

Protecting Politics

Detering the Influence of Organized Crime
on Elections





Clingendael

Netherlands Institute of International Relations

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Preface




Elections are a crucial element of democratic politics. These political contests bestow power on a few individuals charged with representing the will of the entire citizenry. Elections, moreover, allow people to control this power. Indeed, the competitive nature of politics creates an accountability mechanism that the people can deploy in each electoral cycle by casting their votes for an incumbent or opposition candidate.

Alas, this inherent balance of power between representatives and citizens is not bulletproof. The benefits of winning an election result, most notably access to the state's coffers, makes them an important target for criminals. Voter intimidation and illicit campaign finance are some of the ingenious mechanisms they often deploy, which subsequently threatens the legitimacy and integrity of elections. This is all the more problematic in fragile democracies that already suffer from broader challenges of violent political transitions and steep socio-economic inequalities.

Organized crime often uses these illicit mechanisms. For such organizations, abusing electoral weaknesses is simply a way to gain power, often not because of their interest in power itself, but as a tool to reinforce and defend their economic interests. The erosion of the democratic system is a mere casualty for them, but for citizens it becomes a spoiler of stability and a source of further marginalization.

This paper explores the various avenues used by criminals in general, and organized criminals in particular, to manipulate elections, looking at the phases of the electoral cycle that are most vulnerable to these illicit practices. Moreover, this paper links the broader debate of how organized crime affects democratic politics to the specific area of electoral processes. Indeed, International IDEA and the Clingendael Institute have been focusing since 2011 on understanding the various modalities in which organized crime and politics interact within the framework of the Protecting Politics project,



targeting their research in Latin America, the Baltic States and West Africa. Since 2015, the two institutions have zoomed in on the specific modalities in which organized crime manipulates and affects elections in particular, seeking to provide targeted policy options that stand better chances of effectively achieving change. This report summarizes this research. Three other papers complement this series, examining how organized crime affects political parties, service delivery and local democracy, respectively.

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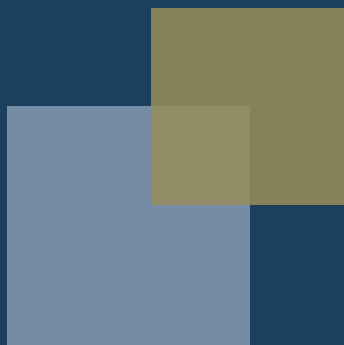
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Chapter 1

Introduction



Chapter 1



Introduction

Democracies throughout history have been held hostage to multiple varieties of criminal abuse and manipulation, many of which have targeted the electoral process given its critical role in the distribution of state power and resources. Traditional abuses of electoral systems, such as intimidation of voters, vote buying or ballot stuffing, continue to exist, and in cases like the elections in Afghanistan in 2009 and 2014 pose grave threats to the eventual legitimacy of the country's elected governments in a volatile, conflict-affected environment (De Waal 2009; Coburn and Larson 2013).

These risks to the electoral process, and the abuses to which people are subjected during poorly handled polls, are a matter of constant and acute concern across the world. Numerous inter-governmental bodies, non-governmental organizations (NGOs) and expert bodies run monitoring and observation missions to ensure the integrity of elections. Electoral scandals of diverse origins, when they emerge into the public eye, can result in deep and lasting damage to political leaders. The case of Colombian President Ernesto Samper (1994–98), whose campaign was found to have been partly financed by the Cali drug cartel soon after his election, is an early example of how a link to illicit finance gravely undermines a government's domestic and international standing (*El Espectador* 2016).

As a result, the vulnerabilities and abuses of electoral systems are well established and have been closely studied. However, rather less attention is paid to an intrinsic part of this threat: the conditions and opportunities for criminal interference in the electoral process, which determine the sort of illicit strategy chosen for use in and around the ballot box (Lehoucq 2003). A few works have charted parts of this novel terrain. Scholars such as Paul Collier have considered the incentives to mete out violence or deploy bribery or fraud

at election time when there is no real legal control over these practices (Collier and Vicente 2012). Likewise, World Bank experts and numerous corruption specialists have mulled over the factors, such as election campaign finance, that help generate corrupt relationships between politicians and the private sector (Kaufmann and Vicente 2011). But in general, candidates' or parties' use of electoral 'dirty tricks' (not necessarily criminal) is better understood than the strategies behind illicit activities in elections.

This statement holds most strongly for organized crime, defined as profit-seeking criminal activity over time by a group of people. Illicit threats to election systems that can involve organized crime, such as voter intimidation, appear to be easily identifiable. But the conditions that lead organized criminal groups to meddle in an uncertain and very conspicuous political process like an election are not always evident. Until now, few criminologists have examined the underlying conditions that make elections vulnerable to organized criminal involvement; instead they have overwhelmingly concentrated on territories that have witnessed particularly outrageous organized criminal interference in voting practices. These include electoral interference by the mafia in Sicily or by paramilitary forces in Colombia (Ávila and Velasco 2012; De Feo and De Luca 2013; Buonanno, Prarolo and Vanin 2014), as well as the case of crime-controlled constituencies in Jamaica, an island where some scholars argue that 'wanton lawlessness is integral to the process by which lawmakers are elected' (Figueroa and Sives 2003: 65).

This report addresses these gaps in knowledge by analysing the causes and opportunities for illicit activities (above all involving organized crime) related to electoral processes. On this basis, it suggests how national and international authorities might better protect these crucial and coveted elements of the democratic process.

To begin, the report identifies two overarching trends in electoral politics that are especially relevant for the subject in question—the prominent role of money in politics and the high degree of polarization of the political spectrum. Second, the report describes four of the most common types of illicit activities affecting elections which are deployed, among others, by organized crime: electoral fraud, state-led electoral manipulation, election-related violence and illicit campaign funding. Third, it complements the previous general remarks on elections with some additional considerations focused on organized crime, namely the special threat that these illicit networks pose to elections and why they are interested in them, and an overview of the periods of the electoral cycles that are most vulnerable to organized crime.



These risks and trends in organized criminal influence on elections are then illustrated in three short case studies based on fieldwork in countries experiencing the ‘third wave’ of democracy (Huntington 1991): Georgia, Mali and Mexico. Each of these three countries has undertaken a transition to multiparty democracy since the early 1990s, in which elections have played a crucial role in generating peaceful, historic handovers of power from previously authoritarian or one-party regimes. These include Mali in 1992, Mexico in 2000, and Georgia in 2004 and, arguably, 2014. However, as the case studies explain, each country has been affected by some degree of criminal influence in electoral processes, while contentious elections and extraordinarily high costs of campaigns remain linked to broader illicit activity across the political system. In this sense, the Georgia case study stands out as an instructive example of how illicit networks were addressed in the country’s electoral processes, in spite of corruption and partisan manipulation of some important democratic institutions.

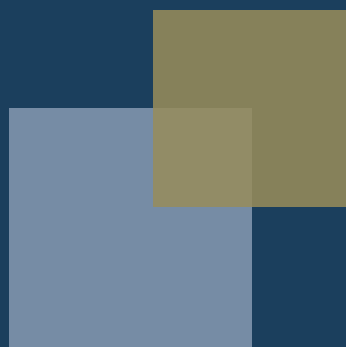
The case studies also look at some of the shortfalls in efforts to regulate elections, notably the partisan use of oversight mechanisms and insufficient political will to pursue wrongdoers. Insights from these and other cases highlight policies that not only look good on paper, but would have the desired effects in democratic environments marked by cutthroat electoral competition, large monetary flows, criminal rackets operating in the government, and a public suspicion that the law is a weapon used primarily by the powerful and not on behalf of the weak. Faced with these challenges, policy responses must tread with some care.

