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Organised Crime, Violence and Development: Topic Guide Update

Markus Schultze-Kraft
International development and organised crime expert
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Question

What are the developments since 2016 regarding the evidence and conceptualisation of serious and organised crime in relation to development, i.e. economic, political and governance, socio-cultural and security issues? What new evidence is there about the impacts of serious and organised crime in each of the areas identified, i.e. economic, political and governance, socio-cultural, and security issues?

Contents

1. Summary of main findings

Since the publication of the GSDRC topic guide on *Organised Crime, Violence and Development*[1] in 2016, serious and organised crime (SOC) has remained a cause for concern in many countries in the developing world. Marking a difference to previous international development frameworks, the issue has now been included both as an explicit goal and as a cross-cutting issue in the Sustainable Development Goals. That said, the difficulty of defining what organised crime is, which is exacerbated by the many different forms organised criminal structures take and the expanding universe of activities they engage in, has not been overcome – and is not likely to be overcome any time soon. While there is little question that organised crime hinders inclusive and sustainable development – the World Development Report of 2011,

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[1] http://gsdrc.org/topic-guides/organised-crime-violence-development/

for instance, clearly highlighted the stress that organised crime places on weak states – understanding the phenomenon and its impacts on development processes, and acting upon it from a development perspective, remain major challenges. This task is not helped by the limited research that is carried out on the nexus between organised crime and development. The bulk of organised crime research remains firmly focused on developed countries in North America (including OECD-member Mexico) and Europe, as well as Japan and some transition countries, especially Russia, China and Brazil.

This report identifies some of the latest key literature on organised crime and its manifestations, workings and impacts in development settings. The majority of the literature examined for this report focuses on economic, political and governance issues. Socio-cultural and human security aspects of organised crime and any effects they may have on development processes are not at the forefront in this literature. Similarly, the covert nature of organised crime, the limited amount of research focused on the broad spectrum of developing countries and weak statistical systems, combined with the fact that in (some) development settings organised criminal structures and activities are not necessarily cast as socially illegitimate, mean that there is insufficient evidence to estimate the global scale of the impacts of organised crime.

- **Economic issues**: There is a growing emphasis in the literature on the insertion of organised crime in developing countries, particularly in Africa, into the global criminal economy. This insertion is taking place through the multiplication of global economic and commercial relationships of both licit and illicit nature. The involved sums of money and loss in revenue for developing states are vast, but thus far cannot be estimated with any precision. Global illicit and criminal market operations affecting the developing world are both externally and internally supplied, and there are also local criminal markets that cater to local demand. International development interventions can foment local shadow economies when aid is subverted, as in Afghanistan and Colombia, for example.

- **Political and governance issues**: Organised criminal activities are part of broader (decentralised) governance structures and political orders. In many countries, such activities underpin governance arrangements and political institutions and settlements, rather than merely filling gaps left by state incapacity, underperformance or absence. This is borne out by evidence from Afghanistan, Somalia, Nigeria, Pakistan and Colombia, for instance, where organised criminal networks act as catalysts for political corruption and are enabled and facilitated by official powerholders and governance actors to conduct unlawful and criminal activities. There is increasing awareness in the literature about the two-way relationship between legal and illegal-criminal[2] actors in the pursuit of criminal income that includes massive misappropriation of rents from otherwise legal economic activities, and the exercise of political authority in the interest of groups that move between the legal and illegal-criminal spheres. Paradoxically, these processes not only undercut the chances of building accountable, effective and transparent

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[2] Distinguishing between 'illegality' and 'criminality' is of analytical importance. While all criminal activities and structures are, by definition, illegal, it is not the case that all illegal acts are also criminal acts. Another aspect of the importance of distinguishing between 'illegal' and 'criminal' or 'illegality' and 'criminality' relates to the moral dimension that is commonly associated with criminal acts and behaviours but not necessarily with illegal ones. Whereas committing a homicide, for instance, is generally considered not only as criminal but also as morally repugnant and depraved, the same is not necessarily true for manslaughter or the killing of a person in self-defence.

governance but also create situations of (temporary) stability in the midst of instability and (potential) armed conflict.

