Sustainable approaches to organised crime in Mali and the Sahel

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This report is based on highlights from roundtable held in Bamako, which gathered Malian government officials, experts, and civil society representatives as well as multilateral and regional organisations and bilateral institutions at the Ecole de Maintien de la Paix Alioune Blondin Beye, on 14 and 15 October 2014.

Introduction

Although the ongoing crisis in Mali had diverse local proximate causes and triggers, analysts and policy-makers agree on a core set of causes that exacerbated latent inter- and intra-community tensions leading to open conflict: a failure of governance and functional democracy, corruption of the state, lack of development and service delivery both in the north and the south, unresolved issues of political and economic marginalisation and rebellion, lack of civilian trust in law enforcement forces, weak border security and the settling in the north of 'extremist' groups, a free flow of weapons following the Libya crisis, and finally organised crime i.e. illicit trade and its alleged links to terrorism.

While most of these causes are being addressed in the current peacebuilding and reconstruction efforts, the latter seems to fall through the cracks. Although organised crime is mentioned as a key factor of instability by Malian and international actors, alongside terrorist networks and usually in direct relation to them, in practice, only counter-terrorism programmes are being unfolded, and the issue of addressing criminal flows is a peripheral issue in negotiations around future governance agreements. It appears that development actors simply are not ready or equipped to tackle the impact of crime on peace and development. While some cooperation and development institutions consider the issue of crime outside of their mandate, others are increasingly aware of its socio-economic root causes and impact and are willing to adapt their programming, but simply don't have the experience and toolbox to do so, and thus, in many cases, caution outweighs impetus as state complicity and corruption seem to be core issues at stake.

Nevertheless, rebuilding Mali without directly tackling this issue in collaboration with Malian state and non-state actors is precarious, and likely to ensure that the triggers for instability that prompted the previous round of the Mali conflict remain in place. Although efforts to negotiate with selected armed groups, restore security, deliver justice and reconciliation and improve service delivery are worthy, they will prove unable to prevent another crisis if they fail to address underlying structures, cultures and institutions that promote violent conflict. As many analysts and practitioners point out, no alternative livelihood project has so far been able to compete with the high-profit margins offered by trafficking, kidnapping or banditry. Failing to understand the contextual socio-economic dynamics at stake in a region where the informal and illicit economies are intricately woven in family, cultural and livelihood strategies, will not only undermine efforts towards a sustainable peace but potentially harm existing endogenous resilience mechanisms and further destabilise the region. Furthermore, as long as armed groups remain well-resourced by illicit funds, they will have little incentive to engage in efforts towards peacebuilding and central state consolidation.

International Alert, in collaboration with the Global Initiative against Transnational Organised Crime, held a dialogue meeting in Bamako on 14–15 October, where Malian government and civil society representatives, multilateral organisations and bilateral institutions exchanged their analysis and definitions of organised crime in Mali and the Sahel and started exploring collaborative approaches to tackling organised crime in a sustainable way.

Defining organised crime

Organised crime is difficult to define in Mali and the Sahel region, because it is not clear how networked and organised it actually is, and because of blurred lines between the informal economy, illicit trafficking and financial/political/ideological motivations. Various individuals, clans, ethnic and armed groups are thought to be involved, to various extents, in activities such as drug and human trafficking, kidnapping and banditry. Subsistence informal trade,

livelihood strategies, criminal activity and 'terrorism' therefore seem highly intertwined and unpacking offenders' motivations is key to successful mitigation and reintegration strategies.

Participants explained that although the links with national or transitional networks are difficult to establish, the phenomenon of organised crime is indeed relevant in the context of Mali, and there are groups that are organised and benefit from a networked structure that allows individuals to be protected along the routes, including from prosecution by criminal justice. The proliferation of driving schools in the north of the country where there are few roads and tourists was flagged as a sign that illicit trafficking is increasingly taken up as a livelihood opportunity by local people. Illicit trafficking is also not limited to the north of the country and there is a vertical flow of gold and arms trade from Guinea and Cote d'Ivoire. Anecdotal evidence of crime-politics collusion was mentioned again through the Air Cocaine incident. As participants highlighted during the meeting, organised crime at the local or national level also needs to be defined both in comparison and distinctly from Transnational Organised Crime (TOC) which has broader global and regional dynamics and is linked to the global market structures.

