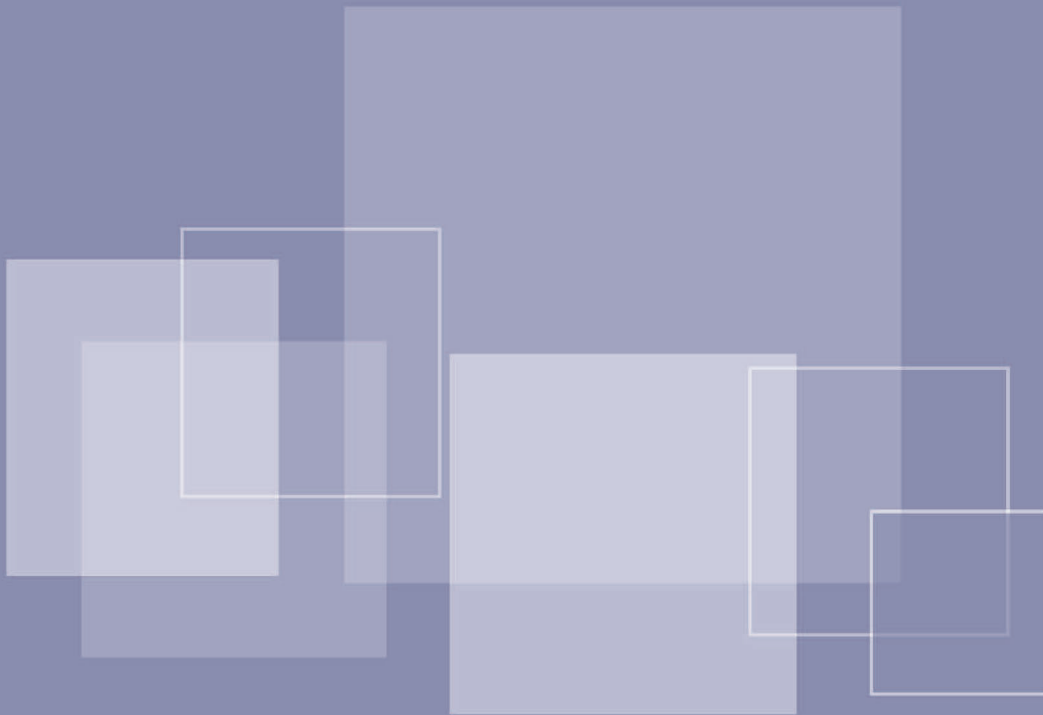




STOCKHOLM FORUM on Peace and Development 2017

Imagining the Future of Crime and Politics

International IDEA Discussion Paper 2/2017





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Introduction



Organized crime networks dedicated to illicit trafficking of drugs, people and wildlife—as well as money laundering and cybercrime, among other activities—are engines of instability. From Latin America to West Africa, from West Asia to Eastern Europe, and from Central Africa to Southern Europe, these networks engage in corruption to advance their interests, depriving the state of precious resources needed to build resilient institutions (OECD 2014). Corruption is channelled through multiple avenues, including by pouring illicit money into political institutions and actors (Villaveces-Izquierdo and Uribe Burcher 2013; Briscoe, Perdomo and Uribe Burcher 2014; Perdomo and Uribe Burcher 2016).

The world is experiencing several parallel trends—including increased violent conflict, democratic backsliding and technological advancements—that affect these corrupt dynamics. Given that conflict and weak governance typically create a fertile environment for organized crime to engage in public sector corruption (Lupsha 1996; Cockayne and Pfister 2008: 18; Kupferschmidt 2009), and since technology may facilitate or hinder criminal behaviour (Baker 2014), these trends will presumably have a pivotal impact on the fight against organized crime and political corruption.

On 4 May 2017, International IDEA hosted the workshop ‘Political corruption and organized crime: Drivers, effects and responses’ at the 2017 Stockholm Forum on Peace and Development, organized by Stockholm International Peace Research Institute (SIPRI 2017). The workshop aimed to discuss potential future trends regarding corruption linked to organized crime and strategic policy responses. It gathered scholars and practitioners in anti-corruption, international crime prevention and peacebuilding in a common dialogue. This Discussion Paper was initially drafted as a scenario-building exercise to inform the workshop and was further developed with the input of its participants.