- **Socio-cultural issues**: In developing countries where organised criminal structures and activities are pervasive, including large-scale political and public sector corruption, industrial-scale oil theft and even drug trafficking, such activities are not necessarily perceived as 'immoral' or depraved, but can boast significant social legitimacy. Recent research explains this by analysing how informal and formal rules and norms that emerge on the basis of the violation of laws result in the illegal-criminal sphere of social life becoming legitimate and morally acceptable, while the legal turns illegitimate and immoral. Although there are instances where such processes create 'alternative' livelihoods and promote an end to violence and armed conflict, in the bigger picture they pose serious challenges to the delivery of basic services and public goods, such as health care, a clean environment and peace.

- **Security issues**: In the past fifteen years or so the relationship between security and development has become increasingly well recognised. Under the previous development architecture, organised crime as a 'hard' security issue was not eligible for Organisation for Economic Co-Operation and Development (OECD) Development Assistance Committee (DAC) funding thus placing it outside of the mandate of development actors. In contrast, the SDGs, particularly Target 16.4, unequivocally place organised crime on the development agenda. One of the challenges highlighted in the latest literature is that criminals, who traditionally have been seen as a threat to the security and stability of (developing) states and society, are today finding themselves in the role of providing essential public services in many development settings. This type of informal illegal-criminal provision of public services, however, often comes at the cost of urban gang violence, including turf wars between rival gangs and other criminal organisations, and jeopardises the state's monopoly on the legitimate use of violence and coercion.

Methodology

This report is based on an online literature search, including keyword searches in academic journal indexes and Google and Google Scholar, oriented toward identifying scholarly and grey literature sources published since 2016 that address organised crime issues in developing countries. It was informed by the author's expert knowledge of the current debates on the topic in Africa, Latin America and South and Central Asia and the research he undertook for his book *Crimilegal Orders, Governance and Armed Conflict*.[3] The search sought to identify new research (a) containing conceptual advances with respect to understanding the phenomenon of organised crime in development settings, and (b) addressing the economic, political and governance, socio-cultural and security challenges organised criminal structures and activities pose for

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[3] Dr Schultze-Kraft is author of the GSDRC topic guide on organised crime, violence and development (http://gsdrc.org/topic-guides/organised-crime-violence-development/), *Crimilegal Orders, Governance and Armed Conflict* (Palgrave Macmillan, 2019, https://doi.org/10.1007/978-3-030-03442-9) and a series of scholarly articles (https://onlinelibrary.wiley.com/doi/abs/10.1002/jid.3287; http://revistas.flacsoandes.edu.ec/iconos/article/view/1899), Institute of Development Studies evidence reports (https://www.ids.ac.uk/publication/getting-real-about-an-illicit-external-stressor-transnational-cocaine-trafficking-through-west-africa) and International Crisis Group policy reports (https://www.crisisgroup.org/latin-america-caribbean/latin-american-drugs-i-losing-fight) on organised crime in the developing world. Recently, he served as the guest editor of the special issue of the journal Crime, Law and Social Change on new perspectives on crime, violence and insecurity in Latin America (https://link.springer.com/journal/10611/69/4/page/1).

development. The report focuses on countries and regions of primary interest to the UK Government and DFID; references to recent research on organised crime in Latin America, arguably the developing region that presently accounts for most of the work on the subject matter, were deliberately minimised. This report is not a full systematic review or rapid evidence assessment.

2. Annotated bibliography

Africa's changing place in the global criminal economy

Shaw, M. (2017). ENACT: The Global Initiative Against Transnational Organized Crime. http://globalinitiative.net/wp-content/uploads/2017/09/2017-09-26-enact-continental-report1.pdf

The report contributes to strengthening the knowledge base on the insertion of African countries and organised crime in the continent in the global criminal economy. The question of how to define organised crime is addressed pragmatically.

This report, the first in a series of reports on organised crime produced by the EU-funded non-governmental ENACT project (Enhancing Africa's response to transnational organised crime), focuses on recent trends in the global criminal economy and how they affect Africa. Over the past two decades, Africa's role in the global criminal economy has witnessed important shifts. Yet, the report cautions that tracking this change is challenging. Data is scarce given that research on how Africa is connected to the global criminal economy is still in its infancy. The detrimental effects on Africa caused by global illicit markets and organised crime include lost lives and lost livelihoods, poor governance, conflict, and loss of natural resources (such as rare animal species), but the scale of these impacts is difficult to measure. But even with the fragmentary data that exists, it is clear that organised crime has emerged as a key feature of the African policy debate in recent years. Its impact is widespread and growing, yet it is little understood. The rising influence of criminal networks is part of a wider realignment of the international system, to which Africa belongs. An array of networks – commercial, social, political and criminal – now stand alongside traditional forms of statehood. Disentangling these interwoven networks and understanding how the criminal economy in particular shapes governance and distorts development must now be key objectives for analysts of African affairs.