Despite anecdotal evidence, participants had uneven and different understandings of criminality, organised crime and TOC, of their respective scales and impact and of their interconnectedness. All agreed that understanding organised crime at the local level requires a deeper analysis that looks at the root causes of criminality, maps the networks and power holders/brokers and reveals their vested interests. The differences in definitions and understanding exposed a need for acute Political Economy Analyses of organised crime at the local and regional level.

Organised crime: A destabilising factor?

Tackling the impact of organised crime on security and stability in Mali and the region therefore requires to look at these issues through a very contextual lens and focus on the end goal: do we want to address criminality, or its negative impacts? Participants therefore raised the question 'when does illicit trade become a destabilising factor?'

Organised crime needs to be tackled in a very sensitive way in regions where it is intricately linked with the informal trade and economy. The informal economy in Mali represents a vast majority of the economic activity. Informal trade is everywhere a key income-generating activity, even more so in desert regions of the north where populations have relied for decades on imported food and energy supplies from north Africa. Before the conflict, the main actors in illicit trade were said to be the Arab networks, who played an important economic role in the wider community. The situation has evolved since and actors from other communities and groups have joined the activity leading to more competition over the profits of criminal activity. The motivations for engaging in criminal activity are increasingly diverse and there seems to be a high turn-over between, and fragmentation within, different political, ethnic and armed groups.

Organised crime appears to have become a destabilising factor in Mali as profits increased from criminal activity, and especially when it started to permeate local and national governance structures. The corruption of local state officials, leaders and civil servants, including law enforcement representatives, has led to organised crime expanding and deepening a culture of impunity around the criminal economy, including cross-border activities. This is not surprising as criminal groups 'need' the state and seek tacit political support in order to operate, and often push to infiltrate the state for protection. The 'criminalisation' of the state has several destabilising effects 1) it erodes the trust between state and citizen and the role

of the state as provider of security and justice and therefore the relationship between citizen and law enforcement 2) it further erodes the 'presence' and credibility of the state as a service provider and its capacity to provide equitable development and opens the door to 'alternative' service providers. When the local governance structures are replaced by criminal groups, relying on criminal interests, the protection economy is strengthened and installs an exclusive and coercive governance structure that impedes development progress in the long-term.

The impact that organised crime has on state capacity is also having an adverse impact on human security as the culture of impunity has amplified other types of criminality, supported by the proliferation of trafficked arms. Increased criminality is in return a key driver of arms proliferation due to the high demand within communities, who – in the absence of adequate national and international security forces – have taken up arms to protect themselves. In a recent survey carried out by Danish Demining Group amongst local households in the border area between Mali, Niger and Burkina Faso, petty crime and banditry thus emerged as the most pressing security issues for local households, which respondents attributed to the widespread availability of arms. Research carried out with local communities furthermore highlights, how 'easy money' obtained through criminal activities, has had a negative impact on moral standards and social behaviour, and has created a criminal culture, where one form of crime, such as trafficking, yields other criminal activities.

Stability for whom?

Crime, organised crime and TOC are increasingly interconnected in Mali and they are also interacting to different levels with violent activities such as political or ideological insurgency or terrorism. Although illicit trade was previously associated with a legitimate business controlled by some communities with little negative impact on society, since the conflict, many people are associating the criminal economy with armed movements. Popular belief is that groups like MUJAO or the MNLA not only opportunistically profit from the trafficking but actively guard it and use ideological or political narratives to justify actions that are ultimately aimed at protecting access to trade routes. The profit margins from drugs and arms trafficking and kidnapping for ransom have changed the nature of the criminal economy and its nuisance potential. However, it is important to look at organised crime in Mali through a political economy lens and not through a sole criminal lens, especially when comparing with terrorism and its financing as they represent different security threats and amalgamating them does not reflect the realities on the ground. Terrorism is furthermore used oftentimes for political purposes, to attract foreign investment or crack down on insurgent groups or rivals.