The methodology used to conduct this research is primarily based on desk and field research. Given the physical risks and political constraints associated with collecting data on such a sensitive subject, the sources for the interviews, who included a number of high-level state officials, members of NGOs—national and international—and intergovernmental organizations, scholars and journalists, remain anonymous. It is important to mention that this report builds on the extensive work that International IDEA and the Clingendael Institute have conducted on the linkages between organized crime and democratic politics since 2009, most notably the discussion paper ‘Illicit Political Finance and State Capture’ (Kupferschmidt 2009), the report *Illicit Networks and Politics in the Baltic States* (Villaveces-Izquierdo and Uribe Burcher 2013) and the book *Illicit Networks and Politics in Latin America* (Briscoe, Perdomo and Uribe Burcher 2014).



Chapter 2

Global electoral trends: money and polarization



Chapter 2



Global electoral trends: money and polarization

Profit-seeking organized crime groups currently enjoy stronger and more widespread opportunities to interfere with electoral processes driven by two current electoral trends: campaigns are more competitive and politics is more polarized. These trends stand at the heart of the expansive risk to the integrity and legitimacy of democratic elections worldwide—in general, and originating from organized crime in particular—and apply to countries irrespective of different levels of institutionalization and regulation. Yet certain transitional democracies stand out for their acute vulnerability to the risks of organized criminal influence in elections.

Election campaign finance

Most respected scholars of electoral democracy and several leading international organizations recognize the growing influence of private finance on election campaigns (Ringen 2009; Dahl 2015: ch. 14; International IDEA 2014). Even if academic debate continues over whether campaign spending affects electoral outcomes (Ben Bassat, Dahan and Klor 2015), political actors seem convinced by the decisive competitive advantage it grants. Although comprehensive cross-national and historical data on election expenditure are not readily available, evidence from a number of countries, including hybrid democracies (i.e. regimes that combine democratic and autocratic elements), points unequivocally towards the high cost of elections (Norris, Van Es and Fennis 2016). An estimated USD 5 billion was spent on India's 2014 elections (Norris et al. 2015); the 2016 US election will likely surpass this figure. Numerous countries are establishing similar records: the various Brazilian polls of 2014 cost an estimated USD 3 billion (Bevins 2014).

In the new (and as yet unrecognized) country of Somaliland, research has established that the elections of 2012 cost USD 50 million, a sum equivalent to half the country's entire national budget for that year. Much of this investment was supposedly spent on buying the mild narcotic khat leaves so as to sway interested voters (Verjee et al. 2015).

While election management in established democracies tends to be professionalized and enjoys greater guarantees of independence from political influence, efforts to control and monitor the flows of private funding into elections have proven far weaker in intent, and rather less effective. As noted in the International IDEA handbook on political finance, many democracies poorly enforce political finance rules: a quarter of the 180 countries surveyed had no institution to lead investigations into reported offences (International IDEA 2014: 31).

The combination of a trend towards high campaign costs and a chronic weakness in many democracies regarding the enforcement of political finance regulations makes campaign expenditure an area of primary concern. The sources of and motives for these flows of money have stirred deep unease. Even where private donations are permitted under the law, they appear to create a crossroads through which private interests—legitimate and illegitimate, as will be discussed in the following chapters—and the government can fluidly trade favours, privileges and, above all, influence. A number of experts on white-collar crime argue that private election donations, while legal in many countries, represent an open portal for corruption: according to Nubia Evertsson, 'reciprocating electoral financial support runs contrary to the principles of the electoral law; nonetheless, it is part of everyday politics' (Evertsson 2013). David Friedrichs neatly encapsulates the dilemma of election campaign finance by comparing it to 'legalized bribery' (Friedrichs 2004: 148). In Britain, for instance, the elections of 2015 were reported to have seen the greatest ever level of donations to parties (Mason 2015). In the words of one recent court verdict on allegations against a former British Conservative Party treasurer, requests for major donations in return for political influence were not illegal, but remained 'unacceptable, inappropriate and wrong' (Ungoed-Thomas 2015).

Political polarization

The second outstanding phenomenon to have marked the integrity and legitimacy of many democracies, above all those in the 'third wave' of democratic transitions, is the occurrence of disputed or contentious elections,



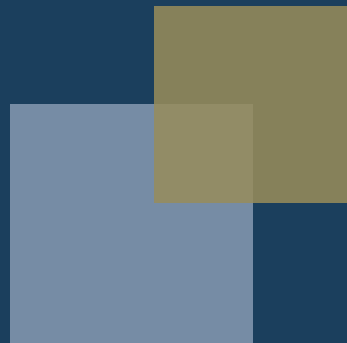
particularly in countries affected by rigid ethno-political divisions or extreme political polarization (Norris, Frank and Martínez i Coma 2015). In the case of disputed poll results, the electoral campaigns and the eventual narrow or dubious margins of victory can provoke major instability and armed violence if the ‘losing’ party refuses to recognize the result. The bloodshed that followed Kenya’s presidential poll in 2007 epitomizes the dangers of this sort of contested election result (HRW 2008), while the extremely narrow victory of Felipe Calderón in Mexico in 2006 provoked a popular and political backlash, as did the close and contested results of Ukraine’s 2004 election.

The risks posed by disputed marginal results can be seen as an acute version of a more general democratic malaise. Contentious elections need not hinge on a close outcome, but can instead reflect a country’s stark and often-irreconcilable political divisions, aggravated by state authorities and election management bodies that are regarded as systematically favouring one side (Norris, Frank and Martínez i Coma 2015; Cyllah 2014). A series of post-conflict elections in the 1990s, which were planned at the time to accelerate the creation of new, liberal states, ended in violence as the losing parties refused to accept the electoral confirmation of their marginalization from power or their subordinate political role. In cases such as Angola and Rwanda, elections were followed by a return to war or the onset of genocide (Paris 2004). Numerous recent elections—in Zimbabwe (2008), Afghanistan (2009), Venezuela (2013) and Thailand (2014)—have exacerbated rather than remedied their countries’ immense political divides and sources of grievance.

A decorative graphic in the top left corner consisting of three overlapping squares. The top-left square is light blue, the middle square is a slightly darker blue, and the bottom-right square is a medium blue.

Chapter 3

Varieties of illicit electoral practice



Chapter 3



Varieties of illicit electoral practice

Illicit activities designed to prejudice the results of elections are numerous, and are rooted in the historical origins of contemporary democracy. Organized crime is just one of the potential perpetrators of these crimes, which may include electoral fraud, state-led electoral manipulation, election-related violence and illicit campaign finance.

Electoral fraud

The most rudimentary way in which crime affects the electoral process is through the use of illicit methods to achieve victory at the ballot box. In the contested Afghan election of 2014, the country's extreme fragility and ongoing conflict spurred multiple opportunistic abuses by interested parties, leading in the words of the losing presidential candidate to 'fraud engineered on an industrial scale'. In Afghanistan's previous election of 2009, 1.2 million ballots had been discarded as fraudulent (Allen 2014).

