet, the Security Council did not mandate an expert monitoring committee focusing on organised crime and trafficking in Mali. Rather, the mandate for the new peacekeeping mission gives a vague mention of organised crime. Moreover, it is unclear what resources and capacity will be allocated to fulfil this aspect of the mandate, or how it will be integrated with other mission responsibilities. This raises concerns that the international community will continue to approach development and peacebuilding challenges separately from security and trafficking threats – creating the false sense that it is possible to distinguish between their causes and effects.

Peacebuilding and statebuilding interventions are currently the most dominant approaches to addressing many of the challenges inherent in conflict-affected and fragile states. But even with conventional manifestations of conflict and fragility, we still grapple with how to handle the realities we know to be true: that ideas of governance are broader than the state alone; that formal government has its limits; that non-state actors often play an important role (regardless

16 J. Cockayne (2009). *Rethinking responses to organized crime and corruption in fragile and conflict-affected situations*. Discussion Paper, World Bank Headline Seminar on Rule of Law in Fragile and Conflict-Affected Situations. p.2.

17 P. Miraglia, R. Ochoa and I. Briscoe (2012). Op. cit. pp.8-10.

of whether we see them as benign or not); and that legitimacy will be difficult to define, even harder to support, and yet critical to building the state–society relations that form the cornerstone of successful efforts.¹⁸ There is a tendency to ignore the fact that the structural conditions for a continuation of some forms of violence might already be in place, especially where the existence of conflict ‘ensures the presence of ex-combatants with fighting skills, creates a culture of violence (including in the security forces), proliferates weapons, possibly destroys peaceful conflict resolution mechanisms, and creates new (financial) incentives through wartime revenue-raising strategies like transnational crime’.¹⁹ This means that, even after formal conflict has ceased, the threat of violence can still affect people’s sense of security. Vestiges of conflict violence can morph into more organised criminal violence; and, even where violence has abated, criminal networks can exploit weak state structures, leading to or reinforcing alternative types of governance.

The New Deal (see Box 3 below) has made impressive strides in furthering the notion that transitions out of fragility will require more harmonised, contextually specific, politically and structurally aware engagements that are geared towards sustainable results and long-term stability. Given this invigorated aspiration of peacebuilding and statebuilding – which seeks to tackle drivers of fragility in a new way – for the purpose of this paper, we will use the New Deal’s Peacebuilding and Statebuilding Goals (PSGs) as a framework within which to consider organised crime, and the impact this increasingly relevant issue could have not only on the achievement of the PSGs but also on progress towards peaceful states and societies. The intention is not to critique the process or the goals in any way, or to suggest that anything should be added to them or their indicators. Instead, we seek to provoke discussion – at the policy, thematic, as well as country level – targeted at specific priority areas of the PSGs, to more closely conceptualise the relationship between crime, conflict, peacebuilding and statebuilding in order to encourage the broadening of policy and practice in consideration of any links.

Box 3: The New Deal and Peacebuilding and Statebuilding Goals

The New Deal for Engagement in Fragile States was presented at the 4th High Level Forum on Aid Effectiveness at the end of 2011, and was endorsed by donor and fragile states, as well as by key development organisations. While there is nothing in the New Deal that is particularly surprising for those who have worked on or in fragile states, its novel aspect is that it captures, in one document, much of the accrued wisdom regarding key areas of focus for building “peaceful states and societies”. More importantly, these recommendations were arrived at through a process shepherded by the International Dialogue on Peacebuilding and Statebuilding (IDPS), with particular drive from the g7+ group of fragile and conflict-affected countries.²⁰

Central to the New Deal are the five “Peacebuilding and Statebuilding Goals” (PSGs): legitimate politics; security; justice; economic foundations; and revenues and services. The goals seek to guide identification of priorities and subsequent funding for them, as well as to serve as a construct for monitoring progress towards their achievement. New Deal implementation will be piloted in Afghanistan, Central African Republic, the Democratic Republic of Congo, Liberia, Sierra Leone, South Sudan and Timor-Leste. Although much of the critical work in support of the New Deal is yet to come, with implementation still at the fairly nascent stages, as of now it represents the hope that the approach to highlighting and addressing key challenges in fragile states has fundamentally shifted – that is, towards one that is more accurate, honest and responsive.

18 OECD (2011). *Op. cit.* p.12.

19 J.B. Atwood and E. van Veen (2012). ‘Go long: Six actions to structurally address organized violence’, IPI Issue Brief. p.7.

20 For more information on the New Deal, see <http://www.newdeal4peace.org/>. For more information on the g7+, see <http://www.g7plus.org/>. The g7+ is: ‘a voluntary association of countries that are or have been affected by conflict and are now in transition to the next stage of development. The main objective of the g7+ is to share experiences and learn from one another, and to advocate for reforms to the way the international community engages in conflict-affected states.’ The members of the g7+ are Afghanistan, Burundi, Central African Republic, Chad, Comoros, Côte d’Ivoire, the Democratic Republic of Congo, Guinea Bissau, Guinea, Haiti, Liberia, Papua New Guinea, Sierra Leone, the Solomon Islands, Somalia, South Sudan, Timor-Leste and Togo.

We feel that this conversation is an important and timely one to have as:

- the specifics and details of New Deal implementation and how it will shift “business as usual” are now being discussed;
- critical debates about development progress and improved country-level impacts are happening within the context of the post-2015 agenda;
- a recent poll of hundreds of thousands of people in the course of the post-2015 process indicated that ‘protection against crime and violence is considered a top priority for future goals’.²¹

The first section of the paper will frame the discussion as to how the current understanding of organised crime and crime-based violence weighs on the five areas articulated in the PSGs. In light of this, this section will also pose a number of key questions to consider in New Deal implementation. The second section will put forth some of the dilemmas associated with the pursuit of the PSG agenda in consideration of challenges posed by issues such as organised crime. Lastly, we will provide a few recommendations on how the opportunity provided by the New Deal can be maximised: on the one hand, by assessing how to increase the likelihood of it being realised as much as possible; and, on the other hand, by reducing as much as possible the likelihood of it being hijacked by developing, and as of yet under-considered, threats such as those posed by organised crime.

21 R. Muggah and G. Milante (2013). Op. cit. p.1. The recent ‘Report of the Secretary-General’s High-Level Panel of Eminent Persons on the Post-2015 Development Agenda’ notes that they include ‘a goal on ensuring stable and peaceful societies, with targets that cover violent deaths, access to justice, stemming the external causes of conflict, such as organised crime, and enhancing the legitimacy and accountability of security forces, police and the judiciary’. The report also, echoing the WDR, concurs that: ‘Contemporary conflict is characterised by the blurring of boundaries, the lack of clear frontlines or battlefields, and the frequent targeting of civilian populations. Violence, drugs and arms spill rapidly across borders in our increasingly connected world. Stability has become a universal concern.’ High-Level Panel (2013). *A New Global Partnership: Eradicate Poverty and Transform Economies Through Sustainable Development*. New York: United Nations. pp.16 and 52. Available at http://www.un.org/sg/management/pdf/HLP_P2015_Report.pdf

Peacebuilding and Statebuilding Goals (PSGs) and crime

PSG 1 – Legitimate politics

Foster inclusive political settlements and conflict resolution

The indicators under PSG 1 focus on the following areas:

- political settlement – diversity in and perception of representation, and its effectiveness, as well as the proportion of provisions in the settlement that are honoured and implemented;
- political processes and institutions – participation in elections and processes, as well as the level of satisfaction with the quality and possibility of participation;
- societal relationships – the number of inter-group disputes resolved by dialogue and/or mediation, as well as the level of trust among people, including between formerly conflicting groups.

Many fragile states, especially post-conflict ones, already face the arduous task of building trust in the state, and public attitudes on the processes that PSG 1 outlines are oftentimes considered to be sceptical at best. As a feature of existing and potential power structures in society, crime has considerable implications for legitimacy. Legitimacy in these contexts stems as much from the health of the state–society relationship as it does from the strength of the state's capacity. This relationship can be tenuous if the past is still contested, if divisions still exist within society and if true reconciliation has been lacking.²² Within the state structure, divisions can also exist. In particular, where fragmentation and atomisation have occurred as a result of democratisation and decentralisation processes, political systems present themselves as being more hospitable to criminal involvement. Specifically in countries that have experienced conflict based on inequality or ethnic divisions, enrichment of certain individuals or groups over others can reinforce these divides and stoke existing conflict grievances. Thus, criminality not only interacts with 'local fissures in governance and development, but directly aggravates them'.²³

Crime can pose a major challenge to perceptions of the quality of governance, as well as the integrity of the government and its conviction to base decision making on citizens' wellbeing, rather than personal interests and monetary gain, which affect faith in the entire peacebuilding process.²⁴ A loss of legitimacy on this scale makes it difficult for a state to inspire constructive citizen engagement and to avoid the fragility trap. This is not to say that corruption and criminal affiliations at the political level automatically result in instability; in some cases, corrupt practices are a key feature of political life and are regarded as completely legitimate means for leaders to secure power and reward followers.²⁵ Profits from crime can be turned into "gifts", which can then be used to provide money, goods and services to communities, especially around elections, thus skewing political competition and the democratic process.²⁶ In fragile contexts, such informal patronage networks are often regarded as more legitimate than weak formal institutions – and it is challenging to extricate the influence that these have from the money that may finance them. If patronage becomes increasingly monetised, there

22 R. Locke. (2012). *Organized Crime, Conflict and Fragility: A New Approach*. New York: International Peace Institute. p.10.

23 P. Miraglia, R. Ochoa and I. Briscoe (2012). *Op. cit.* p.4.

24 *Ibid.* pp.13–14.

25 A. de Waal (2009). 'Fixing the political marketplace: How can we make peace without functioning state institutions?' Fifteenth Christen Michelsen Lecture, 15th October 2009, Bergen. p.2. Available at <http://www.cmi.no/file/?877>

26 USAID (2013). *The Development Response to Drug Trafficking in Africa: A Programming Guide*. Washington DC: USAID. p.13.

is greater potential for hybrid political-criminal actors to gain traction as being legitimate.²⁷ This is one of the many grey areas that make directly targeting illicit behaviour complicated.