This led to participants raising the question 'security and stability for whom?' Who benefits and who doesn't and why and how should anyone aim to alter the balance?

This understanding of competition over illicit trade resources as a key driver of the conflict raised another key question: 'is now a good time to tackle organised crime'? Participants discussed the role of organised crime in the Algiers peace process as several groups at the negotiation table are thought to have vested interests in illicit trafficking. Should the government and international partners focus their efforts on tackling crime when both are still dealing with an open armed conflict in the north? Is the end goal for peacebuilding to fight crime, or to support a deal that could provide stability in the north and the return of the state?

Although the government, law enforcement and development actors might have different end goals when it comes to tackling organised crime, participants generally agreed that organised crime should not be overlooked as it will remain a latent source of instability and conflict. The criminal economy, reinforced by the conflict, bears the risk of creating a protection economy

which will protract the conflict if not tackled as part of the reconstruction process. This presents a crucial governance challenge, not least in light of the current situation, where a settlement of the conflict is under negotiation and prevailing risks that criminal groups may act as spoilers and/or profit from political settlements.

Entry-points to a comprehensive approach to organised crime

The reconstruction efforts underway offer a great platform to find and pilot sustainable solutions to these issues. The justice and reconciliation efforts present an opportunity to map and register context-specific security threats and perceived injustices; the change of government offers a chance to try and address some of the high-level corruption and complicity in criminal activity; SSR efforts can help reshape security governance in a way that respects local specificities and needs, which is critical in a country where law enforcement is widely illegitimate and not trusted; DDR efforts offer a unique chance to reintegrate small arms holders, criminals or combatants in a sustainable way, and provide viable economic alternatives to criminality, where previous peace agreements have failed to do so; development efforts are a revitalised platform to address socio-economic root causes of conflict; reconciliation and dialogue initiatives are good forums to explore the perceptions and impact of organised crime as a factor of insecurity; finally the renewed regional dialogue on security is a great opportunity to address cross-border issues, critical for stabilising the region and avoiding the displacement effect. All these efforts offer opportunities to address national and transnational crime in a more sustainable manner provided they are based on a sound understanding of dynamics at stakes.

Defining the problem: Thorough understanding and analysis

A key element for developing sustainable and holistic ways to deal with the negative impact of organised crime relies on a thorough understanding of the dynamics at stake. The meeting highlighted that there are still many shortcomings in understanding. In addition to a variety of perceptions and definitions of organised crime within participants, there are still many grey areas and assumptions around the impact of organised crime, its actors and its scale.

Although an increasing number of perception surveys are being commissioned and published, the meeting highlighted a lack of local analysis, as most collected information is analysed by international experts. This leads to 1) a fatigue from populations as they take part in a plethora of research and perception surveys and do not see any benefits of the analysis coming back in terms of security improvements 2) a lack of local analysis rooted in a deeper understanding of economic and socio-cultural realities in different regions in Mali and a lack of undertaking of this issue in academic circles.

This understanding of the social, political and economic dynamics should inform strategies to transform the protection economies in a sustainable way for all parties. Although in the short-term, hybrid criminal groups must put down their weapons, in the mid-term it will be crucial to undermine their legitimacy and replace it with that of an inclusive state. This calls for a shift in the way organised crime is considered and for a wide range of stakeholders to join law enforcement actors around the table.

Transforming engagement

Crime sensitivity

In the short and mid-term, the Malian state and international actors need to look at the way they interact with the criminal economy themselves. Scrutinising how externally-supported

programmes (peace agreements, CT, SSR, DDR, support to criminal justice and border management etc.) relate to dynamics of organised crime is very important to ensure that interventions do no harm and contribute to a sustainable peace.