Some of the most common forms of electoral fraud include the use of violence and terror to intimidate voters, vote rigging during the election (including ballot stuffing, abuse of rules on secret voting or miscounting votes), vote buying, the use of patronage systems to mobilize support, as well as numerous other ways in which electoral or party laws can be violated or subverted (Lehoucq 2003).

All the above-mentioned types of electoral fraud have been part of the historical trajectory of democratic development, and are still used today. Research by International IDEA has shown there is now a broad global consensus on the risks and responses to electoral fraud: out of 176 countries

surveyed, over 93 per cent classify electoral fraud as a criminal offence, while over 94 per cent do so with respect to obstruction of the electoral process (International IDEA 2010). Evidence from around the world also points to a decline in the incidence of crude ballot rigging (*The Economist* 2012).

Both state and non-state actors may be involved in these crimes, although recent prominent cases were primarily the work of state bodies and security forces. Some of them include the violent hounding of opposition voters in Zimbabwe in 2008 (HRW 2011)—in which up to 200 people were killed following a first round of polling won by the opposition—and the Iranian vote miscount of 2009, in which most of the 39 million votes cast on handwritten ballots were supposedly counted in three hours (Richter 2009).

State-led electoral manipulation

Although nominally the guardians of law, states are composed of political actors who may exploit rules and legal enforcement for their own ends, especially when these affect future prospects of electoral success (Karstedt 2014: 311). State actors can break the laws regarding democratic processes in various ways, as noted above. But they can also perpetuate the hold of one political faction or interest group over state institutions by actively manipulating the electoral structure of their country. Ways in which ‘competitive authoritarian regimes’ survive (Levitsky and Way 2010) include crafting laws, procedures, and official bodies for elections and campaigns that systematically favour their preferred group and discriminate against opponents (Birch 2011). These structures can then impose, for example, strict and often arbitrary rules on the registration of political parties and candidates, exert control over media outlets, target judicial investigations and tightly control access to public meeting spaces. Several alleged instances of this sort of partisanship regarding the control of campaign finance and reforms to the electoral system are noted in the Georgia case study in Chapter 7. In a more extreme example, Egypt’s presidential elections in 2014 faced serious criticism given that the Muslim Brotherhood’s Freedom and Justice Party was banned, and some of its supporters were brutally repressed (Freedom House 2015).

The situation is paradoxical, however. Since the appropriate state institutions and legislatures have approved the regulations and laws in question, winnowing of the political opposition cannot usually be considered a crime in the strictest sense in these instances. Electoral monitoring missions and other forms of foreign supervision can expose these practices, albeit with a



very limited possibility of future prosecution. One partial exception can be found in Kosovo's 2010 elections, when 5,000 election commissioners were found to have been involved in a campaign of electoral fraud (Musliu and Gashi 2012: 16–17).

Election-related violence

Disputed elections, as discussed in the previous chapter, reflect and aggravate a weakening or crisis of state authority. In the tussle for political supremacy that precedes or follows the poll, various forms of illicit influence on voters, security authorities, state bodies or judges are used to compensate for the declining legitimacy of the election result and the absence of impartial state authorities. Faced with a breakdown in the shared confidence in electoral democracy and its mechanisms for the distribution of power, new claimants on power may emerge. These can include criminal organizations that aspire to fill the voids of state authority by using selective violence, as well as earning and distributing illicit revenues.

Libya provides a recent example of an election that failed to win the consent of all contending parties. The poll in June 2014 for Libya's new parliament, the House of Representatives, marked a significant deterioration in the country's efforts at post-revolutionary stabilization. With a turnout of only 18 per cent, the election of a secular majority provoked the country's Islamist forces to seize control of the capital, Tripoli, which divided the state between two rival governments and worsened the country's highly militarized fragmentation (Wehrey and Lacher 2014).

The country's unfortunate electoral outcome also points to the complex relationship between disputed or contentious elections and the role of organized crime. Many of the militias operating in Libya, notably the powerful Misrata militia, established illicit profit-making ventures in the years following their overthrow of Muammar Gadhafi (Tabib 2014). But the division of the state into two rival executives, the lack of any authority able to govern the entire national territory, and the attractiveness of control over the country's oil and gas export streams have greatly enlarged the spaces for criminal activity, and exacerbated the predatory behaviour by the two governments and competing factions within them. Migrant smuggling through Libya, for example, shot up between 2014 and 2015 as militias and parts of the armed forces sought to profit from the protection of this illicit business (GI 2015). Meanwhile, the two governments continue to compete over which of them controls Libya's oil production and revenues (ICG 2015b).

The case of Libya illustrates some of the most disturbing causes and effects of contentious elections. Many such polls prompt episodes of extreme violence, marked by the rise of thuggish gangs and criminal organizations, or brutal state repression. Whereas Zimbabwe in 2008 is emblematic of a state security offensive aiming to curtail the opposition ahead of a second round of voting, the case of Kenya following the rigged election results announced in December 2007 points to the risks of a more dispersed violent conflagration involving numerous armed groups and security actors divided along ethno-political lines: at least 1,000 people were killed in the ensuing violence. One of the groups reputedly involved on the side of the incumbent president, Mwai Kibaki, was a feared criminal gang called the Mungiki, which had a presence in the slums of the capital Nairobi dating back to the 1990s (HRW 2008: 43–45). A rather different example can be found in the Mexico case study in Chapter 6, where the disputed election result of 2006 generated major non-violent protests and fierce attacks by the opposition on the Mexican political establishment. Arguably, the more distant effects of this period of political uncertainty included the launch at the end of the year, under the new president, of a major militarized campaign against drug cartels—an offensive that would lead to Mexico’s worst years of criminal violence.

The crises sparked by contentious elections, in short, reveal multiple different forms of connections between disputed state authority, fragmented political actors, and violent and criminal networks. These, in turn, can serve as paramilitary units, revenue generators, alternative sources of legitimacy or scapegoats in environments marked by weak legitimate governance.

Moreover, the presence of organized crime and of networks of political corruption operating through the state also plays a critical role in the period running up to the disputed poll. The refusal by political or social forces to recognize an election result tends to reflect the perception that victory at the polls provides disproportionate advantages to the winning side, not least because of the winner’s access to state resources. The case of Kenya in 2007, as described in a Human Rights Watch report the following year, is representative of many environments marked by such ‘winner-takes-all’ electoral competitions. ‘Political contests have become all the more charged because of what is at stake; those who achieve political power benefit from widespread abuses including impunity for political manipulation of violence, criminal theft of land, and the corrupt misuse of public resources—indulgences which occur at the expense of groups who are out of power’ (HRW 2008: 11).



Illicit campaign funding

Democracies featuring significant levels of private finance of campaigns and little oversight, as noted in Chapter 2, are vulnerable to numerous funding-related abuses. These include the generic form of privileged access to decision-makers enjoyed by more wealthy sectors of society as well as more concrete vices, including the capture of policy areas and legislation by vested interests, favouritism in the allocation of public sector contracts, and forms of judicial impunity and protection (Casas-Zamora and Zovatto 2011).