Regarding the conceptualisation of 'transnational organised crime', the report takes a pragmatic stance, indicating that the consensus is increasingly to steer clear of some of the definitional debates and accept that the term 'organised crime' is flexible, that it refers to a wide range of activities and circumstances, and that there are many ways in which the label 'organised crime' can be conceptualised, depending on the circumstances. Pragmatically speaking, 'organised crime' refers to several illegal activities, often within an illicit economy, conducted by organised groups or networks of people over time and for profit. This often involves violence or corrupt practices. What those groups and activities look like, however, will vary greatly depending on the context. But, generally, in Africa organised crime could be said to include the illegal activities of organised street gangs, criminal networks engaged in trafficking, as well as militia-style armed groups who exploit or protect illegal activities. According to the report, these all fit the broad

definition of organised crime groups, as outlined in the UN Convention against Transnational Organized Crime.[4]

In patterns that are both old and new, Africa is becoming more enmeshed in a global web of illicit economic networks. Today, the continent is regularly featured in media reports on worldwide criminal markets and organised crime. Such coverage is wide-ranging, often focusing on organised corruption; the so-called 'migrant crisis' enabled by human smuggling from North Africa and the Sahel; or the poaching of animal species, such as rhinos and elephants in Southern Africa; the growth of different types of financial fraud; or the illegal trade in commodities or illicit drugs across the continent. Indeed, one of the marked features of Africa's criminal economy is its diversity.

The linkage between development and organised crime in Africa is an important one, and one that makes responses to organised crime on the continent different in several ways from how organised crime is tackled elsewhere. Africa – both internally and externally – is often viewed through a development lens, and anecdotal evidence has suggested a powerful connection between diverted, misaligned or delayed development and forms of organised crime. Although the relationship between organised crime and development is now a key driver of discussions, there is too little recognition in Africa itself of the dangers that organised crime poses in numerous spheres. Examples are the healthcare sector, in the form of counterfeit medicines, the environment, through the dumping of waste, and urban security, in the shape of gang violence. To understand these linkages, however, one needs to take a closer look at how the global illicit economy has intersected with the continent.

The report identifies three general types of illicit market operations in Africa:

1. Externally supplied but locally engaged: where illicit goods are externally sourced – that is, from outside of Africa – their distribution requires local movement and control. A good example is illicit narcotics, which need to be distributed to or marketed in particular places. In most places, the movement and sale of such illicit commodities requires paying for local protection.

2. Internally supplied but globally networked: this type involves illegal commodities sourced locally – such as banned environmental products or illicit minerals, as well as locally produced illicit drugs – that are destined for a global market. Such markets require a degree of local control in the source areas and, at the same time, connections with global criminal networks to facilitate market supply.

3. Local aspirations through illicit access: across Africa, there are local criminal markets that meet local demand. While these markets may be externally focused or connected, the

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[4] The United Nations Convention against Transnational Organized Crime (UNCATOC) of 2004 does not define organised crime per se but offers more limited definitions of 'organized criminal group', 'serious crime' and 'structured group'. In this regard the convention states: "(a) "Organized criminal group" shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit; (b) "Serious crime" shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty; (c) "Structured group" shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure" (UNCATOC 2004: 5).

cost of engaging in them locally is generally far lower than outside of Africa, where enforcement may be much higher. This type includes certain activities that are driven by aspirations for self-advancement by locals, and they are likely not to be perceived as criminal. The presence of locally based smugglers to facilitate migration is one of the best examples as is the sourcing and purchase of counterfeit goods.

The crime-development paradox: organised crime and the SDGs

Reitano, T. and Hunter, M. (2018). ENACT: The Global Initiative Against Transnational Organized Crime. http://globalinitiative.net/wp-content/uploads/2018/02/ENACT-Continental-Report-02-14Feb1145.pdf

This report contributes to strengthening the knowledge base on how the relationship between organised crime and development is framed in the SDGs. It offers a new perspective on what the authors call the 'crime-development paradox'.

This report, the second one released by the ENACT project, focuses on the relationship between development and organised crime in the context of the Sustainable Development Goals (SDGs). The objective to 'combat all forms of organised crime' is one of the 169 targets of the SDGs.