Box 4: Sierra Leone

In 2008, a plane loaded with 703 kilograms of cocaine landed at Lungi International Airport in Freetown, the capital of Sierra Leone. Soon after, Sierra Leone's President Koroma relieved the Transportation and Aviation Minister, Ibrahim Kemoh Sesay, of his duties. Minister Sesay was related to the key suspect in the case, Mohamed Sesay, who was later found guilty of cocaine trafficking and who was previously, according to US embassy cables, also a key financial backer of President Koroma's 2007 presidential campaign.²⁸ Minister Sesay was investigated by the Drug Enforcement Administration (DEA) and the Sierra Leonean police but was never indicted. He was later reappointed as Special Advisor to the President. While the investigation of this case did not lead to convictions of high-level politicians, it nonetheless points to the danger of political sponsorship being involved in transnational organised crime in fragile states. It also points to the possible inter-linkages between trafficking and governance in West Africa. The cocaine purportedly belonged to the Valencia-Arbelaez organisation, the leader of which was later arrested. The arrest led to the unveiling of operations in Bolivia, Cyprus, Guinea, Mali, Mauritania, the Netherlands, Sierra Leone, Spain and the US – indicating not only the scope of the organisation's activities, but also the vast quantities of money at their disposal and the potential influence this could buy.²⁹

The complications that arise from this hybridity are becoming apparent in parts of West Africa. This region's involvement in the transatlantic cocaine trade is having an effect on politics, local and traditional governance, and security to the point that 'political actors are using criminal organisations as an aspect of statecraft, and criminal actors are using political privileges as business assets'.³⁰ There is no shortage of examples from other regions where criminal elements have also been able to successfully, and even more deeply, penetrate the political system; this is not a new phenomenon. However, it is perhaps even more troubling to consider in circumstances where the potential profits from involvement in illicit transactions vastly outweigh government salaries, possibilities for alternative sources of revenue, and in some cases even a country's gross domestic product (GDP).³¹

While legitimate politics are important everywhere, this notion is absolutely crucial in fragile states where a precarious citizen–state compact is at the core of the statebuilding process. The potential for this process to be infiltrated or even captured, especially at the nascent stages when it is most vulnerable, is particularly worrisome given the critical importance that the political marketplace plays in determining the future of a fragile state.³² Shifting the incentives for strengthening political institutions and systems at this decisive juncture alters the equation for political elites – from one that should be based on earning the support of the constituency to instead one that uses power to create earnings (and then to buy allegiance) through serving other interests.³³ Incentives affect the

27 A. de Waal (2009). Op. cit. p.15.

28 'US Embassy cables: Sierra Leone minister sacked after cocaine bust', *The Guardian*, 6th August 2008 (one of a series of secret US cables leaked to *The Guardian* by the whistleblowers' website *WikiLeaks*). Available at <http://www.theguardian.com/world/us-embassy-cables-documents/165082>

29 US Department of Justice, US Attorney, Southern District of New York (2010). 'Leader of international drug-trafficking organization sentenced in Manhattan Federal Court to 210 months in prison for cocaine trafficking through West Africa', 20th July 2010. Available at <http://www.justice.gov/usao/nys/pressreleases/July10/valenciaarbelaeszuseduardosentencingpr.pdf>

30 J. Cockayne (2012). 'Africa and the war on drugs: The West African cocaine trade is not just business as usual'. African Arguments Series, Royal African Society. 19th October 2012. Available at <http://africanarguments.org/2012/10/19/africa-and-the-war-on-drugs-the-west-african-cocaine-trade-is-not-just-business-as-usual-by-james-cockayne/>

31 USAID (2013). Op. cit. p.11.

32 L. Anten, I. Briscoe and M. Mezzera (2012). *The Political Economy of Statebuilding in Situations of Fragility and Conflict: From Analysis to Strategy*. The Hague: Clingendael Institute. p.4.

33 J. Cockayne (2012). Op. cit.

public as well, and a 'lack of institutional legitimacy and a history of state predation means that citizens not only have little incentive to engage with the state, they in fact have a strong rationale for seeking alternatives'. This is especially true where people see themselves neglected as a result of corruption or clientelism.³⁴

Box 5: Tajikistan

Approximately 25% of the heroin from Afghanistan, or 95 tonnes, travels through Central Asia. Tajikistan, in particular, is at the heart of this multi-billion-dollar heroin-smuggling network.³⁵ The trafficking route is the country's most valuable resource, with researchers estimating that the industry is equivalent to 30%–50% of Tajikistan's gross domestic product (GDP).³⁶ Tajikistan, unlike other transit countries such as Mexico, sees little drug-related violence. However, the country is still profoundly affected by the trade, and it has been claimed that profits filter down to 'an extraordinary array of state and non-state actors, including the security forces, political actors, warlords and insurgent Islamist groups'.³⁷ The fact that opiate seizures have experienced an 80% drop since 2001 does not necessarily indicate that the trade itself has declined. Instead, it could signal that alliances have been made with the transnational organised crime networks using the country for transit.

An essential component of state legitimacy is not only the perception of and confidence in the state on behalf of its citizens, but also the social cohesion that exists among them, as referenced in PSG 1. However, in some G7+ countries, societal relationships are still somewhat strained and in need of the space and support to recover. Where conflict has normalised the use of violence, the threshold has already been lowered in terms of its acceptability to be used for political or illegal means, as well as between individuals.³⁸ The notion that both criminal actors as well as government actors may profit more from ongoing violence than from peace raises key dilemmas in terms of how organised crime impacts on political settlements. When motivations are for profit, and hence not necessarily of a nature that can be addressed by political concessions and agreements, political deals in the traditional sense may not provide a comprehensive solution to conflict. This underlines the importance of markets, economics and law enforcement in devising peace agreements and in understanding political settlements.³⁹

The entrance or growth of organised criminality into a society that is still experiencing traces of conflict trauma can hinder the rebuilding of trust between groups and communities, also preventing civic pride from flourishing. Even where the existence of networks has led to greater social cohesion in the past, these 'can also serve as mobilising forces exploitable by criminal actors seeking to capitalise on rifts within society for their own financial benefit'.⁴⁰

Considering the above, the following questions arise in relation to PSG 1:

- In contexts where criminal groups, or the pursuit of their interests, have already infiltrated the political system to some degree, how can state structures be strengthened without entrenching these groups or their interests further?
- How can public confidence be built in a system that is perceived to be vulnerable to such threats?

34 R. Locke (2012). Op. cit. p.10.

35 'Drugs in Tajikistan. Addicted. Heroin stabilises a poor country', *The Economist*, 21st April 2012. Available at <http://www.economist.com/node/21553092>; UNODC (2010). *Crime and Instability. Case Studies of Transnational Threats*. Vienna: UNODC. p.27.

36 Ibid.

37 P. Miraglia, R. Ochoa and I. Briscoe (2012). Op. cit. Box 2.2. p.12.

38 T. Adams (2012). Op. cit. p.5.

39 J. Cockayne (2010). 'Chapter Ten: Crime, corruption and violent economies'. *Adelphi Series*, 50:412–413, 189–218.

40 R. Locke (2012). Op. cit. p.15.

- Will adequate political will exist for reform within a context where some elites may benefit from the status quo or where criminal groups may be protected from within?
- How can informal governance systems and local dispute-resolution mechanisms be supported in order to strengthen social cohesion and increase resilience to crime and violence?
- How can peacebuilding and statebuilding take into account implications of patronage systems rather than seeking to dismantle them?
- Where legitimacy is lacking, how can the creation of political space that prioritises the importance of state–society relations and civic engagement be encouraged?
- How should political settlements be supported differently in contexts where the links between organised crime, politics and power are significant?

PSG 2 – Security

Establish and strengthen people’s security

The indicators under PSG 2 focus on the following areas:

- security conditions – including violent deaths, assaults, sexual violence, cross-border violence and internal displacement;
- the population’s perception of security conditions;
- the capacity and accountability of the police and the authorities assigned to monitor police performance;
- the population’s confidence in the police and the perception of corruption of the security forces.

The relationship between crime and violence is not straightforward. It depends on context-specific variables, including interactions between criminal groups and communities; links to and/or approach of the security forces and government authorities; and the levels of competition between various criminal interests and enterprises.⁴¹ Where there is a higher degree of state complicity and less direct confrontation with organised crime, there tends to be less violence, provided that there is also a degree of cooperation among the various parts of an enterprise. Nevertheless, ‘the growth of organized crime in weak states has in numerous cases been accompanied by increasing levels of violence, both in terms of political conflict and public insecurity’, and, even where this is not yet the case, there are other substantial costs.⁴²

The existence and awareness of crime undermines public confidence in the state’s ability to achieve public security and to protect them from threats to their community. In post-conflict states, security is often a service that is in high demand but short supply. Therefore, it can serve as a major marker of state legitimacy. Not only is it one of the most visible elements of the state, but it is also the starting point for re-establishing trust between the people and the state, as the latter regains its monopoly on the legitimate use of force and arbitrary power is shifted into legal authority.⁴³

41 I. Briscoe (2013). *The Threats of Organized Crime: Corruption, Violence and the Challenge of New Approaches in the Post-2015 Agenda*. The Hague: Clingendael Institute. pp.5–6.

42 Ibid.

43 J.-M. Guehenno (2011). *Public security, criminal justice and reforming the security sector: Security and justice thematic paper*. WDR 2011 Background Paper. Washington DC: World Bank. p.3.

Box 6: Liberia

Armed violence and related insecurity is still a major cause of concern to people in Liberia, especially in its capital Monrovia, despite the end of the civil war. A recent report states that, in addition to “criminals”, the youth are frequently cited as responsible for a significant proportion of violence within communities. The report also indicates that large numbers of orphaned or abandoned children during the war have now become homeless youth, who resort to violence and criminality to survive. According to the survey, many people felt that the most serious impact of the armed violence concerned the economic, psychological and social effects. Some described an inability to sleep at night due to fear of violence and criminal activity.⁴⁴ With unemployment rates in the country thought to be hovering close to 80%, few attractive economic opportunities in the immediate future, a burgeoning regional drug trade, the eventual drawdown of the current UN peacekeeping presence, and some former combatant networks still loosely in place, Liberia is highly vulnerable to becoming more involved in the trafficking underway elsewhere in West Africa.

Where the security apparatus has been implicated in past conflict or has a history of abuse, the process of rebuilding and reconfiguring the security forces and their relationship with society is especially sensitive. It requires patience on behalf of citizens and an emphasis on restraint on behalf of the forces themselves. The degree to which capacity already exists, needs to be rebuilt and is resourced as such will determine the window of opportunity that criminal interests have to penetrate and monopolise the relationship with security services. Through their ability to corrupt fragmented and poorly coordinated security institutions, criminal groups ‘can unlock particular services or deactivate security controls without having to engage in costly system-wide bribery’, thus opening up a path with little resistance.⁴⁵

However, in some cases this might not even be necessary, as a degree of instability combined with a lack of capacity and reach on behalf of security services creates an even easier situation to exploit. The profits associated with criminal activities can also be very problematic, by contributing to cycles of unrest and providing the income to fuel existing (or latent) conflicts or funding violence as a negotiating tool on behalf of hybrid political-criminal actors. At the most extreme end, clandestine connections between state elements and illicit markets, and competition for control, may alter the balance of power within the state and raise the risk of coups.⁴⁶

Even where initial dalliances with criminality may not have a demonstrable impact on the broader security situation or the visible “health” of the state, there is certainly no guarantee that this will remain static. While transactions and involvement are contained at the elite level, this might be the case. However, if the market begins to grow and becomes more diffused, in-fighting and competition between various stakeholders will lead to increased violence, which can filter down to the community level.