Individuals and legitimate businesses can engage in these abuses. When individuals use illicit campaign funding, it is usually part of an attempt to acquire future state contracts, easy credit, jobs or other profitable state paybacks. Legitimate businesses can also use illicit campaign funding as a channel for corruption. In Brazil, three-quarters of the money donated for elections last year came from large and legitimate corporations (Douglas 2015); their favoured treatment in public procurement has been scrupulously noted and analysed (Boas, Hidalgo and Richardson 2014). These networks of influence trafficking are now under criminal investigation as a result of the USD 3.5 billion Petrobras scandal, which has already shaken Brazil's political establishment.

Organized crime can also use illicit campaign funding to shape the make-up of governments and parliaments. However, there have been different interpretations as to the particular financial contribution of organized crime in electoral environments marked by multiple illicit arrangements that violate political finance rules, or which involve political pacts with legitimate businesses that will later be honoured in a quid pro quo for public sector contracts. Illegal sources made up merely one per cent of all sources of political party funding according to a survey of 22 developing countries carried out by the National Democratic Institute a decade ago (Bryan and Baer 2005: 11). Nevertheless, certain political finance scandals clearly suggest how criminal contributions have flowed into larger electoral slush funds. A telling example comes from Argentina in 2007, when business figures connected to the sale of fake medicines and the import of ephedrine, a precursor chemical used to process drugs such as cocaine and methamphetamine, were discovered to have allegedly financed the campaign of former president Cristina Fernández de Kirchner (Ferreira Rubio 2015). This case remains subject to ongoing judicial inquiries.

Even in the Mexico case study described in Chapter 6, where public funding for political parties and campaigns is among the most generous in

the world—an estimated USD 2 billion was spent on the entire structure of electoral democracy in 2015—the penetration of private finance, and alongside it organized criminal influence, is now reported to have far exceeded state subsidies for parties (Ugalde 2015). However, it is not known how much criminal networks have contributed to campaigns in Mexico. Illicit campaign finance, including funds originating from organized crime activities, tends to be paid in untraceable cash transactions. Most importantly, the intimidating, violent environments in which organized crime operates in Mexico and elsewhere make these practices very difficult to monitor and investigate. As of 2013, no complaint had been brought before Mexico’s electoral court over alleged links between a party or candidate and drug trafficking (Curzio 2013: 143). Similarly, in Guatemala, until May 2015 no complaints regarding illicit electoral financing had been filed, despite grave suspicions of various organized crime networks’ political influence (CICIG 2015: 46).

A worrying by-product of the corruption associated with illicit campaign finance is that extremely high levels of state corruption can, in turn, drive increasingly competitive elections with extraordinarily steep campaign costs as contenders battle for the right to pillage public resources. Sarah Chayes reports that in Nigeria, candidates in recent elections for state governors had to assemble USD 10 million just to be able to stand, and rely on loans from ‘godfather’ donors that are eventually cashed back through inflated contracts and other abuses of public resources (Chayes 2014: 125). However, the results do not always favour those with access to extraordinary private, illicit or state resources. The defeat of Goodluck Jonathan in the presidential elections in that country in 2014—despite spending an estimated USD 300 million—and the victory of a reformist candidate in the highly criminalized political context of Guinea-Bissau in 2014 confirmed that wealthy entrenched powers can be unseated by dissatisfied electorates (*Africa Confidential* 2014, 2015).

Another problematic by-product of illicit political finance is that it has driven citizens’ discontent with their political systems and their electoral authorities: according to one analysis, trust in elections in Argentina may have suffered as a result of an illicit funding scandal involving a cash-stuffed suitcase brought from Venezuela (Layton 2010: 5).

Numerous attempts to guard against such financial abuses have been introduced, such as public funding of parties, limits on donations, spending limits and financial reporting requirements (International IDEA 2014). Even so, the conclusion of a study of elections in 2014 by the Electoral Integrity

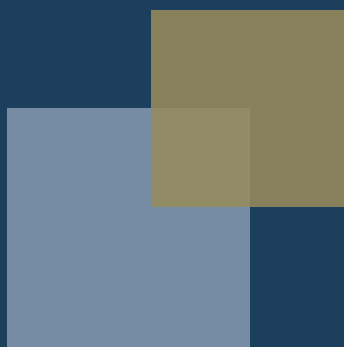


Project declared: ‘campaign finance and campaign media coverage are consistently the most problematic stages [of the election cycle] every year’ (Norris, Martínez i Coma and Gromping 2015: 18).



Chapter 4

Additional considerations concerning organized crime in electoral politics



Chapter 4



Additional considerations concerning organized crime in electoral politics

All of the categories of illicit influence on the electoral process described in the previous chapter tend to result in profits, particularly when these are conceived of as ‘rents’ arising from personal or factional exploitation of state controls over economic activity that are secured after an election victory. These rents may include licenses to run businesses, inflated public sector contracts or undervalued land sales, access to state credit or subsidies, or even loans from private banks that are close to state power. Gaining state power also often means obtaining the resources to coerce individuals and businesses to do one’s bidding in multiple ways.

Organized crime’s particular threat to and interest in electoral politics

The threat posed by profit-oriented organized crime in a number of democratic settings is not exactly the same as the threat represented by a network of state corruption. The economic, social and coercive power that organized crime has acquired is generally understood to be distinct from other forms of corruption in that it has not emerged purely from control of the state and the political process. The specific danger these criminal organizations pose to democratic processes arises from the concerted use of their resources—above all money, violence and the loyalty of a support base—to assert influence over political and state officials at multiple levels of authority, as well as on the institutions that are formally or informally controlled by the state. The most important such influence is over the judicial system: there is a strong correlation between the presence of organized crime and weaknesses in the independence and integrity of the judiciary (Buscaglia and Van Dijk 2003).

Furthermore, in some of the most notorious cases of illicit influence, organized criminal organizations have sought not just to distort the election results to their advantage, but also to use the process as a way to legitimate their activities or extend their influence beyond the realm of crime.

Examples of this sort of organized criminal influence over political processes have been amply documented in numerous regions. Drug trafficking is perhaps the most conspicuous source of illicit enrichment and power, with a significant imprint on political systems in Latin America, West Africa and the Sahel (Briscoe, Perdomo and Uribe Burcher 2014; Kofi Annan Foundation 2014; Lacher 2012). At the same time, other criminal structures—such as the mafia protection economies of southern Italy, the various criminal groups in war-torn Serbia in the 1990s or, since approximately 2003, the kidnapping rackets of northern Mali—have also exerted considerable influence on elections. Organized criminal networks often control territories and local people, which allows them to deliver votes to their favoured candidates during elections. Diego Gambetta describes how the Sicilian mafia exercises this type of power, and for a long time was apparently allied exclusively to the country's Christian Democrats (Gambetta 1993: 182–87). The case of Jamaica's garrison communities, which are low-income urban enclaves controlled by gang leaders in collusion with political bosses, is perhaps the best current example of organized crime's ability to deliver votes and victory to its allies on election day (Arias 2013).

The 2009 local elections in Mali described in Chapter 5 represent a crucial moment in the progressive degradation of ethnic relations in the country's north that eventually led to war three years later. In the town of Tarkint, a large inflow of cash resulting from a ransom payment preceded the polls: just days before, the Canadian diplomat Robert Fowler and a colleague were released for an alleged USD 1 million. Politicians who benefited from the payment were allegedly seen on election day, according to a leaked US Embassy cable, 'bullying the local population, intimidating polls workers and corrupting the electoral process' (US Embassy in Bamako 2009; Briscoe 2014: 28).