Scenario building is an analytical method that encourages prospective thinking within a thematic field to identify new strategic policy alternatives (Conway 2006). Specifically, the scenarios consist of an illustration of possible futures. As such, they are not intended to predict the future (European Commission 2007). The methodology tends to be qualitative and engages a group of people in a simulation process. By developing a future narrative that takes existing interconnected trends to the extreme, participants can challenge assumptions and expand their perceptions of options available, ultimately engaging in strategic conversations.

This Discussion Paper and the adapted scenario-building exercise on which it is based were therefore developed from the perspective of a fictitious criminal network. Its hypothetical activity focus is diverse and, depending on the opportunities, it could



hypothetically venture to any existing and new illicit activities. Its structure is flexible as well; as such, it can potentially adapt to new markets.

Section 1 illustrates some of the key geopolitical trends and drivers in governance, peace and technology that may affect corruption dynamics in relation to organized crime in the coming 10 years. Written from the perspective of a fictitious criminal network, it depicts a scenario where conflict, democratic decline and new technologies exacerbate the negative impact of organized crime on the state. By describing an imaginary future, it includes the most relevant concerns for practitioners within the field.

Section 2 briefly presents current policy options for tackling organized crime and political corruption, and outlines recommendations for future policy adjustments that may contribute to the improvement of crime and corruption prevention and mitigation. The main argument of this Discussion Paper is that the policies that seek to address corruption and organized crime should be brought closer together in the promotion of global peace and stability.

1. The world in 2028: Three future scenarios



1.1. Increased conflict

Our fictitious criminal network expects that, in the coming 10 years, civil wars will rise and deepen in relation to their overall amount, the number of battle-related deaths and civilians experiencing wartime violence, as well as the frequency of conflict recurrence. This will be a continuation of an existing trend seen since the mid-2000s (von Einsiedel 2017), partly fuelled by protracted instability in the Middle East, weakened geopolitical security cooperation and technological evolution.

Indeed, the lengthy civil war in Syria, the power vacuum in Libya and the difficulties in solving the Israeli–Palestinian conflict will likely remain as key sources of long-term instability in the Middle East. The region’s protracted volatility may spark further antagonism between Arab populations and the West, and continued expansion of terrorist attacks across the world, not least in Africa, will shape warfare (Fraihat 2016; Institute for Economics and Peace 2016). Importantly, during the period 2018–28 it is expected that states all over the world will encounter new challenges when solving conflict. A depressed North Atlantic Treaty Organization (NATO) alliance and arms races across the world would likely result from a refocus on national military budgets and greater antagonism between the great superpowers (Sokolsky 2017; Nelson 2017). Wars will also acquire new dimensions and will increasingly be waged in cyberspace.

Implications for corruption and organized crime

By 2028 our criminal network will have ample space to engage in corruption, given the rise and exacerbation of conflicts around the world (Cockayne 2013). In comparison to conventional, interstate battles over territory, the complex unfolding dynamics of civil wars—with increased fragmentation of violence and frequent attacks on civilians—may create important opportunities for us as criminal entrepreneurs (Kaldor 1999, 2005). Indeed, as new subnational armed groups emerge, these will seek financing from our criminal network, creating so-called war economies (Kaldor 2005). In these fertile grounds of weak monitoring, or even state support, our criminal network will have more space to pursue its business, particularly expanding our menu of illicit activities, and growing in size by attracting a larger number of collaborators.

Our network will especially expand its trafficking business (of drugs, humans, arms and other illicit goods), as well as natural-resource exploitation because of the state’s difficulty in



controlling conflict-affected and fragile territories where these illicit activities may thrive. The drug cultivation and trafficking business—our most lucrative criminal market—will significantly flourish as we take advantage of ungoverned areas and border territories to develop into comprehensive drug industries (Cockayne 2013).

Our network will also see a boost to its arms-trafficking branch, given the high demand for armaments in the black-market trade from various conflict actors (Small Arms Survey n.d.), and even from political leaders in countries facing international sanctions and embargoes (Andreas 2009). Notably, more demand will not only originate from traditional conflict actors—both state and non-state—but also from terrorist organizations in search of further supply of improvised explosive devices, reinvigorating our production in this area. However, arms trafficking will not only grow because of our criminal network's supply of weapons to new conflict actors; it will also do so because of our own internal demand, since we use firearms to secure and protect our own activities against the state and possible competitors, and to create an environment of fear and intimidation (Small Arms Survey 2013).