Even as the relationship between security and development has become increasingly well recognised, the report argues that under the previous development architecture organised crime was exclusively a security issue, not eligible for Organisation for Economic Co-Operation and Development (OECD) Development Assistance Committee (DAC) funding. It was thus isolated outside of the mandate of development actors. In contrast, the SDGs, in particular Target 16.4, place organised crime on the development agenda. In addition, crime features as a cross-cutting threat to development in several other targets: target 5.2 proposes to 'eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation'; target 8.7 pledges to 'take immediate and effective measures to eradicate forced labour, [and] end modern slavery and human trafficking…'; and target 16.2 aims specifically at ending trafficking in children. Environmental crime is also addressed: target 14.4 aims to end illegal, unreported and unregulated (IUU) fishing, and target 15.7 vows to 'take urgent action to end poaching and trafficking of protected species'.[5]

  The report identifies three types of risks to SDG achievement that emanate from organised crime: (a) the ongoing and direct risk that organised crime presents to individual goals; (b) the risk that development investments are diverted, owing to a failure to account for organised crime's influence; (c) the risk that development investments themselves increase organised crime. In all five priorities of the SDGs – people, planet, prosperity, peace and partnership – the interrelationship with organised crime needs to be more fully considered. This is critical, the report states, both for protecting development gains from the negative impacts of organised crime, determining the way that organised crime itself is responded to, and predicting how effective those responses will be.

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[5] While these are just the explicit mentions, a Global Initiative against Transnational Organised Crime study of 2015 also recognised that organised crime could directly and significantly impact the ability to achieve 23 of the 169 SDG targets (http://globalinitiative.net/wp-content/uploads/2015/01/global-initiative-organized-crime-as-a-cross-cutting-threat-to-development-january-2015.pdf)

The authors indicate that two key assumptions generally underpin how responses to organised crime are crafted: first, organised crime is universally a negative ill (a threat to society, security, the economy and governance); and second, better development will have a positive impact on the drivers of organised crime. A closer analysis suggests that, particularly in the African context and given the way in which development is being promoted in the continent, both of these assumptions may be wrong. The authors warn that the result of these incorrect assumptions being used as the theory of change around which responses are designed, has meant that in several cases the responses themselves have compounded and exacerbated the harms from organised crime. Seeking to address these limitations the report focuses on organised crime as a cross-cutting spoiler to Africa's development, while also bringing to the fore what the authors call the 'crime-development paradox', by which they mean that some illicit activities can create development externalities in the continent.

Protecting politics: deterring the influence of organized crime on local democracy

Perdomo, C, and Uribe, C. (with Reitano, T., Hunter, M. and Rodriques, A.) (2016). Stockholm: International IDEA. https://www.idea.int/publications/catalogue/protecting-politics-deterring-influence-organized-crime-elections

Using a conventional model of illicit networks, this report shows how corruption (less so violence) shapes political and economic outcomes at the local level in Afghanistan, Colombia and Nigeria.

Decentralisation reforms, migration and increasing levels of urbanisation in recent decades have changed how local governments cope with citizen demands—and which avenues they offer for people to engage in the political decision-making process. Other global trends, however, threaten to erode this relationship between local democratic actors and citizens. The presence of organised crime works as a catalyst for political corruption, hollowing out institutions at all levels of government. The authors write, "the relationship between illicit networks and politicians is often symbiotic, mainly based on shared economic interests and, at times, ideological objectives. While violence and other forms of criminality are important ways for organised crime to protect their business, corruption – particularly at the highest level of government – is a more discrete way to maintain territorial control, secure transportation routes and infrastructure, avoid prosecution and legalise profits. And this is a two-way street. Some politicians have been savvy in exploiting the resources – human and financial – available from organised crime to maintain their grip on power. In some extreme cases, criminal figures have even been elected to public office" (p. 11).

The goals of, and relationships between, organised criminal groups and politicians may overlap in several ways - for example, through mayors involved in money laundering, community police turning a blind eye to trafficking corridors or local political parties supporting candidates with criminal linkages. While such illicit networks may also affect national level politics, several specific factors, including lower levels of media attention, tighter economic interests, fewer oversight mechanisms and local authorities' reduced capacity, make local democracy particularly vulnerable to the interests of organised crime. According to the authors, understanding which local democratic weaknesses these networks exploit is the first step towards preventing and mitigating political corruption at the local level. The report provides illustrations from three countries – Afghanistan, Colombia and Niger – and how in these three settings illicit networks relate to local levels of government and decentralisation processes.