The citizen dimension of the security angle is critical, but often the most difficult to capture – especially where there is an uneasy relationship between security and safety. The existence of crime may pose a limited threat to security institutions, but the same cannot necessarily be said for communities who might be on the frontlines of day-to-day criminal violence, or who might be impacted more subtly with respect to their perception of safety and due to the fact that they live under constant anxiety and fear.⁴⁷ Whether threats from criminal violence are real or perceived, if civilians feel the need to “take matters into their own hands” to protect themselves,

⁴⁴ M. Fuerth (2011). *Monrovia. An Assessment of Armed Violence and Insecurity in the Liberian Capital*. London: Action on Armed Violence. Available at <http://aoav.files.wordpress.com/2013/05/baseline-assessment-on-armed-violence-in-monrovia-june-2011.pdf>

⁴⁵ P. Miraglia, R. Ochoa and I. Briscoe (2012). Op. cit. p.9.

⁴⁶ J. Cockayne (2010). Op. cit. p.9.

⁴⁷ Conversations within some communities in several post-conflict countries reveal that it is possible for people to actually feel less safe after conflict than during it; they attribute this to increasing levels of community violence and insecurity, oftentimes linked to local criminality. This is an area in which perceptions surveys can be useful for monitoring attitudes.

in addition to their faith in the state being negatively affected, this will also break down the sense of community. In the worst case scenario, it can lead to vigilantism and perpetuate broader cycles of societal violence.⁴⁸ Until violence and weapons are not seen as a requisite for self-protection and the government can guarantee a certain standard of security, full stabilisation will be difficult to achieve. But while these are still seen as the norm, crime can provide an alternative way of life, which uses many of the same tools and skill sets as formal security systems.⁴⁹

Box 7: Mexico

Mexico has seen dramatic changes as a result of its war on drugs. By 2010, there were 15,273 drug-related killings, compared with 1,080 in 2001.⁵⁰ The spike in violence can largely be attributed to the anti-drugs strategy followed by President Calderon. This strategy altered the balance of power between drug-trading organisations and between these organisations and the state. This resulted in an increase in violence: firstly, *against* the state as a retaliation strategy and to secure the market; secondly, *among* the various organisations involved in the drug trade as an opportunistic strategy (filling empty positions and controlling the market); and thirdly, *within* drug-trading organisations as members seek internal mobility.⁵¹ The experience of Mexico provides a powerful example of the challenge that organised crime presents to the state in terms of how to impose rule of law in a way that becomes internalised by the citizenry and that does not result in increased levels of violence.⁵²

Clearly, and as represented by the PSG indicators, any security institutions and responses must seek to refine mechanisms of public support for the systems in place. However, the choice of security responses to criminal threats is also significant. Forceful crackdowns can not only generate violence or make it more profitable for criminals to corrupt security forces or politicians; they can also generate widespread discontent among the population and undermine the entire statebuilding process.⁵³ This is especially true where the cost of bribes is low but where criminal activities exact high rents, meaning that an increase of policing actually leads to a promotion of organised crime and corruption, a disruption of the criminal status quo, and an overall amplification of violence.⁵⁴ In these contexts, a difficult decision is faced – between going after criminal groups themselves or choosing to focus on minimising the harmful effects of their activities, such as violence.

Considering the above, the following questions arise in relation to PSG 2:

- How can security institutions be insulated from being affected by criminal activity – especially in contexts where reforms are ongoing and capacity is still being built?
- How can the international community ensure that it is supporting not only the building of “secure” states, but also those where citizens feel safe?
- What types of additional knowledge and capacities are needed so that responses to the presence of organised crime are able to incorporate more than just a hard security dimension?
- How can perceptions surveys fairly and effectively be used to capture what matters most to the public about their security forces, and then to encourage building trust in them along these lines?
- In societies that have experienced conflict, how can the normalisation of violence and the naturalisation of perverse social behaviour be incrementally reversed?

48 T. Adams (2012). Op. cit. p.4.

49 See T. Adams. 'Proposition 2: Chronic violence undermines social relations and provokes perverse social behaviour that is naturalised among vulnerable groups and becomes a perverse norm that can be transmitted intergenerationally' in T. Adams (2012). Op. cit. p.4.

50 P. Huerta (2012). 'Mexico's "war on drugs": A successful strategy?', *Peace and Conflict Monitor*. Available at http://www.monitor.upeace.org/innerpg.cfm?id_article=894

51 Ibid.

52 F. Thoumi (2009). 'The relationship between illegal drugs and violence. Is there a cause and effect?', *Lilas portal*. Available at <http://www.lanic.utexas.edu/project/etext/llilas/portal/portal109/drugs.pdf>

53 R. Locke (2012). Op. cit. p.3.

54 G. Demombynes (2011). *Drug Trafficking and Violence in Central America and Beyond*. WDR 2011 Background Case Study. p.11.

PSG 3 – Justice

Address injustices and increase people's access to justice

The indicators under PSG 3 focus on the following areas:

- justice conditions – the level of trust in the formal and customary justice systems and the ratio of lawyers to total cases;
- the capacity and accountability of justice institutions – the ratio of public officials tried and convicted to reported cases, the budget allocated to the justice sector as a proportion of total government expenditure, access to the justice system by the general population, and the number of judges;
- the performance and responsiveness of justice institutions – the population's perception of performance and general awareness of legal and human rights.

In fragile and conflict-affected countries, government justice institutions are often relatively new and untested. Similar to the security sector with which they are inherently linked, they are still in need of gaining the confidence of the public. These institutions face the daunting task of increasing both judicial access and capacity, sensitising the public to legal procedures, and overcoming any ethnic, religious or gender bias – sometimes also seeking to redress the notion that the law itself is “above the law” and is there to serve the needs of the public rather than the ruling elite.⁵⁵ Until the justice sector demonstrates this impartiality and legitimacy, a gradual and lengthy process, it is vulnerable both inside and out.

If the justice system is considered a threat by organised criminals, which indicates that a certain degree of political will and capacity exists within, it can out of necessity become a target for corruption and penetration. Where it is seen as ineffective, it might be protected from much criminal interference; however, a favourable public perception of credibility will be sacrificed in the short to medium term. This can, in the medium to longer term, lead to a criminal justice system that becomes impotent, as parts of the state that are of higher criminal value are infiltrated instead, disrupting the checks and balances on power.⁵⁶

Box 8: Guinea-Bissau

The role of trafficking organisations in fuelling violence among elites was evidenced by the political assassinations in Guinea-Bissau in 2009. Over a few days, both the Chief of General Staff of the country's armed forces and President João “Nino” Vieira were killed. Several months later, a presidential candidate as well as a former defence minister were also assassinated. There is little doubt that the killings were linked to the struggle for control over the drug market. To date, no one has been prosecuted in connection with the killings. In April 2013, the former chief of the navy and a key political figure, José Américo Bubo Na Tchuto, designated a “drug kingpin” by the US, was arrested following a sting operation that revealed plans to receive large shipments of cocaine in exchange for weapons to be sent back to FARC.⁵⁷ Indictments indicate the involvement of other senior-level government officials, and Bubo himself told undercover operatives that the weakness of the country's government created favourable circumstances for allowing such deals to be negotiated.⁵⁸

55 J. Sherman (2010). *Criminal justice: Security and justice thematic paper*. WDR 2011 Background Paper. Washington DC: World Bank. p.1.

56 P. Gastrow (2011). *Termites at Work: Transnational Organized Crime and State Erosion in Kenya*. New York: International Peace Institute. p.10.

57 R. Valdmanis (2013). 'US accuses Bissau military chief in Colombia drugs, weapons plot', *Reuters*, 18th April 2013. Available at <http://uk.reuters.com/article/2013/04/18/us-usa-bissau-drugs-idUSBRE93H10Z20130418>

58 A. Nossiter (2013). 'US sting that snared African ex-admiral shines light on drug trade', *The New York Times*, 15th April 2013. Available at: http://www.nytimes.com/2013/04/16/world/africa/us-sting-that-snared-guinea-bissau-ex-admiral-shines-light-on-drug-trade.html?_r=0. See also UN Security Council (2013). 'Situation in Guinea-Bissau marked by insecurity, impunity, despite recent political progress towards development of transitional road map, Security Council told', SC 10/907. Available at <http://www.un.org/News/Press/docs/2013/sc10907.doc.htm>

While supporting local justice capacity, anti-corruption mechanisms and criminal-justice reforms are all important priorities, there is also a risk of ‘creating policies and institutions that can be co-opted by corrupted political masters and turned to the latter’s own advantage’.⁵⁹ Dealing with even relatively unsophisticated organised crime is still a complex legal process that can tax weak justice systems; as the WDR indicates, such systems already struggle for adequate support due to the lack of supply of technical expertise, a point only amplified in contexts that require highly specialised skill sets.⁶⁰

Difficult to measure, but also relevant, is the normative culture of what constitutes legal and illegal practices. What might not have been considered legitimate behaviour at an earlier stage in a country’s history can become socially acceptable. This is especially true after conflict, when ‘the differences between right and wrong, the innocent and the criminal, and moral and immoral become blurred’.⁶¹ For example, the politician, government official or business person who either participates in, or turns a blind eye to, illicit activity and receives compensation in return does not automatically become a “criminal” or cease to be a politician or entrepreneur.⁶² In fact, in countries that have experienced lapses in the rule of law, “the law” itself can still be a fungible and foreign concept. Again, similar to the case with public security, if citizens fail to believe that the justice system can prevent and effectively (and fairly) deal with criminality, they will be more inclined to do so themselves by meting out vigilante or extrajudicial justice, or retaliatory violence.⁶³

In addition to focus on the justice sector, understanding the many layers constituting justice and accountability within a society – whether political, religious or cultural – is important when rebuilding trust in the state and respect for the law. Initiatives that hope to transform individual behaviours and local political economies must be aware of and able to work through existing social networks and structures, including those of the customary justice system.⁶⁴ Nonetheless, it should be kept in mind that the informal system alone is often not equipped to deal with serious organised, cross-border, white-collar crime or corruption.⁶⁵

Considering the above, the following questions arise in relation to PSG 3:

- How can the justice system’s impartiality be shielded from penetration by criminal interests – especially in contexts where reforms are ongoing and capacity is still being built?
- What are the types of capacities that must be built within the justice system to address the unique challenges posed by organised crime?
- What is the appropriate balance between the security and justice systems in building the capacity to deal with threats, such as those posed by organised crime – and how can the two be more closely linked in strategy so that the burden is shared?
- How can the prioritisation of technical support and institutional capacity building still take account of the political nature of justice and not ‘undermine the balance in authority and power that is at the core of a rule of law system’?⁶⁶
- How can the conception of justice move beyond criminal justice, to also incorporate informal and traditional mechanisms – ensuring that local justice requirements are concurrently strengthened in a way that feeds into a broader vision of legitimacy for the rule of law?⁶⁷

59 J. Cockayne (2011). *State Fragility, Organised Crime and Peacebuilding: Towards a More Strategic Approach*. NOREF Report. p.7.