Crucially, in the coming 10 years the larger number and intensity of conflicts will lead to a further expansion of our criminal network's migrant-smuggling and human-trafficking businesses. As the amount of civilian war victims will very likely continue to produce large numbers of asylum seekers escaping conflict around the world, these major movements of people will create recruitment possibilities for migrant smuggling (Horwood and Reitano 2016). Here, again, our network will likely benefit from weak government control over territories. We may even find consumers of illicit goods among peacekeeping forces (Ovidia Vreja 2005).

Illicit networks such as ours will furthermore be able to grow because of the reduced price of political corruption during conflict. While conflict usually weakens the state's enforcement capacity, a larger group of public officials also seek compensation for reduced income and power (Cockayne 2013; de Andrés 2008). Opportunities for bribery will particularly attract security personnel in exchange for discretion or more direct information sharing. Officials belonging to the judiciary and penal systems will also be increasingly vulnerable to corruption because of their privileged position to conceal profits or produce fraudulent documents and permits.

1.2. Democratic erosion

Over the coming 10 years we anticipate democratic governance to further erode across the world. The populist electoral waves sweeping the world since the mid-2010s, coupled with a lacking trust in democratic governance (Foa and Mounk 2017; Norris 2017), will continue to unfold. Mirroring the cases of Turkey and Venezuela, more democratically elected leaders will dissolve the checks and balances on their executive powers (Norris 2017). In particular, the restricted space for, and independence of, the judiciary, independent media and civil society organizations will have a large, negative impact on government transparency and accountability. This will be accompanied by increased international fragmentation and nationalist isolation. Early signs of the latter include the so-called Brexit referendum in the United Kingdom, and decisions by the United States to decrease its funding for the United Nations and pull out from key cooperation frameworks (Sokolsky 2017).

Implications for corruption and organized crime

By 2028 political systems marred by weaker accountability and justice systems, feeble public administrations, dirty elections and fragile international cooperation will provide a ripe environment for our criminal network to corrupt public officials. A weaker accountability and justice system characterized by reduced independence of judges, prosecutors and the

media will allow our network to pursue its activities with a lower risk of investigation and persecution.

To maximize our influence on public administrations, as well as the leverage of our clientelistic and patronage networks, our most crucial entry point will be a relaxed system of appointing and removing civil servants, in combination with decreased transparency in the use of public procurement systems (Cockayne 2013). The latter will even allow us to create companies and directly contract with the state, especially at the local level (Perdomo and Uribe Burcher 2016). Furthermore, this will produce a ripple effect, deteriorating the quality and reach of the public services that states are able to provide. Networks like ours will see a boost in the demand for these services, as well as labour opportunities (Reitano and Hunter 2016) and cheaper contraband goods (Friedrich-Ebert-Stiftung 2013). This will help us cement further our legitimacy with local communities.

Dirty elections will also benefit us. In some cases, we will be able to put our own network members forward as candidates. Political party fragmentation—as manifested in a multiplication of candidate-centred and populist parties with no established policy platforms—and increasingly expensive elections will create further challenges for electoral management bodies to monitor the risks of illicit financing. Our network will then be able to pour more dirty money into parties and elections to deliver votes and pay for campaigns benefiting our allies (Briscoe and Goff 2016a, 2016b). This electoral entry point, mainly in relation to key legislative posts, will allow us to manipulate policies and relax controls where we have business interests, chiefly in the management of natural resources including oil, timber and minerals.

Fragile international cooperation will make our engagement in cross-border activities—notably money laundering and people smuggling—much easier. Regarding the former, we will have additional space to move illicit money through tax havens and offshore jurisdictions. Regarding the latter, lack of systematic efforts to curb the causes of illicit migration and regulate people movement will force an even larger group of migrants to rely on illicit networks to arrange transportation across international borders. Anti-migration rhetoric and ethnic polarization will further disengage migrant groups in host countries (Joseph 2017), conveniently expanding our recruitment pool. Most importantly, debilitated international cooperation will remove obstacles for us to engage in international corruption, given the shrinking power of international actors such as the Organisation for Economic Co-operation and Development (OECD), the UN Office on Drugs and Crime (UNODC) and the Financial Action Task Force on Money Laundering (FATF) to monitor anti-corruption efforts and create peer-to-peer pressure for reform (Joseph 2017).