Downstream oil theft: global modalities, trends, and remedies

Ralby, I. (2017). Washington, D.C.: Atlantic Council.
http://www.atlanticcouncil.org/images/publications/Downstream_Oil_Theft_web_0327.pdf

The report contributes to the understanding of the nexus between organised crime and development by showing that it is increasingly difficult to distinguish between licit and illicit social action and behaviours. Because of the spread of what the author calls non-duality, which is promoted by illicit hydrocarbons activity, there are significant corrosive and negative impacts on the economies of affected countries and regions and their governance systems.

This far-ranging report focuses on illicit downstream hydrocarbons activity in Mexico, Nigeria, Ghana, Morocco, Uganda, Mozambique, Thailand, Azerbaijan, Turkey and the European Union. Such activity includes the theft, smuggling and laundering of refined petroleum products as well as of crude oil. It is not restricted to developing and low-income countries, but occurs around the world. Laying out a wealth of relevant, though often anecdotal data and information drawn from open sources (mostly media articles), the first part of the report concentrates on the modalities of theft, smuggling and laundering and the involved actors in the selected country cases. Although the author cautions that the scale and costs of hydrocarbons crime around the world is very difficult to quantify, he cites a Chatham House study indicating that in the case of Nigeria, for instance, "the total annual cost of stolen oil runs anywhere from $3 billion to $8 billion, depending on estimates and circumstances (the recent drop in global oil prices, for instance)" (p. 15). Prior to examining the various stakeholders, and their reasons and opportunities for mitigation, and spelling out several policy recommendations in the last section, the report's second part analyses trends in the global illicit hydrocarbons market and presents a taxonomy for grouping the described myriad ways of stealing oil products by trends. The three identified trends are:

1) Toward non-dualism, by which the author means that in contexts of illicit hydrocarbons activity it is becoming increasingly difficult to distinguish between licit and illicit actors and behaviours. This implies that "criminals no longer find themselves in opposition to people trying to stop them; rather they are the people who are charged with the responsibility of stopping illegal conduct. Similarly, criminals, who traditionally are a threat to the safety, security, and stability of society, are actually finding themselves in the role of providing essential public services" (pp. 84-85). This trend is illustrated with several examples, such as the smuggling of subsidised fuel from the Democratic Republic of the Congo to Uganda and the 2009 amnesty for the Niger Delta militants and the multi-million-dollar oil sector security contracts they were awarded by the federal government.

2) Toward using law, regulation, and policy as tools to facilitate illicit activity. This trend entails the increasing use of laws, regulations, and policies as tools for engaging in illicit activities. The author distinguishes here between the tactical, operational and strategic level. On the tactical level, groups engaged in illicit hydrocarbons activity look for ways of turning the extant regulations and policies to their own advantage, such as exemptions on marking certain types of fuel (jet fuel, for instance). On the operational level, discrepancies in the price of petroleum products between different jurisdictions (usually because of subsidies or tax) increase the incentive to engage in smuggling. When governments resolve to reduce such discrepancies, the effect can be the scaling up of smuggling operations and volumes, as has been observed in Ghana, for instance. On the strategic level, legislators, regulators, and policy makers seek to block legislation and

policy that would curtail illicit activity or create legislation that provides opportunities for illicit exploitation on the tactical and operational level.

3) Toward countering the countermeasures that governments are putting in place to curb illicit hydrocarbon activity. Rather than looking for ways to exploit the system, those engaged in hydrocarbons criminality either tamper with the physical products that are being used to prevent oil theft, for instance, or they develop their own products to overcome barriers to the illicit trade in hydrocarbons.

Organised crime and international aid subversion: evidence from Colombia and Afghanistan

Bojicic-Dzelilovic, V., Kosotovicova, D., Escobar, M. and Bjelica, J. (2015). *Third World Quarterly* 36(10), 1887-1905.

The article contributes to strengthening the knowledge base on the conceptualisation of 'organised crime' in the contemporary developing world – using middle-income Colombia and low-income Afghanistan as cases - and analyses the governance arrangements that enable aid subversion.