For example, although drug trafficking benefits from strong cross-border ties and weak border management, restrictive measures targeting informal/illicit trade in those regions might prove harmful in remote regions, where trade is the main economic opportunity and food security source. Non-sensitive border control or state-led security measures could potentially lead to conflict with central authorities, which already lack legitimacy in those so-called 'ungoverned spaces' of limited state reach, but also within and between communities for access to resources. Likewise, counter-terrorism strategies, if not informed, might have an adverse effect by targeting the wrong groups or individuals or supporting crime-related infighting, or further exacerbating those groups with a jihadist agenda.

Given the many different actors involved and the multifaceted effects of organised crime, development interventions and security providers should be guided by sound analysis and take a crime-sensitive approach in order to 'do no harm'. Both initiatives which directly address criminal activities as well as development projects which are implemented in areas where crime is pervasive, should be informed by an analysis of the local political economy and criminal dynamics in order to minimise the risk of unintentionally supporting criminal enterprises and corrupt networks. Practitioners and researchers should moreover be mindful of the tight-knit community structures, local power dynamics and potential risks to informers, when cooperating with communities and seeking to extract information.

Strengthening governance and countering corruption

If the fight against organised crime is to become effective and sustainable, organised crime needs to become a political priority, spearheaded by the Malian government. As the northern regions continue to be marked by an absence of security and administrative institutions with little access to services and economic opportunities for the local population, a vital brick in countering organised crime lies in the restoration of stability and promoting the return of the Malian administration to the north and the distribution of services. Countering state complicity and corruption moreover calls for continued donor support to promote good governance, transparency and accountability, and reinforce public oversight and access to information on public spending, electoral processes etc. Reinforcing the judiciary sector to take action against organised crime and other 'related' crimes such as money laundering by trying and convicting offenders, particularly at higher levels, is a vital step in tackling organised crime. Corruption also has to be addressed in the context of the higher levels of the state, as the sense of frustration and disenfranchisement that prompted the 2012 coup was a widespread phenomenon, not just restricted to the north. Efforts to ensure government accountability and transparency will be critical to rebuilding the credibility of the central state.

Reinforcing security and stability

The political and security vacuum in Mali's northern regions has enabled organised crime to flourish. Restoring stability and promoting the return of the Malian administration to the north and the distribution of much needed services hence constitutes a vital step in order to be able to curb organised crime. The state will not be able to return to northern regions if there is no peace and stability, and there will be no peace and stability if the criminal economy is not curbed. However, in order for state-consolidation and institution-building to be sustainable, security institutions need to intervene in respect of local context specificities and build relations with local populations through an agreement over the remits of the Rule of Law and by getting local buy-in. Additionally, a key challenge for stability in the north will be to ensure that a

settlement of the conflict does not consolidate the power of certain criminal networks and leaders complicit in criminal activities, as this could set off new conflicts between rivalling entities. While the question of crime will be difficult to address in peace negotiations, strategies may be encouraged that induce the containing of arms and smuggling activities and that make the political accommodation of key actors contingent upon their disengagement from illicit activities. Finally, the MINUSMA plays an important role in Mali's reconstruction, and especially in its SSR efforts in collaboration with the state. It is important that the issue of organised crime becomes a priority. There are encouraging signs in that directions with the creation of a MINUSMA Task Force on Organised Crime headed by UNPOL. However, the development and peacebuilding approaches do not seem to be sufficiently part of the strategy and the design of the response. The MINUSMA task force needs to be a model in promoting and supporting softer approaches, especially as UNPOL is present in many regions of the north where neither civil society nor NGOs have access to and need to be a forerunner of this approach.

Civic engagement: Build on positive socio-economic and political dynamics

A successful peacebuilding approach is one that allows for a positive and inclusive peace, and that considers 'spoilers' as part of the equation, as people that need to be understood and become part of the strategy. Alongside international drug reduction strategies, mitigating strategies rooted in communities could reduce the push factors and local support for criminal activity in Mali, reduce the vulnerability to inter and intra-community conflict and lower the threshold of tolerance for armed violence, and decrease the complicity of state and law enforcement officials at the local level and thereby the culture of impunity.