1.3. New technologies

In the coming 10 years, the world will continue its rapid digitalization. Penetrating even the world's poorest and most isolated regions, the spread of mobile access will increase the Internet's potential as a communications tool and information repository. The development of new communication technologies will furthermore shift from human interaction to interconnecting platforms, also known as 'the Internet of Things'. The multiplication of networked and connected devices will significantly improve the effective interaction between private and public organizations across the globe (International Telecommunication Union 2016a, 2016b). Consequently, the widespread use of digital systems to collect data, and to manage and control critical infrastructure, will have increased productivity and efficiency.

Additive manufacturing, also known as 3D printing, will shorten supply chains and allow users to transform digital data into objects made from plastic and metal as well as biological materials. Indeed, 3D bioprinting will enable the manufacturing of living tissue using cells that replace organs and repair body parts. Moreover, self-assembly processes, known as 4D



technology, will enable products to rebuild themselves, increasing product resilience (Gershenfeld and Vasseur 2014: 60–69).

Implications for corruption and organized crime

In a future with ever-evolving applications of technology and improved capability for large-scale information storing and sharing, in which regulators are unable to keep pace with these rapid developments (International Telecommunications Union 2016b), our network will be able to expand its spectrum and realization of traditional criminal activities and cybercrime over the coming decade. These factors will also likely play a critical role in enabling our nexus with political actors and institutions (Uribe Burcher 2017).

Technological advancements will transform the tools we use to conduct traditional crime. Crypto-currencies will open new avenues for us to trade illicit goods and to launder money by reducing detection risks and evading traditional national and international banking regulations (UNODC 2017; HG.org n.d.). The so-called dark web, for its part, will make it easier for us to connect with our clients, particularly in our drug- and firearms-trafficking businesses, reducing our intermediaries and transcending the traditional borders of legal systems (*The Economist* 2016; UNODC 2016a; Global Drug Survey 2016; Yazri 2011).

Cybercrime will also increase in the coming years. Targeted cyberattacks will allow our network to engage in online warfare, and enable us to disrupt critical infrastructure including electrical power, pipeline transmissions and banking systems across international borders (Laudicina 2016). Big-data analysis will also allow us to improve our understanding of when our victims are most vulnerable (de Boer 2017). Most importantly, we will be able to influence political outcomes. We will offer automated trolling and spreading of fake news for on-demand online political influence (de Boer 2017). This will cement our cyberhacking and cybersurveillance services to political actors seeking to target in-house opposition forces or external threats (World Economic Forum 2016; Leyden 2015).

Three-dimensional (3D) technologies will allow us to print and assemble a wide range of products anywhere, including weapons, pharmaceuticals, counterfeit drugs and fake fashion. As such, we might not need to transport many of our products, as with 3D printing we can manufacture a wide range of products locally and on demand, increasing our economic benefits as we reduce transportation risks.

Also, from now on our network will atomize even further. We will work more efficiently as our business units work more independently. We will increasingly work in a ‘dis-organized’ fashion, rather than acting like groups or even networks.

2. Policy options and recommendations



Tackling organized crime, and particularly its influence over political processes, is a major challenge for international cooperation. These corrupt deeds evolve in the shadows of global development and may be difficult to pin down in legal instruments. Currently, two separate conventions—the UN Convention against Transnational Organized Crime (UNTOC) and the UN Convention against Corruption (UNCAC)—aim to protect states from transnational organized crime and corruption (UNODC 2000, 2003). Despite their significance, these two instruments suffer from various limitations. Most importantly, the rapid evolution of criminal markets and structures makes it necessary to constantly evaluate these policies' effectiveness.

UNTOC, on the one hand, requires 187 states parties to prevent, criminalize and prosecute various aspects of organized crime, and marks the initial recognition of this phenomenon's cross-border and cross-market nature. Importantly, the convention obliges states parties to ensure comprehensive domestic regulation for financial institutions in relation to money laundering, including asset tracing, freezing and seizure. Mutual legal assistance, joint investigations and law enforcement cooperation are also core element of the convention.