Scholarly attempts to explain aid subversion in post-conflict contexts frame the challenge in terms of corrupt practices and transactions disconnected from local power struggles. They also assume a distinction between organised crime and the state. This comparative analysis of aid subversion in Colombia and Afghanistan, with aid subversion being defined as "the diversion of aid away from its intended purpose" (p. 1887), reveals the limitations of approaches that narrowly focus on corruption and that "treat organised crime as exogenous to the local politics of power" (p. 1888). Focusing on relations that anchor organised crime within local political, social and economic processes, the authors demonstrate that organised crime is (a) dynamic, (b) driven by multiple motives and (c) endogenous to local power politics. This analysis is designed to help understand better the governance arrangements around the crime-conflict nexus that enable aid subversion.

Failing and the seven seas? Somali piracy in global perspective

Coggins, B. L. (2016). *Journal of Global Security Studies* 1(4), 251-269.

The article addresses the relationship between organised crime (piracy) and governance in a low-income country in Africa which is conventionally classified as a 'highly fragile' or 'failed' state.

This article reconciles the conflicting evidence on the relationship between governance and maritime piracy at the macro (state) and micro (sub-state) level using original data (2000–2011) and a study of piracy's emergence in and around the Horn of Africa. It finds a consistent, positive relationship between state weakness and increased piracy emergence cross-nationally. However, Somali piracy belies the 'anarchy as opportunity' mechanism implied by large-N research. Pirates in Somalia receive substantial support from local authorities, more consistent with the "stability-enabled" argument regarding governance. The author concludes that each of these competing theories is only partly right. At the macro level, *anarchy* presents permissive conditions for simple banditry, but limits the potential for robust organised crime unless *corruptible sub-state authorities exist* and *can be co-opted*. Regarding policy, more effective

pirate deterrence interventions should concentrate on regions that exhibit both state fragility and political and social support for, and cooperation with, pirates. Methodologically, the results point to the limitations of existing metrics of state fragility and governance, and recommend that more nuanced measures be developed and used.

State-building, informal governance and organised crime: the case of Somali piracy

Shorthand, A. and Varese, F. (2016). *Political Studies* 64(4), 811-831.

The article addresses the relationship between organised crime (piracy) and governance, as well as security and socio-cultural issues in a low-income country in Africa which is conventionally classified as a 'highly fragile' or 'failed' state.

This article argues that gangs, mafias and insurgents are, like states, forms of governance. This insight is applied to the case of Somali piracy and the questions of whether protectors of piracy are distinct from pirates and to what extent protectors coordinate their activities across the Somali coastland. The authors show that clan elders and Islamist militias facilitate piracy by protecting hijacked ships in their anchorages and resolving conflicts within and between pirate groups. Protection arrangements operate across clans, as illustrated by the free movement of hijacked ships along the coastline and the absence of re-hijacking after the payment of ransoms. Piracy protection can be thought of as part of a continuum of protection arrangements that stretches from mafias to legitimate states.

Excavating the organ trade: an empirical study of organ trading networks in Cairo, Egypt

Columb, S. (2017). *British Journal of Criminology* 57, 1301-1321

The article contributes to strengthening the knowledge base on the conceptualisation of 'organised crime' in the contemporary developing world and highlights the negative social impact of crime containment policy based on flawed assumptions.

Legislative action in response to the organ trade has centred on the prohibition of organ sales and the enforcement of criminal sanctions targeting 'trafficking' offences. This paper argues that the existing law enforcement response, with a focus on the prohibition of organ sales and cracking down on transnational organ trafficking networks that are likely not the main and most important actors in this shadow market, is not only inadequate but harmful. The author shows that this is the case because policy makers' decisions and popular perceptions of the problem (human organ trade) are based on flawed assumptions. "Contrary to popularized reports that link organ trafficking to the operations of transnational crime groups, the informal/formal relations that underpin Cairo's organ markets are based on modern modes of collaboration, trading and communication, across the illegal/legal divide. In this sense, the organ trade is better understood as an emerging sector of the informal economy, as opposed to a trafficking offense. […] Rather than targeting the alleged criminal operations of transnational crime groups and suspected 'traffickers', legislative action needs to focus on addressing the legal barriers and policy decisions that position individuals in positions of vulnerability, leaving them exposed to exploitation of various kinds" (p. 1317). The analysis is based on empirical data gathered in Cairo, Egypt, among members of the Sudanese population who have either sold or arranged for the sale of kidneys. The data suggest that prohibition has pushed the organ trade further underground

increasing the role of organ brokers and reducing the bargaining position of organ sellers, leaving them exposed to greater levels of exploitation.