60 Ibid. p.10.

61 T. Adams (2012). *Op. cit.* p.5.

62 I. Briscoe and E. Dari (2012). ‘Crime and error: Why we urgently need a new approach to illicit trafficking in fragile states’. CRU Policy Brief No. 23. p.4.

63 J. Sherman (2010). *Op. cit.* p.15.

64 J. Cockayne and A. Lupel (2011). ‘From iron fist to invisible hand – peace operations, organised crime and intelligent international law enforcement’ in *Peace Operations and Organised Crime: Enemies or Allies?* London: Routledge. p.193.

65 J. Sherman (2010). *Op. cit.* p.2.

66 B. Harborne and C. Sage (2010). *Security and justice overview: Security and justice thematic paper*. WDR 2011 Background Paper. Washington DC: World Bank. p.2.

67 J. Sherman (2010). *Op. cit.* p.16.

PSG 4 – Economic foundations

Generate employment and improve livelihoods

The indicators under PSG 4 focus on the following areas:

- productive resources and prospects for growth – including access to infrastructure, income inequality among regions and economic diversification;
- jobs, livelihoods and private sector development – including level of employment, number of new businesses and the share of food in household expenditure;
- natural resource management – including the ratio of local/foreign employment, the existence and quality of the regulatory framework, and perception of participation in and benefits from natural resources.

While it is impossible to isolate specific conditions that directly lead to criminal activity, it is believed that the existence of certain structural factors such as ‘high unemployment, high income inequality, prior exposure to violence, democratic collapse, low gross domestic product and weak institutional capacity’ do contribute to a country’s vulnerability.⁶⁸ Research collected for the WDR indicates that ‘unemployment and idleness’ are important factors in drawing youths to both rebel movements and gangs (39.5% and 46%, respectively). Nevertheless, determining the exact link between violence and unemployment is contentious, most probably because it is additionally complicated by other intervening motivations such as identity, respect and feelings of exclusion, as well as a lack of empirical data.⁶⁹ However, regardless of the precise link, in fragile states that have experienced conflict, these same concerns are also raised with respect to large numbers of young people, some of whom were involved in past conflicts and still maintain affiliations to networks formed during that time.⁷⁰ While these networks may have changed and shifted, they can still serve as important hierarchical constructs, for economic means or otherwise, especially where reintegration has been less successful. Considering the trafficking of both licit and illicit products through these networks and routes during conflict, it is not a far stretch to imagine these being used for similar purposes in a post-conflict setting that offers few alternatives.

The lack of enough viable economic opportunities currently poses a challenge to many states, fragile or otherwise. Moreover, where there are no alternative options or social safety nets, this can lead to significant disaffection and a warping of the “cost-benefit calculus”, thus influencing decisions to become involved in criminal activity.⁷¹ Youths in desperate situations facing bleak outlooks can become willing to take substantial risks and to ‘do almost anything to gain access to the resources and authority that will allow them to escape this social moratorium’.⁷² Where typical opportunities for social mobility through education or jobs are a rarity, crime can provide not only a livelihood, but also the feeling that young people are in charge of establishing an identity and determining their own future. If crime provides an alternative livelihood at a time when other options do not exist, it is extremely difficult to lure people back to education and formal employment if and when those options arise.

⁶⁸ J. Cockayne (2011). Op. cit. p.6.

⁶⁹ World Bank (2011). Op. cit. pp.79–80. For a more in-depth discussion of the strength of the causal link between unemployment/underemployment and violence, see C. Cramer (2010). *Unemployment and participation in violence*. WDR 2011 Background Paper. Washington DC: World Bank.

⁷⁰ For an interesting comparison of the similarities between ex-combatants and gang members, see J. Spear and B. Harborne (2010). *Improving security in violent conflict settings: Security and justice thematic paper*. WDR 2011 Background Paper. Washington DC: World Bank. p.15.

⁷¹ World Bank (2011). Op. cit. p.78.

⁷² H. Vigh (2012). ‘Critical states and cocaine connections’ in M. Utas (ed.) [2012] *African Conflicts and Informal Power. Big Men and Networks*. London: Zed Books. p.151. See also H. Vigh (2010). ‘Youth mobilisation as social navigation. Reflections on the concept of *dubriagem*’ in *Cadernos de Estudos Africanos* 18/19.

Often, the discussion of risk of involvement in organised crime, gangs or violence is mostly focused on young men. This is largely to do with the fact that, aside from organised crime's involvement in human trafficking and prostitution rings, not enough is known about the role of women in organised crime, or about the impact of crime on gender relations. However, research conducted on the gender-impact of gangs could provide an insight into how crime can play an important role in reaffirming hyper-masculine identities, particularly in poor and marginalised communities.

For an initial period, illicit markets can also be a vital source of local income and can broaden the prospects of economic modernisation and state formation.⁷³ In addition, growing illicit crops that carry a high market-value, such as khat and marijuana, can also be culturally significant.⁷⁴ Ultimately, however, in terms of the economic environment and investment climate – through its ability to undermine security conditions and interpersonal trust, enhance corruption and generate unsustainable spurts of wealth – crime can result in significant costs for business and economic growth.⁷⁵ Drug trafficking in particular can contribute to economic destabilisation by: inflating currency; manipulating customs systems; disproportionately expanding certain sectors through money laundering; and leading to investment in non-productive sectors that ‘encourage “conspicuous consumption at the expense of long-term development” and exacerbate unequal income distribution’.⁷⁶

Box 9: Democratic Republic of Congo

In the Democratic Republic of Congo (DRC), it is estimated that 40 tonnes of gold, worth US\$1.24 billion (€927 million), are smuggled out every year,⁷⁷ constituting about 5% of the DRC's annual gross domestic product (GDP).⁷⁸ Many other mineral products are also smuggled out of the country each year, making the total value of smuggling much higher. Eastern DRC is home to a large number of non-state groups that, to some extent, engage in trafficking of illicit goods. Some have formed alliances with the state; others battle regularly with the state and the UN peacekeeping operation. The consistency of aggression, including between groups, has resulted in a fundamentally insecure environment.⁷⁹ The vast majority of the population in the east of the country depend on the informal economy to survive. The population's perspective on unofficial economic activities is one of ambivalence: on the one hand, these activities are deemed illegal, but, on the other hand, they are viewed as a necessity.⁸⁰ The informal economy is often only portrayed in the negative light of illegal trade without due recognition of the immense importance of this trade for many people. The DRC highlights the huge potential that exists between some of the networks that cross state borders – for legal trade – if they could be persuaded to engage in the formal economy. Therefore, arguably efforts in the DRC should be concentrated on better management of the economic and political dynamics associated with the informal economy, in order to benefit the Congolese people.⁸¹

The relationship between licit businesses and the illicit economy may not be straightforward, with the possibility that criminals own or invest in legitimate businesses, or that businesses provide services for criminals, thus further complicating matters.⁸² Private sector growth, which is much

73 I. Briscoe (2013). Op. cit. p.5.

74 Stated by Neil Carrier at the School of Oriental and African Studies (SOAS) on 22nd October 2012, at the launch of the book: N. Carrier and G. Klantschnig (2012). *Africa and the War on Drugs*. London: Zed Books.

75 I. Briscoe (2013). Op. cit. p.5.

76 USAID (2013). Op. cit. p.14.

77 World Bank (2011). *World Development Report 2011: Conflict, Security and Development*. Washington DC: World Bank. p.57.

78 R. Locke (2012). *Organized Crime, Conflict and Fragility: A New Approach*. New York: International Peace Institute. p.3.

79 Ibid. p.5.

80 M.E. Baaz and O. Olsson (2011). 'Feeding the horse: Unofficial economic activities within the police force in the Democratic Republic of the Congo', *African Security*, 4(4). pp.223–241.

81 International Alert (2012). *Ending the Deadlock: Towards a New Vision of Peace in Eastern DRC*. London: International Alert. Available at <http://www.international-alert.org/resources/publications/ending-deadlock>

82 I. Briscoe and E. Dari (2012). Op. cit. p.5.

needed but already difficult to garner in these contexts, will be further dissuaded if foreign investors see the presence of crime as additionally impacting on their assumption of risk. In a worst case scenario, this can forestall equitable economic growth, meaning that elites involved in the higher echelons of the criminal market will continue to profit, while underdevelopment and poverty will remain the norm for the majority.

Box 10: Central African Republic

Organised crime in Central African Republic (CAR) has not received much attention, as more pressing threats to political stability have been prioritised. The security situation still remains dire after the March 2013 coup d'état, when the Seleka rebel coalition ousted President François Bozizé.⁸³ However, as argued by the United Nations Office on Drugs and Crime (UNODC), much of the ongoing violence in the region is rooted in and financed by organised crime. In the case of CAR, this includes resource smuggling, poaching and trafficking.⁸⁴ CAR is also both a source of and a destination country for children subjected to forced labour and sex trafficking.⁸⁵ The UN secretary general asserts that government-supported militias in CAR use children.⁸⁶ Moreover, the secretary general's latest report to the Security Council points to the heightened risk of cross-border trafficking and proliferation of small arms and light weapons in the region, given that there are many foreign combatants within the Seleka armed forces, as well as other deserted weapons that can be trafficked.⁸⁷

Many of the g7+ countries are blessed with considerable natural resources, increasing their prospects to create the economic foundations PSG 4 refers to. However, this also increases their risk of these markets being targeted by criminal groups. Whether it is minerals, oil, diamonds, timber, wildlife or other products, the trade in these resources provides a ready market for criminal infiltration, as well as access to profits that can be used to enrich networks and finance involvement in other enterprises. Competition over natural resources can fuel violence and 'sustain a political economy in which the perpetuation of the status quo is more profitable for many and therefore difficult to overcome'.⁸⁸ In contexts without adequate regulatory capacity, the existence of natural resources also provides attractive opportunities for political-criminal backroom deals to take place, complicating attempts to support transparency.