However, the argument that profit-oriented organized crime targets elections in order to increase its influence over politicians and state authorities, above all in transitional democracies, prompts two significant caveats. First, it is by no means clear that criminal networks prefer to use electoral campaigns to influence political decisions over other forms of corruption and threats of violence targeted at any incumbent official or politician, regardless of their party or ideology, and irrespective of whether an election is taking place. Second, it is not always easy to conceptually separate the political influence



of criminal networks that have enriched themselves through illicit rackets, on the one hand, and the abuse of elections by networks of political corruption on the other hand, of the sort noted above in Nigeria. In practice, the two are deeply and diversely interconnected. The example of the former Yugoslavia in the war-torn 1990s is illustrative. According to Misha Glenny, the presidents of Serbia and Montenegro ‘ruled over republics where organised crime has usurped key positions in political and economic life, and where politicians used the security forces and gangsters to intimidate opponents’ (Glenny 2008: 49). In the Balkans, as elsewhere, organized crime adapted to its environment, exerting influence over the political system in ways that suited the tactical or economic requirements of politicians, and which took advantage of established forms of law-breaking inside the democratic and electoral process.

Illicit tactics deployed by organized crime across the electoral cycle

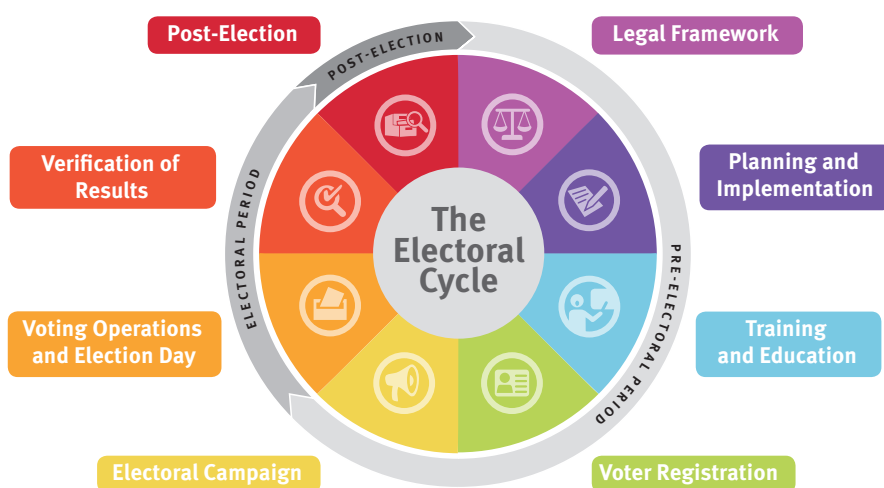
Organized crime, in short, is opportunistic when playing politics. Very rarely is it a direct antagonist to the political system: Colombian drug trafficker Pablo Escobar’s armed offensive against the Colombian state in the 1980s and early 1990s, and the eventual dismantling of his drug cartel, exemplifies the risks of such outright belligerence for a criminal organization (Kenney 2007; Flores Pérez 2009: 135–6).

As a result, if organized crime groups seek to influence elections, they tend to work alongside and within the various sorts of illicit electoral practices outlined in Chapter 3. For example, they may nominate candidates for political office or intimidate voters on behalf of preferred candidates, as Colombia’s paramilitary forces did between 1997 and 2006 (López Hernández 2010). Alternatively, organized crime groups may take advantage of the loopholes and weak supervision of political funding regimes to extend their reach: the extremely porous political finance regime in Guatemala has been unable to prosecute between 95 and 100 per cent of electoral offences, including many involving organized crime (CICIG 2015: 46). In addition, organized crime networks often develop multiple relationships with corrupt political officials who use state power for their own benefit. These politicians may extend political protection to drug traffickers, such as that provided by former Ghanaian member of parliament Eric Amoateng (Kavanagh 2013). Lastly, entire kleptocratic state systems may associate with criminal mafia for joint strategic and profit-making ends (Miklaucic and Naím 2013; Dawisha 2014; Chayes 2014).

In these contexts, the extent to which criminal organizations want to influence election results is unclear. Indeed, as mentioned above, criminal organizations may work with any politician they can corrupt or influence once he or she is in office, and may even finance multiple rival candidates and parties in an election, as was the case in a scandal involving one of Estonia's biggest businessmen in 2007 (Villaveces-Izquierdo and Uribe Burcher 2013: 19). Alternatively, they can simply concentrate their influence on unelected posts in the state, such as police officers, judges and mid-level public officials.

However, in light of organized crime's sensitivity to the weaknesses and opportunities in democratic systems, and elections in particular, it is worth considering which periods of the election cycle criminal groups might prefer to target. Figure 4.1 depicts the phases of the electoral cycle.

Figure 4.1. The electoral cycle



Source: International IDEA

Some periods of the cycle, notably the training and education phase, are arguably of limited interest to organized crime. As noted above, the formal processes that lead up to election day, including voter registration, planning and implementation, as well as the legal framework, may be subject to manipulation by political powers and state officials, above all in authoritarian environments. Ploys to favour one political force by manipulating these



rules and planning, or by meddling with electoral rolls and the election management authorities, will almost invariably require coordination at the central state level by officials, lawyers and political leaders. However, their activities may occasionally be regarded as part of a political–criminal enterprise if the ultimate goal is to achieve more complete control of state structures on behalf of a corrupt network. The reforms carried out ahead of the 2012 parliamentary elections in Ukraine, for example, clearly favoured the then-ruling Party of the Regions (Kovalov 2014); its connections to criminal interests have been well documented (Bullough 2014). In addition, more traditional semi-legal and illicit practices were apparently used to prejudice the 2012 result in that country, including the deliberate damaging of ballots and delayed reporting of results.

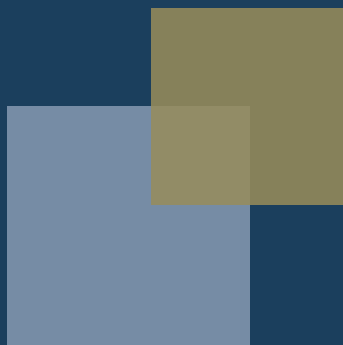
Established criminal organizations are likely to have long-standing and intimate relationships with certain political actors, above all in local contexts (Briscoe and Goff 2016). When they set out to influence the electoral process, criminal organizations—understood as separate entities from networks of political corruption—are most likely to exert influence on the election campaign, and during voting on election day. The Sicilian mafia’s power to coerce voters towards preferred candidates has been extensively noted, with measurable benefits until 1992 for the candidates it favored (De Feo and De Luca 2013). Nigerian elections, meanwhile, have long been affected by some candidates’ use of violent youth gangs to terrify voters, rally support and intimidate electoral authorities—no more so than in 2007 (HRW 2007). At the same time, illicit campaign finance aiming to sway voters and possibly corrupt election officials is concentrated in the campaign period, even if its implications for governance are only apparent once the elected candidates are in their posts and able to return the favours.

The vote count and verification of results have been repeatedly subject to political interference in authoritarian or transitional democratic regimes: the crisis caused by the contested second round of elections in Afghanistan in 2014 was sharpened by allegations that the head of the Independent Election Commission had been involved in numerous irregularities (EU Election Assessment Team 2014: 10–11). However, organized criminal influence in this phase is at most marginal. Its imprint, however, is far greater in the post-election phase, especially when the result remains contested or in doubt, as discussed above.