Karachi: organized crime in a key megacity

Hussain, N. and Shelley, L. (2016). *Connections: The Quarterly Journal* 15(3), 5-15.
https://it4sec.org/system/files/15.3.01_karachi.pdf

The article contributes to strengthening the knowledge base on the conceptualisation of 'organised crime' in a megacity in the contemporary developing world, highlighting the importance of analysing the relationships between what are called 'crime and terror' groups and the state, local government and governance more broadly.

Crime and terror groups are key non-state actors in Karachi and employ crime and violence to achieve political and economic gains. The authors suggest that criminal groups in Karachi have a different relationship with the state than crime groups in Italy where the state has more resources to share with the crime groups. Instead, more complex relationships exist between the state and the non-state actors in this difficult environment where crime and terror groups have become part of diffuse governance of the city, including in relation to the provision of housing and water. The presented analysis differs from other perspectives that suggest that crime and terror groups have stepped into a power void. It is suggested that the political parties rather than the crime and terror groups are at the forefront of violent and criminalised politics. Violent non-state actors are thus not the ultimate arbiters of the city's prevailing political order. Rather, crime and terror groups remain vulnerable as they may lose the state's support and without this they face difficulty surviving in a highly competitive environment.

Conflict and crime in municipal solid waste management: evidence from Mombasa and Nairobi, Kenya

Muindi, K., Mberu, B., Aboderin, I., Haregu, T. and Amugsi, D. (2016). Urban Africa Risk Knowledge.
https://assets.publishing.service.gov.uk/media/5a02de12ed915d0adcdf467a/Conflict_and_Crime_in_municipal_solid_waste_management_Final_1_.pdf

The paper addresses economic and social push factors for the emergence and entrenchment of organised criminal structures and activities in relation to solid waste management in a lower-middle income country in East Africa. It also highlights the negative public health implications of this type of organised crime.

Among the issues that stunt the move towards proper solid waste management (SWM), and which thus far have received little research attention, is the role of conflict and criminal activities in the sector. This paper begins to fill that gap by exploring conflict and crime in the context of municipal solid waste management in Kenya's two major cities of Mombasa and Nairobi, with Nairobi dominating the evidence base given the entrenched cartels in the city's SWM sector. The study builds on a scoping review of published and grey literature, including print media coverage of crime and conflict in the sector as well qualitative and quantitative data collected from the two cities under the Urban Africa Risk and Knowledge Program between March and June, 2016. The authors' findings indicate that the withdrawal of municipal authorities from the provision of SWM services, coupled with the 'informalisation' of the Kenyan economy in the 1990s and the increase in unemployment and poverty set the stage for the involvement of criminal elements in the

sector. Private providers became the dominant mode of service provision and with this came competition for the client base. In addition, the paper highlights that organised criminal groups wield control over Nairobi's only dumpsite with violence and conflict as their instruments to retain control over materials' recovery and onward sale to recyclers. The authors conclude that criminal gangs in the sector inhibit proper waste management and there is a need for the city authorities to take over the control of the dumpsite from gangs as part of the overall strategy to address the public health implications it poses to the city.

Understanding organised violence and crime in political settlements: oil wars, petro-criminality and amnesty in the Niger Delta

Schultze-Kraft, M. (2017). *Journal of International Development* 29, 613-627.

The article contributes to strengthening the knowledge base on the political economy of governance, organised crime and violence in a lower-middle income natural resource-dependent (oil) country in West Africa. It highlights that organised criminal activities involve interactions between state and (armed) non-state groups at the federal, regional and local level. The expansion of a predatory and exclusionary political settlement by including violent non-state groups can end violent conflict, at least temporarily.

This article is premised on the observation that the relationship between political settlements and organised violence and crime in the contemporary developing world is little understood. Taking a critical distance to conventional notions of (violent) organised crime and grounding the analysis in the political settlements framework, the author examines the oil wars and the industrial-scale oil theft in the Niger Delta of Nigeria in the first decade after the transition to civilian-electoral rule in 1999. It is shown that (i) organised violence is not exogenous to political settlements and their (re)production and does not always destabilise them; and (ii) organised criminal activities associated with the generation of natural resource rents, such as the massive theft of crude oil, can contribute to violence mitigation and the stabilisation of a contested political settlement.

Making peace in seas of crime: crimilegal order and armed conflict termination in Colombia

Schultze-Kraft, M. (2018). *Crime, Law and Social Change* 69(4), 475-496.