Considering the above, the following questions arise in relation to PSG 4:

- Are there any social or community measures that can be put in place if there is going to be a gap between a country's vulnerability to organised crime and its ability to provide adequate economic and educational opportunities?
- How can people's incentives to enter formal employment or education systems be preserved in a context where organised crime provides "easy" money?
- How can licit markets be protected from the damage that can be done by criminal markets, while still facilitating economic growth and ease of doing business?

83 Human Rights Watch (2013). 'Central African Republic: Rampant abuses after coup', 10th May 2013. Available at <http://www.hrw.org/news/2013/05/10/central-african-republic-rampant-abuses-after-coup>

84 UNODC (2011). *Organized Crime and Instability in Central Africa. A Threat Assessment*. Vienna: UNODC. Available at http://www.unodc.org/documents/data-and-analysis/Studies/Central_Africa_Report_2011_web.pdf

85 United States Department of State (2011). *Trafficking in Persons Report – Central African Republic*. Available at <http://www.refworld.org/docid/4e12ee8cc.html>

86 United Nations Security Council (2010). *Report of the Secretary-General on Children and Armed Conflict, A/64/742-S/2010/181*, 13th April 2010. New York: United Nations.

87 United Nations Security Council (2013). *Report of the Secretary-General on the Situation in Central African Republic, S/2013/261*, 3rd May 2013. New York: United Nations.

88 R. Locke (2012). Op. cit. p.6.

- How can the dynamics of the local political economy be better understood with an eye towards transforming it, on the one hand, to reduce any associated violence and, on the other hand, to also fold ‘it into the state, thus strengthening the state’ but without necessarily formalising it?⁸⁹
- How can sufficient institutional capacity to deal with sustainable resource management and implementation of regulatory standards be supported in order to protect the extractive industries from infiltration by criminal groups, while at the same time encouraging and facilitating growth in that sector?
- How can private sector development be encouraged in environments considered to be high risk, but in a way that supports conflict and crime-sensitive operations and business practices?

PSG 5 – Revenues and services

Manage revenue and build capacity for accountable and fair service delivery

The indicators under PSG 5 address the following areas:

- revenues – state monopoly over and capacity to undertake tax collection, the proportion of tax revenue and how the state’s tax efforts are perceived;
- public administration – the quality of financial management and internal oversight mechanisms, the budget execution rate, the number of public officials sanctioned for corruption, and the population’s perception of the links between corruption and service delivery;
- service delivery – quality standards, social spending, the distribution of services, access to services and public satisfaction with service delivery.

Limited and uneven access to services is a ‘defining characteristic’ of fragile and conflict-affected countries.⁹⁰ The scarcity of and value placed on these services – and the long route of accountability that can exist between the government and citizens in terms of delivery – means that they often become ‘the currency of political patronage and clientelism’.⁹¹ In these contexts, the results of decisions about the “who, what, where and when” of service delivery are both visible and political. The increased connectivity that technology and infrastructure have allowed means that governments have even less time to boost their capacity in this area, as citizens are now increasingly aware of the types and quality of services others have access to. This can easily breed feelings of dissatisfaction and exclusion if people are not on the receiving end.

Given its high visibility and noticeable impact on the daily lives of citizens, this PSG is perhaps one area where criminal groups can be seen to be in direct competition with the state and can most damage its credibility if they are able to step in and provide similar, better or more needed services. Examples from Lebanon, Mali, Jamaica and Colombia demonstrate how delivering services can be an effective way to garner popular support and allegiance, at the same time undermining state legitimacy.⁹² Once popular perception has shifted, if the state attempts to intervene, especially if it chooses to do so aggressively or without being capable of providing commensurate services, it risks being seen as an adversary.

Even where criminal groups are not in a position to deliver key services themselves, this PSG is still vulnerable to impacts from criminality. When public services are thought of as any other commodity, the sector can fall prey to corruption and private capture of public resources, which can lead to rent-seeking.⁹³ This frustrates public financial management reform efforts, affects the

89 J. Cockayne (2011). Op. cit. p.10; J. Cockayne (2009). Op. cit. p.2.

90 M. Baird (2010). *Service delivery in fragile and conflict-affected states*. WDR 2011 Background Paper. Washington DC: World Bank. p.3.

91 Ibid. p.5.

92 R. Locke (2012). Op. cit. p.5.

93 OECD (2008). *Service Delivery in Fragile Situations. Key Concepts, Findings and Lessons*. OECD/DAC Discussion Paper. OECD Publishing. p.18.

quality of internal oversight mechanisms and can unnaturally hinder growth if certain interests prefer to preserve the status quo in terms of economic distribution. It can also create a situation where only those who can afford to buy services receive them, widening the rift between “the haves and have-nots”. When the service in question happens to be security, not only do criminal groups lend themselves particularly well to the provision of this service, but the privatisation of this can be a source of conflict in itself.⁹⁴

Box 11: Afghanistan

In Afghanistan, organised crime has become a mode of governance. For the warlords, governance is executed through control of territory and of the market. The central government controls the brokering power and the state institutions. As explained by Citha D. Maass, an alliance of interests links the centre and the periphery: ‘Weak state institutions and the formal sector make securing power, political appointments and profits possible. The weakness of these legal structures opens up a regulatory grey area in which the regional politicians operate as “security providers”, maximizing profits from illicit commercial activities (the drug trade and the shadow economy) and laundering these profits in the formal sector.’⁹⁵ The complex relationship between the central government and the periphery illustrates the very real dilemma that emerges when the institutions that are meant to deliver security or justice are not necessarily in the hands of the state, or when the state institutions are not considered the most legitimate or sometimes are not even present. In the international community, decentralisation is widely regarded as one of the ways Afghanistan might be able to deal with the withdrawal of NATO forces and as a possible governance solution that could bring in groups that, until now, have opted out of the political system, providing for broader-based participation.⁹⁶ However, with decentralisation comes much higher costs of monitoring organised crime and corruption.

Meanwhile, Afghanistan is reaching record opium production levels, according to the UNODC Opium Risk Assessment 2013 report on Afghanistan.⁹⁷ And, while the country is mostly thought of as one that produces drugs, local consumption is also becoming an increasingly worrying problem, with more than one million adult heroin addicts, a high number of opium-addicted children and limited treatment facilities. There is also growing use of crystal methamphetamine (“crystal meth”), and, with the withdrawal of foreign troops in 2014, there are fears that Afghanistan could become a transit country for Iranian-produced crystal meth on its way to Asia.⁹⁸ Afghanistan provides an alarming example of how local demand can be created by the appearance of a product on the market. Meanwhile, drug control efforts have thus far focused mostly on poppy eradication, while much less attention has been paid to the rising domestic addiction problem among both adults and children.

There is another important element that must be considered under this PSG, particularly if the presence of criminality is linked to drug trafficking, even within predominantly transit countries. While local markets can take some time to develop, there is a likelihood that they will eventually develop to some extent – especially if networks are partially being “paid in kind”. Evidence from recent case studies in Africa conducted for the United States Agency for International Development (USAID) confirms that ‘problematic drug use is increasing along trade routes and affecting people with divergent backgrounds ranging from uneducated former child soldiers to private school students from relatively well-off families’.⁹⁹ This trend has been reiterated by the United Nations,

94 M. Baird (2010). Op. cit. p.20.

95 C.D. Maass (2011). *Afghanistan's Drug Career: From War to Drug Economy*. SWP Research Paper, Afghanistan Analysis Network. p.2. Available at http://www.swp-berlin.org/fileadmin/contents/products/research_papers/2011_RP04_mss_ks.pdf

96 M. Semple (2012). *Power to the Periphery? The Elusive Consensus on How to Decentralise Afghanistan*. CIDOB Policy Research Project. p.2.

97 UNODC (2013). *Afghanistan Opium Risk Assessment 2013*. Vienna: UNODC. Available at http://www.unodc.org/documents/crop-monitoring/Afghanistan/ORAS_report_2013_phase12.pdf

98 A. Ferris-Rotman (2013). “It can become a cancer”: Rising crystal meth use worries Afghanistan, *NBC News*, 29th May 2013. Available at http://worldnews.nbcnews.com/_news/2013/05/29/18584107-it-can-become-a-cancer-rising-crystal-meth-use-worries-afghanistan?lite

99 USAID (2013). Op. cit. p.14.

which notes that in West Africa cocaine, crack and heroin consumption continues to increase.¹⁰⁰ Where public health services, especially mental health facilities, are woefully inadequate if not non-existent, and understanding of the potential harms of addiction is still basic, it could present a problem that has implications for generations to come if growing domestic drug use is not guarded against from the outset.

Considering the above, the following questions arise in relation to PSG 5:

- Can states with limited resources and capacities provide a counterweight to the ability and legitimacy of criminal groups to compete through service provision, perhaps by focusing on particular services?
- Where people rely on alternative affiliations and networks to fulfil their social and economic needs, how can the state still communicate its legitimacy and commitment to governance and ensure that the state–society relationship is slowly built?
- Where central government has limited reach, how can decentralisation be an effective strategy – but in a way that is protected from criminal involvement and rent-seeking, and that can also eventually be absorbed into government structure?¹⁰¹
- Where there is limited capacity, what are the appropriate oversight mechanisms (beyond budgetary control) and how can they be put in place to serve as an additional layer of accountability, and to provide a degree of regulation?
- How can domestic and international political and financial support for a public health approach to drug use be supported in a context where there are also legitimate security concerns related to trafficking?

100 United Nations Security Council S/2012/977 (2012). *Report of the Secretary-General on the Activities of the United Nations Office for West Africa*, 31st December 2012. New York: United Nations. p.4.

101 OECD (2008). *Op. cit.* pp.34–36.

Dilemmas¹⁰²

Political vs. technical

Until quite recently, especially for some “strictly” development and economic actors, it was difficult to officially acknowledge that there was any political component to their work. The fact that finding the right balance between political and technical approaches can now outwardly be admitted as a challenge faced by almost all of those working on and in fragile and conflict-affected countries indicates that some progress has already been made towards becoming more comfortable with this dilemma. However, this admission alone has not made it any easier to know what the right balance is in any given context, or to integrate this duality into policy and programming. As a result, it is still tempting to prioritise or highlight one over the other.