A decorative graphic in the top left corner consisting of three overlapping squares. The top-left square is a light blue-grey, the middle square is a slightly darker blue-grey, and the bottom-right square is a medium blue-grey.

Chapter 5

Case study: Mali



Chapter 5



Case study: Mali

Until 2012, largely peaceful elections were the insignia of Mali's claim to have accomplished one of sub-Saharan Africa's most successful transitions to democracy (Harmon 2014: 71). Following a popular uprising and a putsch against the country's 23-year-old military dictatorship in 1991, Mali managed to navigate a handover from the military coup leaders to a civilian president who then respected the constitutional limit on his mandates. The country proceeded to maintain a calendar of regular parliamentary, presidential and—from 1999—local elections, and cultivated a system of political parties that included two significant national forces: the Alliance for Democracy in Mali and the Rally for Mali. According to the Afrobarometer Survey, Malians remain wedded to the democratic system, which 75 per cent prefer to any other system, and generally satisfied with their level of political and civic freedoms, as well as the quality of elections (Afrobarometer 2014, 2015).

However, the national emergency of 2012 prompted deep reflection over the shortfalls of these electoral procedures, which, in hindsight, had failed to guarantee the state's popular legitimacy, preserve civilian control of government, or diminish rampant corruption and crime. At the start of the year, a Tuareg separatist movement seized control of the desert in the north of the country, declaring it an independent state called Azawad, only to be dislodged within months by a coterie of jihadist armed groups. Meanwhile, a junior army officer, Captain Amadou Haya Sanogo, led a coup in the capital, Bamako, against the elected president Amadou Toumani Touré, who was forced to flee the country as a result.

There followed a year of grave political uncertainty, in which the armed forces retreated from formal state office while exerting substantial influence over (and intimidating) interim civilian leaders. Malians' satisfaction with their

democracy fell to some of its lowest historical levels, reaching 30 per cent in the period 2011–13 (Afrobarometer 2015: 6). Fresh presidential and legislative elections in 2013 appeared to mark a return to electoral and political normality, although levels of public discontent with their new leaders, ongoing armed violence in the north and the failure to hold elections in the country's 703 local communes would suggest that many challenges remain. Prominent among these are the influence of crime and corruption throughout the political system.

Elections and campaign finance

While signalling to the outside world that Mali was consolidating its multiparty democracy, the elections that regularly took place from 1992 onwards also revealed and reinforced the new political system's weakest points—one of which is especially low electoral turnout. Starting at 23 per cent for the presidential poll in 1992, the participation rate hovered between 20 and 40 per cent for all national elections until 2012; turnout for local elections reached over 40 per cent (Bleck 2015: 67).

In spite of the greater levels of voter enthusiasm for local elections, Mali remains governed by a heavily centralized presidential system, with a single-chamber National Assembly that tends to offer little robust opposition to the executive. The programme of decentralization that began in the 1990s has yet to achieve a substantial handover of power and resources to the local level. According to a report from the International Crisis Group, for instance, in 2009 the central state distributed only 0.48 per cent of its fiscal revenues to local authorities, despite the fact that these are nominally in charge of providing social services such as health and education (ICG 2015a: 7).

Although it is possible to ascribe high levels of voter apathy to the recent introduction of democracy, or to the historically enshrined tradition of consensus in Malian politics, the absence of mass participation has profoundly affected the country's democratic development (Chauzal 2011: 248–50). Numerous parties engage in competitive electioneering on the understanding that ideology or party allegiance and mobilization will have a limited influence on voters. Instead, Malian elections have come to be characterized by a dependence on financial influence in order to win at the ballot box. Although a number of regulations apply to political parties, which are eligible for modest state funding, there are no limits on party spending or on donations to parties from national sources, nor on the amounts a candidate can spend (International IDEA 2015). Moreover, according to the



report of the EU observation mission for Mali's 2013 presidential elections, 'no effective control mechanism is envisaged' to ensure that political parties present truthful and complete accounts to the Supreme Court (EU Election Observation Mission 2013).

Financial resources are used in various ways during elections in Mali, including direct payments to voters—which is strictly illegal according to articles 72 and 128 of the Malian Electoral Code—purchasing clothing showing the candidate's face, rallies, vehicles for travel and influence over journalists (anonymous interview, Bamako, November 2015). One study of Malian democracy based on extensive field research carried out before the 2012 crisis found that voters were unremittingly hostile to politicians they viewed as corrupt, self-interested and unable to provide proper public services. 'We are nothing but fish to them [political parties]', recounts one village leader. 'They come to our village during the campaigns and cast their nets. Once they reel in their catch—their work is done' (Bleck 2015: 52). One former National Assembly deputy estimated his campaigns cost CFA 35 million, or approximately USD 58,000, which was financed from his and his partners' pockets. A successful presidential campaign was estimated at CFA 7 billion, or USD 11.5 million (anonymous interviews, Bamako, November 2015).

Various observers of Malian democracy and insiders within it concur that these sums of money exert a strong and detrimental pull on political behaviour. Once in office, deputies and other elected officials must recoup these campaign investments by manipulating public spending, public contracts or state recruitment (Van Vliet 2014; Harmon 2014: ch. 3). It is interesting to note in this regard that the Illicit Enrichment Law of 2014 expressly excludes parliamentarians from its remit. Although many of these corrupt practices predated electoral democracy, and draw on other social and political roots as well as a generalized context of poverty and scarcity, election campaign financing has magnified the scale of central government corruption. According to the scholar Stephen Harmon, 'it is with fraud and lack of transparency in election campaign finance that much of the rest of the political corruption in Mali begins' (Harmon 2014: 81). Electoral finance not only determines the scale of corruption in Mali. It also, in the view of one former government minister, severs any relationship of trust and accountability between voters and elected officials: 'Democracy does not ask leaders to be accountable for their records, and democracy does not allow the best leaders to be chosen' (anonymous interview, Bamako, November 2015).

Disputed electoral races and executive influence

Partisan politics and contentious elections have also left a significant mark on Mali's democratic evolution. As a result, all the country's major elections have been marred by charges of mismanagement and manipulation.

Parliamentary elections were annulled in 1997 as a result of apparent electoral abuses carried out under the aegis of an ill-prepared and politicized electoral management body, the Independent National Election Commission (CENI) (Chauzal 2011: 287–91). All the main opposition parties boycotted the presidential elections that year. Five years later, the CENI's role was reduced to that of a temporary supervisory body, created ahead of elections and dissolved shortly afterwards once its final report was published. Overall electoral organization, including vote counting, was handed to the Ministry of Territorial Administration. The preparation of the electoral list, voting cards and papers, and management of the public funding of political parties was handed to the General Directorate for Elections, created in 2000. Matters of electoral justice and electoral annulment remained in the hands of the Constitutional Court.

This arrangement, which was formally established by the 2006 Electoral Law (revised in 2011 and 2013), continues today. The new structure clearly reinforced executive power over the electoral process, not least given the prominent role of the Ministry of Territorial Administration and the nature of the Constitutional Court's composition. Three of the court's nine members are appointed by the president, and another three by the High Council of the Magistracy, which is also effectively under executive control (Van Veen, Goff and Van Damme 2015: 19–21). Highly controversial decisions taken by the court include the annulment of a third of the votes cast in the first round of the 2002 presidential elections (Cyllah 2014: 128). Five years later, the court declared that electoral fraud had become systemic.