As organised crime is entangled in local power structures and plays a crucial role in local economies, initiatives to counter organised crime need to include local stakeholders. Unless local drivers and incentives, which induce criminal behaviour, are understood and addressed and unless local actors perceive crime as a relevant problem for their community and recognise its impacts on human security, it will be difficult to curb criminal activities. In this regard, it may be necessary to adopt a pragmatic approach when targeting the issue of trafficking and criminal activities by focussing on those acts of crime and trafficking that communities perceive as most damaging, and to delink trafficking from violent extremism. For instance, while smuggling generally has been perceived as 'legitimate', anecdotal evidence suggests a change of attitude within local communities, once traffickers started to collaborate with extremist groups. Some locally elected officials, marabous, religious leaders, women organisations and other trusted community groups could in this regard act as potential entry points and partners. In order for the issue of organised crime to gain momentum, there is a need for improved public awareness on the issue and its impacts on security and governance. Here civil society and media actors could play a central role in stimulating public debate and demanding government action as well as overseeing the implementation of policies to counter corruption. Organised crime needs to be discussed in the public space, to raise awareness and to ensure ownership of its definition and responses by local populations and working with the Malian civil society will be key to ensure that this public debate is developed in a harmless way and in secure spaces.

Conclusion

Prioritise organised crime

It seems to be a chicken and egg situation: should we tackle organized crime now, or when the security situation has improved? Yet the state cannot tackle organized crime before returning to the north and it is not likely to return as long as illicit trade creates insecurity.

Faced with these dilemmas, the participants agreed that ignoring organized crime is not an option in Mali. Rather than waiting for the state to return to the north, efforts to tackle organized crime must start at the political level, with a commitment from the state to tackle the corruption and structural dynamics around it. The Malian government must put organised crime as a priority on its agenda. More than a paragraph in the Government's Action plan for 2013–2018, it should take active steps to put new mechanisms into place or activate those pending (such as the Pole Judiciaire Specialise and the Organised Crime Section) but also to mainstream efforts to prevent corruption and crime across its reconstruction efforts.

The International community also must put organised crime and crime on its agenda as a priority theme to be mainstreamed in their programming activities, especially governance and stabilization support. The international community can play an important role in pushing the organised crime agenda forward by including it in its different support activities. It should start with crime-sensitizing its own activities and putting checks and balances in place to make sure that the Malian government is able and willing to tackle this issue. It can also help civil society build its capacity on this front and be a better platform between communities and the government.

Support deeper and more context-specific analysis.

Both international actors and the Malian government need to invest in thorough political economy and conflict analysis especially through building capacity of academia and local researchers to engage in research and analyse the findings of surveys. The Malian civil society is ready to bring the issue in the public debate and could contribute to the government's understanding of the risks by promoting more debates, more professional media coverage, better research and collaboration with academia in order to generate local analysis, which is lacking in front of all the international expertise on the subject, and would bring a much better knowledge of the political economy of organised crime and its weaving into the social construct of particular communities and types of livelihood in different regions, as well as more rooted resilience mechanisms that can be used to tackle it.

Working with the Malian government and society

Exploring community-based approaches to the negative impact of organised crime is important to ensure that responses are context-specific and sensitive and that they are based on a sound understanding of the root causes and particular dynamics and political economy at the local level. An approach that is inclusive of a wide range of actors within communities and regions also ensures that the response does not lie uniquely with the state, which has so far been often part of the problem. However, a sustainable effort to dealing with the impact of organised crime on stability and peace cannot rely solely on communities either. Although the difference between informal trade and crime must be defined by local people in order to safeguard livelihood strategies relying on the informal economy, the protection/criminal economy linked to the global criminal market, which sparked the conflict and continues to impede reconstruction efforts cannot be tackled by communities alone. It is important that the

state and the citizens develop a common understanding of what constitutes a threat to peace and stability and work collaboratively to find ways to tackle the protection economy.

State–citizen relationships can be strengthened through a commitment from the state to address this issue and improved civilian oversight mechanisms to hold the government accountable on this fro