Because of this, there is an inherent danger in thematically dividing up the PSGs in a way that reinforces traditional sectoral approaches and that could encourage purely programmatic responses. Such an approach could potentially lead to only the surface effects of issues being addressed. It could also allow cross-sectoral themes to fall through the cracks, government capacity to be built unevenly and donors to “cherry-pick” only what they want to support. While referring to key capabilities (very similar to the PSGs) common to effective states that serve as sources of legitimacy, the OECD warns:

‘The tendency to seize upon these ... capabilities, and translate them into projects and programmes, needs to be resisted. Strengthening key state capabilities (police, the judiciary, public financial management, etc.) from a technical standpoint alone is insufficient. To treat these merely as technical exercises denies the fundamentally political basis of statebuilding, and risks ignoring and addressing the political interests that have resulted in the current status quo.’¹⁰³

But it is important not to tip the balance too far the other way either, as ‘the complicated – and hybridized – motives for violence that the international community is now confronting make it extremely unlikely that purely political solutions will be effective in lowering the levels of violence in fragile states’.¹⁰⁴

The issue of organised crime further complicates and amplifies the challenge surrounding this dilemma. In part, this is because there is disagreement over ‘whether to treat organized crime as a political *actor* within the peacebuilding process, to be contained through reactive bargaining and coercion; or whether to treat it as a structural *factor* that peacebuilding should seek to address through structural transformation, e.g. through development-style programming’.¹⁰⁵ Where crime has become intertwined with politics, it will further test our ability to get the balance right, requiring an approach that engages political and technical responses in a highly synergistic way.

Taking all of the above into account, the New Deal, particularly if used the way intended, provides a platform that could host both the political and technical aspects of peacebuilding

¹⁰² The OECD has previously discussed several dilemmas that emerge in supporting peacebuilding and statebuilding processes, noting that ‘what is required to end violence may be quite different from what is needed to lay the long-term foundations of peace and development’. While the dilemmas we raise here are, for the most part, either directly or indirectly related to addressing issues that arise in relation to the PSGs and/or organised crime, they can also be seen in a similar light in terms of things that need to be carefully managed, while taking into consideration the interests of short-, medium- and longer-term goals. OECD (2011). Op. cit. p.49.

¹⁰³ OECD (2011). Op. cit. pp.33–34.

¹⁰⁴ J. Spear and B. Harborne (2010). Op. cit. p.2.

¹⁰⁵ J. Cockayne (2011). Op. cit. p.5.

and statebuilding. Moreover, the boldness with which the PSGs attempt to draw attention to this balance – for example in PSG 1 through use of the word “legitimate”, reference to political settlement, and agreement that citizens’ views on these matters are critical, along with the importance of institutional capacity – welcomes an approach that is more holistic from the outset by acknowledging the inter-related nature of the goals themselves.

Indicators

Through the New Deal implementation process, the issue of indicators has been given much thought. The dilemma with indicators is that, if used too literally, they could tightly frame and thus limit the space that exists to address the core of the PSGs – including the constellation of accompanying and related factors surrounding them. This is especially true if these are deemed “immeasurable” (which many of them are). Conversely, if used artfully, indicators can serve as the latticework on which linkages between indicators and the intangibles of the peacebuilding and statebuilding process can be captured, monitored and discussed. It will thus be important that, regardless of political pressure, perception surveys are kept as a data source – ensuring that there remains a balance between structural measurements and people-based ones and reinforcing the notion that much of the aforementioned process depends upon strengthening state–society, as well as inter-societal, relationships.

However, no matter how well they are used and how rigorous the data collection methods are, indicators will only be able to tell one part of the story. Therefore, they must always be viewed with objectivity and caution, and not over-emphasised. The appropriateness of achieving them in any given context must be weighed carefully, and the fact that oftentimes the most important achievements do not lend themselves to quantification must also be recognized.

There is also the concern that, if wrongly interpreted, indicators could be used to draw erroneous conclusions. For example, if levels of crime reporting, violence and prosecutions have reduced, this does not necessarily mean that organised crime itself has waned. Instead, it could indicate that crime has become more symbiotic with government, wielding a potentially more damaging blow to the statebuilding process.¹⁰⁶ If applied in a way that is “crime-blind”, indicators could also be used to legitimise a status quo that is more vulnerable to criminal involvement or one that is seen as illegitimate in the eyes of its population. In this way, they could also be used to stigmatise certain groups, or justify prioritising a particular interest area regardless of whether this is actually the best place to channel resources.

Template

Similar to the sentiment above regarding indicators, the dilemma here is the way in which the moment is seized to use the PSGs as a template. If used unimaginatively, the New Deal process could disappointingly serve to rubber-stamp a situation where nothing of substance changes. In this scenario, partner governments might encourage greater spending through national budgets (yet not necessarily in a sustainable or coordinated manner) and donors might feel as though they were more effectively ticking the boxes on the list of priority areas concerning fragility (yet without pushing their own or partner governments’ conservative comfort zones to deal with tricky and politically sensitive issues such as organised crime).

This is obviously an overtly cynical (and one hopes unlikely) scenario. A far more preferable scenario would be to take inspiration from the New Deal and what it proposes that is actually new: a balance between donor and partner governments as well as between governments and citizens; a more level playing field in terms of decision making and programming; a more astute and transparent approach to issues that fall outside of a traditional development purview; and an

¹⁰⁶ *Ibid.* p.8.

inclusive cycle of monitoring and accountability to ensure that critically important, yet difficult to achieve, goals do not “fall through the cracks” or “off the map”, even if they are contentious.

Political will

The New Deal has already provided the space for governments and civil society to demonstrate that they have the will to come forward and identify the drivers of fragility within their countries. This is encouraging. However, it remains to be seen whether the political will exists to then consistently address these drivers. This is especially the case considering the possibility that drivers of fragility, and vulnerability to crime and violence, might stem from the same place – at the root of which are perplexing and formidable issues of dissatisfaction and inequality perpetuated by, among other things, a damaged social contract. If so, this would place countries in the difficult position of accepting unpleasant realities, with little incentive to do so, considering that addressing those realities is an arduous and long-term process – one that will probably far outlast current governments.

Likewise, the political will must exist equally among donors to provide the assistance and funding that the New Deal needs to be successful. This includes support for dissemination more broadly within these countries, beyond select government interlocutors – a process that will take time and money and that will need a considerable level of accompaniment and commitment.

Both donors and g7+ countries will need to have the appetite to confront issues such as organised crime. These are issues which they might prefer to downplay or to address solely by assisting with building structures – for instance, by bolstering security and law enforcement responses – instead of tackling the less obvious, more delicate but just as damaging causes and impacts. If this will does not exist in genuine and equal measure on both sides, the dilemma presented is whether there is actually the potential to do more harm to the concept of peacebuilding and statebuilding by an initiative such as the New Deal if it falls short of expectations.

Ownership vs. accountability

One of the most exciting prospects of the New Deal is what it inherently means for ownership – not just in shifting ownership from one government (donor) to another (g7+), but in promoting a broader interpretation of inclusivity and ownership. At the moment, the diffusion within countries varies greatly, and the central concern is how to move this beyond the line ministries that were at the forefront of the negotiation and adoption phase, and share it throughout governments (including municipal/local) and civil society. This process will not necessarily be easy in countries where personalisation of power is still the norm and where there are fractious opinions about how and what to prioritise. However, it will not be possible to foster the shift from the process being mostly supply driven, as it is now, to one that is more demand driven, until the New Deal is encouraged and supported to move beyond the elite and into the community.

But one dilemma inherent in more extensively spreading ownership is that accountability could also become more complicated and cumbersome. Finding the right balance between oversight and flexibility will be key – and has important implications for protecting against a situation where consultation paralysis makes it difficult to get things done or to agree on programming quickly enough, or where there is a risk of losing response flexibility. Attention must be paid to the absorption capacity that exists for complex accountability mechanisms while institutions are still being solidified, and the level and process of accountability ‘must bind social expectations in a virtuous cycle to both state capabilities and systems of governance’.¹⁰⁷

107 OECD (2011). Op. cit. p.32.

There is a danger that enhancing equitable ownership, often linked to supporting a decentralisation agenda, could make certain elements of the state more vulnerable to criminal penetration, and this will need to be closely monitored. Taking guidance from the fact that peacebuilding and statebuilding must be endogenous processes owned and led by national actors could also pose tough trade-offs for the international community – that is, in terms of the extent to which responses to organised crime can be, or even should be, pushed externally.¹⁰⁸

Legitimacy (state vs. non-state)

In this paper, the importance of legitimacy is raised as both a means to building and also a consequence of an improved relationship between the state and its population. It is also highlighted as an area of vulnerability that criminal groups can capitalise on. Taking as a starting point that ‘in contested environments institutional legitimacy cannot be taken as a given’ and that ‘perceptions of legitimacy or the lack thereof often reflect divisions that exist within society’, it is clear that sources of legitimacy will vary and, to some extent, may be disputed.¹⁰⁹ Simply put, these divergent standards of legitimacy will require reinforcing the “good” kind, while de-legitimising the “bad” kind – state or non-state. In practice, this will not be simple at all, especially where it requires recognising that even less benign non-state actors can sometimes play constructive roles in statebuilding.¹¹⁰

A factor of success for the New Deal will be its ability to build legitimacy between various stakeholders, and within the process itself. Similarly, effective responses towards crime will require an acute understanding and contextualisation of issues of legitimacy and any vacuums around it. This will include an appetite to shift that understanding beyond a straightforward institutional or central government interpretation and to be comfortable with supporting multiple forms of legitimacy, regardless of their formal status.

Local vs. central authority

Further to the above, donors and multilateral institutions have traditionally dealt primarily with central authority because it has been easier, for numerous reasons. Although lip service is now paid to the importance of strengthening local authority, this is generally left to national governments to undertake, regardless of their capacity to actually address it thoroughly and properly, with limited support. Decentralisation agendas tend to focus firstly on the political aspects, such as elections, and less on the services that must accompany these aspects for actual legitimacy to be gained or for reach of authority to be achieved.

There is also often a lack of regard for how these efforts might impact on local dynamics. Within this gap exists an opportunity that can be exploited by criminal actors, responding to the ‘primordial need of largely unaccountable leaders to fund patronage networks’ and support local clients and their interests.¹¹¹ This can lead to a ‘decentralisation of corruption’, resulting in ‘the entrenchment of political corruption and criminal power at the local level rather than the political centre’, a factor that also raises the costs of monitoring.¹¹² While the involvement of local actors is absolutely mandatory, decisions about the degree to which (and how) decentralisation can be supported will have to be made based on the realities of service provision and power, the quality of the state presence at sub-national levels, and the potential for various forms of state capture.¹¹³

108 USAID (2011). *Statebuilding in Situations of Fragility and Conflict*. Washington DC: USAID. p.6.

109 R. Locke (2012). Op. cit. p.10.

110 USAID (2011). Op. cit. p.14.

111 I. Briscoe (2011). *What Makes Countries Vulnerable to Transnational Organised Crime?* NOREF Report. pp.12–13. See also P. Miraglia, R. Ochoa and I. Briscoe (2012). Op. cit. p.9.