Spats over electoral management and a tendency towards executive meddling in the electoral process have not abated since then, and continue to generate barely concealed resentment among losing parties. Representatives of the Union for the Republic and Democracy, a major national party whose candidate Soumaila Cissé lost the second round of the presidential election in 2013, claim there was a state campaign to support the eventual victor and current president, Ibrahim Boubacar Keïta (IBK) (anonymous interviews, Bamako, November 2015). According to these sources, the minister of territorial administration at the time—who was also the chief official in charge of electoral organization—supposedly told regional governors and



prefects that any polling station voting in favour of Cissé would have its results annulled. The same sources report that 200 votes in favour of IBK were placed in each of the 2,000 polling stations in Bamako before voting began; they add that Cissé apparently refused to mount a public campaign against the result due to fears that he might unleash a civil war: ‘He told us, “I don’t look for power on top of the bodies of children”’ (anonymous interviews, Bamako, November 2015).

The EU electoral observation mission to Mali found no evidence of such systematic abuse of the electoral system, and underlined in its final report that the Ministry of Territorial Administration enjoyed the general respect of civil society organizations and political parties (EU Observation Mission 2013: 15). However, its report makes clear that the actions and decisions of the Constitutional Court remain discretionary and opaque, and overtly questions the court’s dismissal of an electoral complaint lodged by Cissé (EU Observation Mission 2013: 32, 34).

Organized crime in the north

In the context of reported corruption networks surrounding campaign finance, as well as apparently excessive executive powers that meddle in election management and vote counting, non-state organized crime has thus far played a limited role in Malian elections. Illicit trafficking networks linked to different ethnic groups have nevertheless proven instrumental in sponsoring and supporting armed groups in the north of the country, and as a result have extended their influence into the realm of electoral affairs. Criminal networks, as mentioned earlier, allegedly injected substantial illicit resources from a hostage negotiation into the 2009 local elections in the north, above all in the town of Tarkint. Although detailed and documented accounts of these elections are hard to obtain, a leaked cable from the US Embassy based on discussions with Tuareg leaders asserted that the poll was fought between three lists of candidates, each representing a different ethnic or clan group: the Idnan Tuaregs, the Kounta Arabs and the Tilemsi Arabs. The Tuareg source alleged ‘outright ballot box stuffing and the destruction of at least two ballot boxes’ by representatives of the Tilemsi Arabs (US Embassy in Bamako 2009).

The violence in that electoral process is widely believed to have spurred a competitive race for arms and resources between different ethnic and tribal groups in the north in the run-up to the outbreak of conflict in 2012 (Briscoe 2014). A total of eight ethnic-based armed groups, clustered into two rival blocs, eventually signed the Algiers peace accord in June 2015, which

envisaged direct elections for regional presidents in the north and measures to spur economic development. However, a number of observers have noted links between these armed groups and illicit trafficking networks, which have been acknowledged by leading members of some of the armed groups (anonymous interviews, Bamako, November 2015).

Should Mali manage to stabilize the north of the country yet fail to reform the central political finance systems, greater organized criminal influence in electoral processes is likely to emerge, above all in the bastions of illicit trafficking in the north and in parts of the south. Three of the northern deputies elected to parliament for President Keïta's party in late 2013 have allegedly had close associations in recent years with illicit trafficking and Islamist militia activity (Tinti 2014: 16). When asked to consider these risks, one Malian political party leader agreed that in seeking candidates in northern constituencies, there is simply no way to bypass the local 'strong men' (anonymous interview, Bamako, November 2015).

These risks raise the issue of how greater state legitimacy in the north—which should be partly achieved through new decentralized democratic powers—can be balanced with the threat that armed and criminal factions pose to the new authorities. Furthermore, monitoring and regulating these risks might prove problematic while local authorities are also seeking greater autonomy and trying to prevent obtrusive interference by Bamako.

Conclusion

The government of President IBK, elected in 2013 amid a popular clamour for state reforms and a sweeping campaign against corruption, has not managed to fulfil all its initial promises according to observers of Mali's political landscape. Government reforms have not sufficiently changed the current framework of campaign finance. The current system induces many of the country's elected politicians to recoup their considerable investments through fraud and embezzlement, and there are no plans in place to strengthen independent electoral oversight in spite of repeated scandals in this area. Low levels of voter turnout and high levels of alienation from the political establishment are both cause and consequence of this state of monetized politics, and form an essential background to the multiple systemic challenges faced by the Malian state since 2012.

If Mali's decentralized and democratic political system eventually manages to supplant the armed groups operating in the disputed north of the country, as

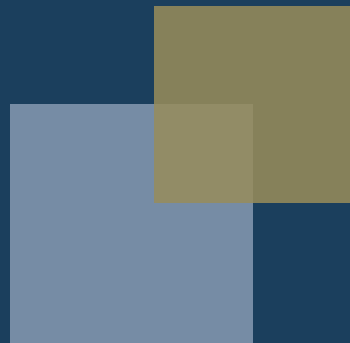
the 2015 Algiers accord envisages, then it is likely that the emergent political system will remain conditioned by high levels of campaign finance, and by a leading role for the illicit trafficking networks that remain powerful actors in the northern regions. Far from competing with existing corruption networks in the south, it is likely that organized crime and political corruption would coexist in relative harmony. Without fear of reprisals or enforcement from the judiciary, central state authorities or local civil society, these networks might also enjoy generalized impunity.

Establishing sustainable regulations and monitoring mechanisms for privately funded electoral campaigns would be an important starting point towards protecting Mali's electoral system from organized crime. Such measures should primarily focus on the role of cash contributions. More important, however, is ensuring the legitimacy of the electoral system (particularly electoral oversight) among the local population (Perdomo and Uribe Burcher 2016). That would set the basis for effective enforcement of electoral and campaign regulations amid the climate of political turmoil in Mali in general, and in the north in particular.



Chapter 6

Case study: Mexico



Chapter 6



Case study: Mexico

Mexico boasts one of the world's most sophisticated and well-funded systems of electoral administration and supervision. Crafted during the lengthy transition to multiparty democracy, which culminated in the 2000 election of opposition leader Vicente Fox to the presidency, the electoral system is based on a triad of national institutions. The National Electoral Institute (INE, formerly known as the Federal Electoral Institute, IFE), the Electoral Tribunal and the special prosecution office for electoral crimes are together charged with administering and supervising the country's multiple electoral processes and state financial support to political parties. A series of political and electoral reform laws, the latest of which was approved in 2014, has sought to extend and refine the remit of these institutions, most recently by reinforcing measures to protect the integrity of the electoral process from illicit influence and excess spending (Integralia 2014). Beginning with the 2015 legislative elections, for instance, parties and candidates must register all spending and income in a national digital platform. The INE, in addition, has assumed new roles in local elections as part of efforts to standardize the electoral process across the country, including auditing of electoral campaigns (INE 2016).