However, UNTOC's state-centred approach may fall short in instances of crimes (e.g. cybercrime) committed in areas with unclear territorial status. This weakness may even worsen in the coming decade given the evolution of organized criminal markets (see section 1 of this paper). The definition of organized crime provided in convention (i.e. structured groups of at least three people) also faces serious shortcomings, such as its broad scope. While this has a positive side, in that it covers multiple organized crime aspects, it also means this concept could encompass all sorts of groups that should arguably not be put under the same label because of the reduced harm of their activities, and their lack of systematic and durable business purpose. Petty thieves are a case in point. From another perspective the definition is too narrow, as it focuses on 'groups', even though typical organized crime activities can be (and increasingly are) carried out by individuals linked through looser network-like structures. Another weakness is that the convention relies purely on the intention of states parties to make it effective, as it does not incorporate an implementation, compliance or review mechanism (Council on Foreign Relations 2013). However, there are ongoing initiatives to solve some of these challenges (UNODC 2016c), such as the ongoing discussions on the development of an implementation review mechanism (UNODC 2016b).

UNCAC, on the other hand, is the main international legal instrument that accounts for acts of corruption in general, and specifically those committed within the public



administration. It obliges 181 states parties to prevent, criminalize and prosecute bribery, embezzlement, money laundering and obstruction of justice, among others. It includes protection for whistle-blowers and witnesses, mechanisms to recover asset, and tools for cross-border criminal investigation assistance. States parties are also encouraged to criminalize other connected offences, such as foreign and private sector bribery, trading in influence, abuse of functions, illicit enrichment and the concealment of illicit assets. Most critically, UNCAC targets some of the institutions and actors most vulnerable to the influence of organized crime. Indeed, it promotes public sector integrity in the form of merit-based recruitment and promotion processes, as well as transparent public procurement and financial management. It also pays attention to corruption in the judiciary. The convention particularly benefits from its broad scope, both regarding the definition of a public official as ‘any person holding a legislative, executive, administrative or judicial office of a State Party, whether appointed or elected’ (article 2), as well as regarding the concept of ‘domestic criminal jurisdiction’, which ranges from a simple offence committed on state-party territory to offences directed against states parties that are committed outside of their territory (article 42). Most significantly, UNCAC adapted a peer-review mechanism on a self-assessment modality, even though it has been criticized for its numerous delays, deficient public transparency and the lack of follow-up on review recommendations.

UNCAC has suffered from other limitations, chiefly because it does not even define corruption, and does not provide a substantive coverage of political financing. Regarding the latter, the convention only broadly requires states parties to ‘consider taking appropriate legislative and administrative measures’ to enhance transparency in the funding of political candidates and political parties (article 7.3).

These two conventions are not the only international policy instruments created to combat corruption and organized crime. In the area of anti-corruption, the 1997 OECD Anti-Bribery Convention and the 2012 World Trade Organization Plurilateral Revised Agreement on Government Procurement stand out. In relation to organized crime there are other instruments targeting particular criminal markets. For drug trafficking, the most recent is the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The most critical in relation to arms trafficking is the 2014 UN Arms Trade Treaty, while for human trafficking the 2000 UNTOC Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children is arguably the most relevant. Wildlife trafficking, for its part, is primarily regulated through the 1973 UN Convention on Trade in Endangered Species. However, cybercrime and money-laundering regulations have not been addressed in such a targeted way. Concerning the former, the 2001 Council of Europe Budapest Convention on Cybercrime is the only specific mechanism. Regarding the latter, the only mechanism that stands out is the 1999 UN International Convention for the Suppression of the Financing of Terrorism. To complement these instruments, non-binding declarations, guidelines and codes of conduct have been developed in some of these areas.

Unfortunately, these policies not only suffer from individual, inherent weaknesses in their design and application. Their usual isolation approach—focusing on either corruption *or* organized crime-related issues—does not afford a comprehensive ‘synchronized’ tackling of the phenomenon of political corruption linked to organized crime. Changing this standpoint by treating these two phenomena in conjunction would address some of the most pressing challenges that increased conflict, democratic erosion and technological challenges might generate (as discussed in section 1 of this paper). The recommendations listed below provide a detailed description of some of the actions that, under this integrated approach, might assist in preventing and mitigating political corruption linked to organized crime in the near future.