112 J. Cockayne (2013). ‘Chasing Shadows’. *The RUSI Journal*, Vol. 158, No. 2. p.19.

113 OECD (2011). Op. cit. p.32.

Advocacy vs. implementation

The New Deal's commitment to inclusivity, dialogue and partnership provides a historic window of opportunity for civil society to become more actively involved in determining how their country makes progress towards peace and prosperity. There is a role to play as both advocates and implementers of the New Deal – but, before they can become the latter, there is still much work to be done on the former. Civil society and g7+ populations are the ones who can push for the right kind of implementation to happen (that which takes into account many of the challenges and dilemmas that we have discussed above) and for greater political will to honestly and transparently address difficult issues. They can also ensure that the process itself does not get subsumed or hijacked by personal interests.

The New Deal's idea of shared ownership empowers multiple stakeholders, but then also allows others to hold them accountable for this ownership. It goes without saying that civil society, by its very nature, is far from being monolithic. However, in order for this dynamism to be harnessed constructively, civil society will have to live up to its responsibility and find a way to advocate for common goals together. Groups that are only looking for funding opportunities or are serving the interests of local powerbrokers rather than providing links between the state and its citizens, and between citizens themselves, will not be suitable for this task.

National governments not only need to encourage increased civil society participation in this process, but they must also enable it. Likewise, donors not only need to encourage it to happen, but they must also provide the required support so that it can. In addition to its assistance with progress towards the PSGs, civil society also has a unique role to play in educating and raising awareness about, as well as reducing social tolerance of, the insidiousness of organised crime, particularly at the community level. Civil society should be seen and supported as a key asset in this respect.

Peacebuilding vs. statebuilding

The challenges relating to the type of “21st-century violence” referred to in the WDR, and spoken about more specifically here in terms of organised criminality, defy strict categorisation and thus will be able to adapt to and evade strictly categorised responses. The long-term hope to address murky challenges such as these lies in the promise offered by the New Deal: whereby peacebuilding and statebuilding are brought together, acknowledging that tackling fragility will require mutually reinforcing efforts with an accompanying process that is built around engagement, dialogue, transparency and all the other elements it espouses.

Importantly, the New Deal also provides an opportunity to put some of the constantly evolving thinking into practice by moving beyond an emphasis on institution and capacity building, to also consider societal and political dimensions, both contextually and programmatically. The relationship between the two is clear but not obvious – in that integrating the two more closely will require peacebuilding approaches that are more sensitive to longer-term issues of state legitimacy and capacity, while statebuilding efforts will have to better account for drivers of peace and conflict in their activities.¹¹⁴

There is a necessity for both the structures of the state to promote peace, as well as for the people within and outside of those structures to do the same. This should not be seen as an excuse to solely build more prisons or courts, or to put more police on the streets; it must also be about addressing underlying social ailments, including those that may not be immediately visible. To do this, real resilience will need to be built – moving beyond mere rhetoric to develop a

114 OECD (2011). *Op. cit.* Box 1.1, p.21.

context-specific understanding of what coping and protection mechanisms are and how they can be bolstered, so that societies can insulate themselves from impacts of crime and chronic violence related to it.

Through the PSGs, there is the potential to adopt a more concerted and innovative approach to tackling drivers of fragility. However, at the moment, taken at face value there are more distinct overtones of the “statebuilding” rather than the “peacebuilding” element in them, and the framework is presented mostly from the perspective of what governments can do, in a top-down fashion. The reality is that responses to issues such as crime will need a ‘simultaneous bottom-up/top-down approach’ that uses multiple entry-points and engages on multiple levels.¹¹⁵ Meanwhile, there is the danger that a framework such as this could create tension between peacebuilding and statebuilding – theoretically, analytically and programmatically – either setting one up to fail or to be subsumed by the other. This will have to be managed carefully as, in essence, some of the novelty and momentum of the framework stems not only from this tension, but also from the tensions arising from the dilemmas discussed here. If capitalised on, this tension could actually help to motivate key stakeholders, and both sectors, to articulate what their vision for incremental progress towards peace is and to perform to the best of their abilities to achieve this aim.

Substance vs. process

There is a brief, but important point to be made regarding the expectations of the New Deal. If there is a choice to be made in terms of priorities, will there be a dilemma between supporting a fundamental change in the substance or focusing more on getting the process right? If most of the additionality of the PSGs is seen as the shared ownership and accountability embedded within, then the process itself could become more important than the substance within the framework. However, momentum of the process could be lost if decisions on substance are not also moved forward – and the process cannot be allowed to stall.

In the implementation phase, keeping this balance in sight – and recognising that a fair amount of the substantive detail will have to be decided on at the country level, will shift as the context does and will be interpreted differently by the various stakeholders – will be important if ownership, vis-à-vis the process, is to be prioritised. While in the short term this might mean that there will be less opportunity to focus on quick-win results, and that it will be difficult to measure progress, ultimately there will be greater opportunity to address complex and divisive challenges down the line if greater effort is put into strengthening formal and informal systems, relationships and structures in the medium term.

Governance vs. government

The terms “governance” and “government” still tend to be used too interchangeably, especially in environments where there is a fundamental discrepancy between them. The assumption that governments are necessarily good at governance – or are regarded as legitimate providers of governance by their constituents – has been proven false time and time again. Where governance takes different forms, especially if those forms are unfamiliar to donors (e.g. hybrid or illicit), the tendency is still to focus efforts on strengthening national government. Related to this dilemma is the need to also better appreciate the functioning of informal and formal sectors, along with the relationship between governance and these economies, and to become more adept at supporting and working through both, rather than only concentrating on how to encourage a transition into formality.

Criminals and their networks are comfortable with operating on multiple levels, adapting their activities to the context, capitalising on interstices between the formal and informal, as

¹¹⁵ P. Miraglia, R. Ochoa and I. Briscoe (2012). *Op. cit.* p.21.

well as inserting themselves between government and notions of governance. Overlooking the relationship between these various factors not only means potentially missing out on key opportunities to access alternative sources of legitimacy and to strengthen local capacity to resist criminal overtures, but it also means turning a blind eye to those who exploit these spaces for criminal purposes and economic gain.

Institutional change vs. normative change

Enhancing the ability of states and societies to support peacebuilding and statebuilding processes, and making them more resistant to negative impacts of fragility, will require both institutional and normative change. Recent years have seen a lot of emphasis placed on the institutional reform agenda and getting the structures in place so that responses can be more efficient and effective. This has been an important step, but without commensurate focus on normative change, increased impacts and results will not be sustainable.

The truth is, we know much less about how to foster normative change, and therefore the default position is to continue to support institutional change. In part, this is because there has been an overwhelming fear of conflict relapse, and strengthening the state is one of the “easier” ways we can guard against this. But at the same time, an imbalanced focus on institutional change when coupled with an ‘incapacity to provide basic rights and services, impose the law, and control illicit activities have weakened the legitimacy’ of fragile states, and thus allowed a situation where ‘non-state and illegal pluralisms fill the vacuum ... which further undermines the possibility of unified state governance’.¹¹⁶

That is not to say that we have necessarily made matters worse. Rather, it means that we are more adept at supporting structures than people. Moreover, often in our rush to get programming in place, we can overlook what the cause and effect will be, moving beyond bureaucracies to consider impacts on the day-to-day lives of ordinary citizens. Decision making must therefore take into account normative as well as institutional change. Not addressing the former in places that have experienced chronic violence could normalise perverse social behaviour, undermine social relations and weaken attempts to re-build fractured societies.¹¹⁷

The current approach towards organised crime is similarly bifurcated. Looking at the phenomenon in terms of groups of people is how law enforcement interprets it by necessity of the way in which security and justice systems are designed. Furthermore, these groups of people are usually conceived of as highly sophisticated, cohesive, full-time professional criminals.¹¹⁸ Of course, these types of criminals do exist, but they are the exception rather than the norm. More useful would be a strategy that approaches ‘with greater intellectual honesty the incentives facing local politicians, business and the public – not all of whom can be arrested and tried – and recognizes organized crime to be a rational behavioural modality, not simply a quasi-professional activity’.¹¹⁹ Understanding crime by the activities undertaken, where ‘the organizing principle is the invisible hand of the market, not the master designs of criminal organizations’, allows us to see that, as long as incentives remain in place, there will be people to fill those networks.¹²⁰

To address this problem, as well as broader issues of fragility, a deeper understanding is needed of how issues of both structure and agency affect these challenges, and how the New Deal can be used to implement and incentivise progress on both institutional and normative levels.

¹¹⁶ T. Adams (2012). Op. cit. p.4.

¹¹⁷ Ibid. p.4.

¹¹⁸ I. Briscoe and E. Dari (2012). Op. cit. p.3.

¹¹⁹ Ibid. p.4.

¹²⁰ UNODC (United Nations Office on Drugs and Crime) (2010). *The Globalization of Crime. A Transnational Organized Crime Threat Assessment*. Vienna: UNODC. p.19.

Conclusion

Nothing in this report is meant to be alarmist or intended to be taken as a *fait accompli*. There are states that are deemed “fragile”, which are not afflicted by organised crime, just as there are those considered “non-fragile”, which face its violence and other harmful effects on a daily basis. There is still much to learn about the links between violence, underdevelopment, conflict, fragility and organised crime – including how they interact with host environments, and vice versa. We posit, however, that we already know enough to be extremely concerned. Organised crime is an issue that has real potential to perpetuate the very fragility we are trying to address through means such as the New Deal, the PSGs and numerous other interventions. It could prevent sustainable peace and development from being able to take hold on the precarious foundations that would exist within states and societies hollowed out by crime and any related violence. Considerable time, appreciable financial commitments, and most of all incredibly hard work, have gone into statebuilding efforts thus far – with much more to come. It would be negligent to ignore something that could consistently reverse those gains and erode the goodwill and legitimacy that has already been painstakingly built.

Yet, while other sensitive and problematic issues that challenge development have become easier to acknowledge and discuss, the topic of criminality still elicits marked discomfort among peacebuilding and development practitioners. In part, this is because, as previously mentioned, not enough hard data and circumspect analysis exist on this issue, but also partly because there is a reluctance to point out something for which there is no effective response as of yet. In addition, while thinking has admirably evolved quite a bit on statebuilding and some of its murkier conundrums, it is still unclear whether traditional donor institutions are ‘dedicated to, or capable of, the enormous intellectual, cultural and institutional changes necessary to turn these perspectives into reality’.¹²¹ This might especially be the case when to do so would require accepting that occasionally it will be necessary to ‘work with some rather less savoury nonstate actors as well, namely the strongmen, warlords, and power brokers who control urban neighbourhoods and large rural territories outside of central control, or who hold government posts but govern mainly through their patronage networks or private militias’.¹²² Perhaps even more difficult is having to recognise that, in some ways, at least in the interim, the aforementioned might be able to support development and statebuilding efforts better than the international community. There are numerous other concerns that publicly acknowledging this topic would raise for fragile states – including sovereignty, but also the unwanted spotlight it might place on delicate national struggles. Thus, there is currently little impetus and few incentives for key stakeholders to be honest with themselves and others regarding the seriousness of this issue.