The article contributes to strengthening the knowledge base on the conceptualisation of 'organised crime' in the contemporary developing world and analyses the role of violence and armed conflict in the (re)production of crimilegal orders.

Building on the seminal accounts of political order by Max Weber, Francis Fukuyama and Douglass North *et al.*, this article introduces the concept of *crimilegality* and applies it to the case of armed conflict termination in Colombia. Crimilegality refers to a state of regular patterns of interaction between state and non-state actors that are formally embedded in a legal institutional structure. At the same time, however, they are straddling the margins of the law or are indeed in flagrant contravention to it. In this conception any categorical distinction between the 'underworld' and 'overworld' is rendered of limited use. Crimilegal political orders are therefore governance arrangements in which the social, normative and moral boundaries between legality and illegality and/or criminality are blurred. What is illegal and/or criminal may be deemed legitimate, while what is legal may be considered to be illegitimate. Crimilegal governance arrangements involve

coordination between a range of state and non-state actors, and serve (illicit) economic interests while also reflecting concerns about guaranteeing political stability, the de facto exercise of political authority, and the physical security of those in power and their judicial impunity. In such orders the state's monopoly on the use of violence and coercion is often replaced by an oligopoly of violence and coercion. High levels of violence are not uncommon, though they are also not standard. Using the current Colombian peace process as an example, the article argues that due to eminently political reasons, violently contending state and non-state actors, both with notorious criminal records, can reach agreement on ending armed conflict and decide to cooperate to recover the primacy of legality. However, whether this type of bargaining game can ultimately lead to the positive 'legalisation' of a crimilegal order, such as the one in Colombia, remains an open question.

Crimilegal orders, governance and armed conflict

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The book contributes to the conceptual debate about 'organised crime' in developing countries and shows that crimilegality produces negative effects for inclusive and equitable human development. At the same time, crimilegal orders (such as in Colombia and Nigeria) are not always characterised by violent conflict and competition but under specific circumstances also facilitate the settlement of violent conflict.

This book argues that as vast shadow economies are expanding, and the moral and political grounds of social action are shifting across the globe, it has become increasingly difficult to distinguish between what is legal and legitimate, on the one hand, and illegal or criminal and illegitimate on the other. Particularly in less developed and transition countries, legality and the associated use of violence and coercion is drifting ever farther out of the orbit of the state. Many different types of actors, including government officials, civil servants and military officers, as well as businesspeople, civic leaders and traditional chiefs, are today laying claim to notions of legitimacy that, while based on the extant legal orders, also contest and transform them. Importantly, the same applies to urban gangs, insurgent and terrorist organisations, faith-based militant groups, paramilitary outfits, and criminal associations and networks. The author shows that conventional analyses of organised crime, (criminalised) neopatrimonial orders and fragile statehood do not offer cogent explanations of these phenomena. Conceptions of globalised criminals representing a violent 'underworld' threat to 'overworld' societies and political institutions, however weak and vulnerable to corruption those may be, fail to recognise that any categorical distinctions between the realms of legality and illegality-criminality is often not possible anymore, if ever it was. On the other hand, the notion that entire developing states are presently morphing into mafia organisations or criminal governance machines is also difficult to uphold.

Grounded in the concepts of crimilegality and crimilegal orders, which are presented for the first time in comprehensive manner, this book puts forward an alternative perspective on the relationship between illegality-criminality and political order in less developed countries. Taking recourse to the literatures on (hybrid) political orders, legal pluralism, neopatrimonialism, fragile statehood, oligopolies of violence, political settlements, and organised crime and corruption, the author demonstrates that in crimilegal orders the moral, normative and social boundaries between legality and illegality-criminality are not clear-cut but blurred. In such hybrid orders, which are analysed by means of the crimilegality-crimilegitimacy spectrum, legality is not centred

on the state and the state's legal monopoly on the legitimate use of violence and coercion is substituted for by violence oligopolies. As unlaw, that is, a set of norms that is erected through the violation of the official law, emerges and spreads, political orders experience processes of crimilegalisation resulting in the illegal-criminal sphere of social life becoming legitimate and morally acceptable, while the legal turns illegitimate and immoral. These arguments are illustrated by recourse to several instances of crimilegality and crimilegal governance in Colombia and Nigeria including (non-violent) land grabbing and internal armed conflict termination (Colombia) and (potentially violent) industrial-scale oil theft, massive fuel subsidy scamming and the suspension of mineral resource war (Nigeria).

Suggested citation

About this report