Recommendations

Focus on prevention

Traditionally, policy approaches to fight transnational organized crime and political corruption focus on repression and law enforcement, while preventive strategies—especially those that focus on strengthening the democratic system—are often not equally prioritized (Schultze-Kraft 2016). While prevention can be perceived as more time consuming and its effects are more difficult to quantify, these effects provide long-term sustainability. The increasing involvement of organized crime in states with weak governance structures that not only fail to monitor and ensure compliance with the law but also fall short in the provision of welfare and employment calls for more holistic and developmental state-building approaches to crime prevention and anti-corruption efforts.

Identify the key drivers and incentives

When it comes to governance structures, attention should centre on the enablers of criminal acts, and on how to prevent them in the future. For instance, increased transparency in government procurement is likely to encourage closer monitoring by watchdogs and significantly decrease corruption. More importantly, if inequality, poor service delivery and unemployment are reduced, community dependence on criminal groups may diminish and governments would be better placed to regain their legitimacy and trust among citizens. Also, in order to change the incentives for organized criminal networks to employ corruption, their operational costs need to rise, and their incomes minimized. Anti-money-laundering activities are crucial in the prevention of all types of criminal acts. Enhancing these policies, particularly those related to international cooperation between banks and money transfer systems using new technologies, is thus vital.

Integrate this perspective within conflict resolution efforts

Conflict-affected societies are particularly vulnerable to organized crime and corruption, and peace arrangements play a key role in opening or closing the floodgates for corruption among domestic actors. International peace missions, for example, should prioritize corruption prevention in their do-no-harm design. Most importantly, the framework, structure and negotiation of a peace agreement should be tailored with a view to addressing the underlying conditions that may allow organized crime to engage in corruption during the transition process.

Design holistic approaches to dismantle parallel governance structures

Strategies against organized crime and corruption that focus on those criminal dynamics that most affect society in the long term should be prioritized. Communities should be engaged in devising and implementing strategies at the local and national level with the aim of increasing transparency, oversight and accountability in public positions. A key area in this regard is the identification of illicit funding sources for political parties and election campaigns. Criminal control over these actors and institutions would otherwise put future political elites at the mercy of criminal interests over the long term.

Consider the role of the private sector

The private sector can act as either a catalyst or an obstacle to organized criminal engagement in political corruption, and working together with private companies is therefore crucial in fighting this phenomenon. One example is the role of the banking sector in monitoring transfers that may involve money laundering. Leveraging the potential for corporate social



responsibility principles to encourage companies to conduct due diligence in detecting any potential criminal interests along their market chain is another important avenue.

Push for enhanced cross-territorial cooperation

Considering the evolving nature of organized crime, as well as the potential of conflict, democratic backsliding and new technologies to broaden the market reach for illicit commodities, international legal instruments should continue to foster cooperation. Flexible approaches that manage to keep up with changing technologies should be prioritized.

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About International IDEA



The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization with the mission to advance democracy worldwide, as a universal human aspiration and enabler of sustainable development. We do this by supporting the building, strengthening and safeguarding of democratic political institutions and processes at all levels. Our vision is a world in which democratic processes, actors and institutions are inclusive and accountable and deliver sustainable development to all.

What do we do?

In our work we focus on three main impact areas: electoral processes; constitution-building processes; and political participation and representation. The themes of gender and inclusion, conflict sensitivity and sustainable development are mainstreamed across all our areas of work.

International IDEA provides analysis of global and regional democratic trends; produces comparative knowledge of good international democratic practices; provides technical assistance and capacity-building on democratic reform to actors engaged in democratic processes; and convenes dialogue on issues relevant to the public debate on democracy and democracy building.

Where do we work?

Our headquarters are located in Stockholm, with regional and country offices in Africa, the Asia-Pacific, Europe and Latin America and the Caribbean. International IDEA is a Permanent Observer to the United Nations.

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On 4 May 2017, International IDEA hosted the workshop ‘Political corruption and organized crime: Drivers, effects and responses’ at the 2017 Stockholm Forum on Peace and Development, organized by Stockholm International Peace Research Institute.

The workshop aimed to discuss potential future trends regarding corruption linked to organized crime and strategic policy responses. It gathered scholars and practitioners in anti-corruption, international crime prevention and peacebuilding in a common dialogue.

This Discussion Paper, written from the perspective of a fictitious criminal network, depicts a scenario where conflict, democratic decline and new technologies exacerbate the negative impact of organized crime on the state. By describing an imaginary future, it includes the most relevant concerns for practitioners within the field.