This is in contrast to the abundant incentives that exist for organised crime and trafficking networks to capitalise on globalisation and fragility, along with the advantageous lead-time created by a delay in appropriate responses. The spread of transnational crime has recently been greatly facilitated by ‘the perverse incentives created by the prohibition of goods for which there is persistently strong market demand in richer countries, including drugs, rare timber and endangered species, counterfeit goods and prostitutes; and the ease with which a globalised trading and finance system allows for goods, licit or not, to be moved by sea, air and land, for money to be diverted and laundered, and for groups in remote locations to communicate in real time’.¹²³ These enabling factors are combined with porous borders, weak rule of law and oversight,

121 USAID (2011). Op. cit. p.12.

122 Ibid. p.14.

123 I. Briscoe and E. Dari (2012). Op. cit. p.2.

poorly paid government officials and civil servants, informal economies and trade networks, and rampant underemployment to serve as beacons inviting criminal networks to anchor and become entrenched. Once crime has been able to take root – economically, politically and socially – it will become tacitly tolerated by government and societies, making it much more difficult to deracinate.

Lessons learnt from other cases indicate that, where offending patterns of criminality have not been dealt with during conflict, they 'will continue to have a costly impact upon public safety long after peace-building strategies have been initiated, with crime (especially organised crime) often overtaking conflict as a leading cause of insecurity'.¹²⁴ Where the wounds of war have not healed or the complex knots of political transition have not yet been untangled, the appearance of criminal money and violence can be particularly deleterious – reshaping 'electoral processes, political parties, security forces, horizontal inequalities, ethnic rivalries and basic conceptions of citizenship'.¹²⁵ It is not difficult to see therefore why societies could easily become trapped in persistent cycles of violence and fragility – where 'violence begets violence because it generates structural conditions for its own continuation and because it reduces social capital', in the end becoming a rational strategy in itself.¹²⁶

Even where violence itself is not prevalent, more subtle, but no less damaging, impacts will still be felt from criminality – structurally, communally and individually. While these might be easier to ignore, there is a responsibility not to. Nevertheless, most development and security actors still rely on the level of violence organised crime produces to assess if it has any effect on their work.¹²⁷ The categorisation that governments, analysts and programmers feel most comfortable with is not applicable to this worrisome trend, with its multi-faceted motivations, impacts and dimensions. This makes it more acceptable to still conceive of organised crime as predominantly an issue for law enforcement, despite the fact that the educated wisdom available to us at this point indicates that its reach is much further. The reality is that it perniciously confronts peacebuilding, statebuilding and development efforts – and, even though there is already a very long list of priority areas for these fields, this one must be added to the agenda. To do so will not be to work at cross-purposes; many of the same goals we are attempting to reach through our statebuilding and peacebuilding approaches are the same as those we need to achieve in order to combat the entrenchment of organised crime.

The opportunity provided by the New Deal is exciting. The aspiration underpinning this initiative is that states can move along a spectrum of fragility, eventually exiting it by becoming resilient – and doing so in a way that promotes stronger societies, invests in people as well as structures, and fosters dialogue between the state and its citizens.¹²⁸ The reality is not quite as simple, and we know that the pathway each country takes will be unpredictable, contingent and fluid, as well as rife with pitfalls along the way.¹²⁹ We will need policy tools that help us to navigate this terrain. The PSG framework could provide just that, allowing the space to take a fresh and honest look at fragility and the risk factors associated with it, and to bring everyone on board. We need to think carefully about what we mean when we conceptualise peace – whether we mean the narrow definition as in the absence of violence, or more broadly as real and perceived safety and security and the ability to address the underlying drivers of conflict and fragility.¹³⁰ If we mean the former,

124 A. Lewis (2013). 'Violence in Yemen: Thinking about violence in fragile states beyond the confines of conflict and terrorism', in *Stability: International Journal of Security and Development*, 2(1): 13, DOI. pp.1–22. Available at <http://dx.doi.org/10.5334/sta.az>

125 I. Briscoe (2011). Op. cit. p.1.

126 J.B. Atwood and E. van Veen (2012). Op. cit. p.7.

127 C. Kavanagh (2013). *Getting Smart and Scaling Up: Responding to the Impact of Organized Crime on Governance in Developing Countries*. New York University. p.19. Available at <http://cic.nyu.edu/content/responding-impact-organized-crime-governance-developing-countries>. The study cites the current situation in Mali as an important example of this, stating that: 'Despite broad knowledge of links between high-level officials in Bamako and criminal groups operating in northern Mali, the country was largely portrayed as a development success. It was only when the situation turned violent did attention turn to some of the more structural issues underpinning these relations.'

128 R. Locke (2012). Op. cit. p.8.

129 B. Jones and M. Elgin-Cossart (2011). *Development in the Shadow of Violence: A Knowledge Agenda for Policy*. New York: Centre on International Cooperation. p.12.

130 R. Muggah and G. Milante (2013). Op. cit. p.1; USAID (2011). Op. cit. p.4.

we are in grave danger of building middle-income fragile states, some of which will still be afflicted by unacceptable levels of violence. If we mean the latter, statebuilders and peacebuilders have a duty to consider organised crime in their work, and a chance to move beyond reactive responses and instead to exercise preventive measures by working with governments, societies and people to support their efforts to reduce vulnerabilities and build resilience, peace and stability for the next generation – in other words, goals that fall squarely under the mandate of peacebuilding and statebuilding and that underpin every endeavour.

Recommendations

Recommendation 1: MORE

- **Acceptance** – that organised crime is an issue that has considerable potential to derail peacebuilding and statebuilding efforts, by perpetuating the fragility they seek to address. It can do so by negatively impacting governance; reducing the equitable impact of development and economic growth; feeding cycles of conflict and/or violence; and preventing countries' ability to reconcile their past, invest in building greater legitimacy, and focus on healthier state–society and societal relationships. It is contradictory, on the one hand, to discuss how we can work towards achieving greater development impacts in international policy fora and, on the other hand, not to integrate consideration of spoilers to this that are currently playing out at the country and regional levels.
- **Awareness raising and sensitisation** – outside of law enforcement, organised crime is an issue that is still somewhat specialised and not very well known, even among practitioners who are well versed in drivers of fragility and conflict. Awareness and understanding among affected publics tend to be even lower. With the growing recognition that this is not a niche issue, much more effort will have to be put into raising awareness and mobilising efforts to educate and sensitise governments, multilateral and bilateral institutions, agencies, civil society, informal and formal networks, the private sector and communities about harmful impacts. In many of these settings, at the individual level, it might be difficult to compete with the incentives offered by crime, but empowering people with the knowledge to make more informed choices could eventually lead to a fostering of normative change and reduced societal tolerance.
- **Research and analysis** – the WDR stated in 2011 that ‘the international system has not been adjusted to keep pace with the emerging analysis of conflict – in particular recognition of the repetitive and interlinked nature of conflict, and the increasing challenge of organized crime and trafficking’.¹³¹ Not enough progress has been made since then. We know enough to understand how complicated this issue is, but we still have much further to go in understanding the dynamics underpinning it. Additional data, research and analysis need to be collected and produced, so that we can begin to elucidate a more detailed and comprehensive view of: systems (and the groups/networks that operate within them); value chains and revenue flows; actors and stakeholders (including various levels of involvement); motivations; incentives; informality; power structures; and the relationship between these and legitimacy, the licit economy, governance, violence, underdevelopment and fragility. In analysing the problem in greater depth, more attention should also be paid to innovative responses that have worked well so far in various contexts, to add to a growing body of knowledge.
- **Cooperation and sharing** – the information gleaned from the above research agenda will only be properly put to use if we are then able to channel it into effective decision and policymaking processes. This will require breaking down silos and putting greater effort into “translating” information for different sectors and end users. Most importantly, it will require talking to one another – and encouraging varied groups of researchers, practitioners and policymakers to come together in order to discuss, share knowledge, insights and different perspectives, and then strategise on more holistic and collaborative programming responses.¹³²

¹³¹ World Bank (2011). Op. cit. p.181.

¹³² J. Cockayne (2013). Op. cit. p.18.

Recommendation 2: LESS

- **Aversion** – to this agenda, because it is uncomfortable and politically sensitive and because we are, by nature, risk-averse, set in our ways of working and resistant to anything that requires us to adapt. Taking inspiration from the New Deal and its push for a more frank discussion of drivers of fragility, we cannot avoid addressing underlying issues because we would rather not have difficult conversations. Organised crime is a “great equaliser” in the sense that it afflicts wealthy, poor, fragile and non-fragile countries alike; therefore, it would seem to be an appropriate topic to begin to tackle together.
- **Heavy-handed and overly securitised approaches** – this approach has backfired enough times and in enough different contexts to dictate the need for a new way of thinking about how we can deal with the increasing spread of organised crime. This will, of course, still include law enforcement measures, but these should also be bolstered by complementary efforts taking place on multiple levels. These efforts should seek to provide a more comprehensive package of alternative options, targeting not only criminals themselves but also their incentive structures and motivations, as well as the environment in which they operate by supporting the development of crime-resistant communities and exploring the use of “soft power” to shift norms and behaviour.¹³³
- **Unsophisticated understanding of what crime is** – straightforward narratives help us to make sense of complicated problems, especially those that we may not have enough information about or insight into. With organised crime, this has led us down a path of oversimplification, where, as discussed in this report, we still tend to think in terms of “good guys” versus “bad guys”. This is inconsistent with the way in which we have seen crime play out in certain environments – that is, where ‘it fits perfectly into a social, political and institutional groove’ and ‘adaptive, context-specific and opportunistic use is made of an illicit business network that very often directly complements other licit activities’.¹³⁴ Criminal groups can also wield considerable political power, calling into question whether we should continue to treat them as being outside politics, and thus solely as targets for law enforcement, or if we must consider engaging with them differently.¹³⁵
- **Caution and “wait and see” attitude** – while the earlier recommendation points to the need for more information, we have enough to at least get started. The international community has a somewhat mixed record when it comes to conflict prevention; this is an opportunity to proactively and pre-emptively begin to address a burgeoning threat that has the potential to trigger even worse outcomes and setbacks. Waiting for a certain threshold of violence or economies to be crossed before deciding to act will only increase the likelihood that entrenchment will have already taken place. Experiences from other countries indicate that this is not a problem that will improve on its own over time – this leaves little justification for inaction now.

133 Ibid. p.20.

134 I. Briscoe and E. Dari (2012). Op. cit. p.4.

135 J. Cockayne (2013). Op. cit. p.17.

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