At the same time, the Mexican authorities coordinate an impressive series of regular elections to multiple levels of government. Six-yearly presidential polls are the most important events on the Mexican electoral calendar, but other elections include votes for deputies and senators in the two houses of Congress, for the 32 governors of the country's regions—including the head of government in Mexico City—and for mayors and councillors in the nation's 2,457 municipalities, whose powers include appointments to the local police and decisions on public works. The parties that are officially registered (and can therefore compete in these polls) benefit from some of the most generous public funding mechanisms in the world: in 2012 the estimated value of the

total state funding for party organizations was USD 254 million (Molenaar 2012: 8), which is complemented by extra funds for election campaigns.

Parties and candidates are subject to strict ceilings on spending and restrictions on private donors, including a ban on anonymous donations and contributions from businesses, foreigners, public entities or religious leaders (Molenaar 2012: 14–15; International IDEA 2015). Both funding and spending limits are enforced by extensive compliance demands on parties and candidates, which are monitored in the first instance by the Technical Auditing Unit, based in the INE. This unit employs a total of over 200 people, most of whom are lawyers and accountants (Molenaar 2012: 19).

However, criticisms of (and misgivings related to) the achievements of this complex architecture of electoral management are acute and widespread. Mexican political history offers numerous examples of electoral fraud: rigged and fraudulent presidential elections were reportedly held throughout the 19th century dictatorship of Porfirio Díaz, during the period of civil war from 1911 to 1920, and at regular six-year intervals from 1934 onwards, not long after the start of seven decades of one-party hegemony exercised by the Institutional Revolutionary Party (PRI) (Lehoucq 2003; Aguayo Quezada 2010; Ackerman 2012: 3–4). A number of experts on the country's electoral history remain convinced that some of these practices continue in various guises, and are facilitated by challenges that the three election management bodies face.

Particular attention has focused on the alleged mishandling of the contested 2006 presidential poll, in which Felipe Calderón was declared the winner by a margin of 0.58 per cent of the votes. Critics also highlight the failure to prosecute excess campaign spending, vote buying, and violations of electoral law on the use of the media or the abuse of state resources (Ackerman 2007). As many observers point out, the new systems of auditing and control of political finance have limited sway over the large cash movements that are reportedly common in campaigns (anonymous interviews, Mexico, September 2015).

In this context of electoral vulnerabilities and disputed polls, the threat posed by powerful, violent and wealthy criminal organizations to the electoral process has been regarded as one of the most acute challenges, including by the former head of the IFE (Ugalde 2015). The Mexican authorities estimate that nine major cartels are currently operating in the country, with diverse illicit interests including drug trafficking—above all cocaine, heroin and methamphetamine, the latter two produced in Mexico—extortion, kidnapping and migrant smuggling (*El Daily Post* 2015).



As the recent International IDEA report on organized crime and political parties explains, the linkages in Mexico between some politicians and criminal organizations are far from new (Briscoe and Goff 2016). The long histories of these ties, their many regional and local nuances, and the effects of the democratic transition on their evolution have shaped political–criminal connections that occasionally hinge upon illicit influence on elections. In this context, a strong policy response to criminal influence at the polls undoubtedly depends on a broader effort to tackle the nexus between politics and crime. Indeed, elections are just one entry point for organized crime to interfere with the political system. Accordingly, strengthening the electoral system can play only a limited (but potentially important) part in preventing and mitigating organized crime interference in politics.

Contested elections and the war on crime

Although opinions on the subject are far from unanimous (Pansters 2011; Santiago Castillo 2011: 52–58; Aparicio 2009; Iturriaga 2007; Murayama 2006; Pliego 2007), a number of political and legal experts, as well as the opposition Democratic Revolutionary Party (PRD), regard the contested 2006 presidential election as evidence of the corrosion of the country's new electoral institutions. The IFE's decision not to proceed with a full recount of votes, despite reports of miscounts in numerous ballot boxes, the apparent politicized nature of appointments to the IFE council that made the decision and the failure to prosecute alleged violations of electoral law by the eventual winners marked a return, in the eyes of some experts, to 'electoral authoritarianism' (Ackerman 2012: 6). These events were arguably a step backwards after several years of vanguard interventions by the country's new electoral authorities, including the annulment of 17 state and municipal elections, and the groundbreaking prosecution of former president Vicente Fox's campaign for accepting illicit campaign funds in 2000 (Santiago Castillo 2011).

Aside from the controversy, protests and indignation of the losing candidate and then-PRD leader Andrés Manuel López Obrador—who famously declared before a rally in Mexico City, 'to hell with these institutions!' (Ortega Ávila 2006)—questions have been raised about the effects of the 2006 elections on the way the Mexican state proceeded to combat organized crime. In short, opposition politicians and prominent Mexican opinion leaders maintain that President Calderón's decision to lead a militarized offensive against drug-trafficking organizations is partly connected to the perception that his legitimacy as elected president was questioned in the aftermath of the

election. According to former Foreign Minister Jorge Castañeda, ‘Calderón boldly legitimized his government, and changed the subject, by declaring war on the nation’s formidable drug cartels’ (Castañeda 2009).

If this is true, it would possibly mark one of the most significant effects of contentious elections on the way a country has dealt with organized criminal activity. Assessments of President Calderón’s offensive underline its undesired effects, above all the way it splintered criminal organizations, spurred new violent actors and contributed to increasing homicide rates. Official statistics reveal that 121,669 murders were reported under President Calderón’s term, around half of which were estimated to be due to organized crime (Heinle, Molzahn and Shirk 2015). Moreover, in the regions most affected by organized crime, its territorial and political influence allegedly deepened rather than diminished (Schedler 2014).

At the same time, the policy shift announced by President Calderón did not emanate solely from a president seeking a legitimacy boost. The first military deployments were made in response to direct requests from a number of Mexico’s regional governors for support against organized crime, and received backing from the official body representing them—the National Conference of State Governors—as well as from many sectors of society and from the United States, which provided financial support via the Mérida Initiative. A more valid assessment of President Calderón is that the offensive was based on the assumption that Mexico’s state and security structures would operate in a coordinated and harmonious fashion to combat organized crime. Instead, the campaign revealed the extent of fragmentation of the country’s state and security institutions, which partly enabled criminal organizations to consolidate numerous context-specific illicit linkages with officials in order to secure impunity, protection, additional firepower and territorial control (Flores Pérez 2009; Astorga 2015: 319).

Criminal violence, illicit finance and elections

Mexico’s democratic transition proved highly successful in empowering the two other main parties, the PRD and the National Action Party (PAN), as well as establishing a nationwide system of regular competitive elections at multiple levels of state power.

However, the effect of these reforms on an environment marked by the presence of wealthy and violent criminal organizations, which were becoming pivotal players in the trafficking of cocaine and other drugs to North



America, was not straightforward. The transition embedded fragmentation and competition across the state and political system, undermining attempts to increase democratic accountability. Indeed, political parties fought for control at all levels of the state, from the presidency down to the municipality, with the consequence that lower-level officials and politicians no longer had to answer for their actions through a single vertical party structure. At the same time, the enriched criminal organizations that formerly had to negotiate permission for their activities with central state powers, above all the Federal Security Directorate that was disbanded in 1985, enjoyed far greater power to 'pick and choose' who to influence in the state (Astorga 2015).

The effects of democratization in Mexico on crime and politics go far beyond the issue of elections. However, the strategies chosen by the country's criminal organizations to influence elections are clear examples of how this transition has structured the scale and intensity of illicit influences on political life.

Electoral violence has become a standard means used by organized crime to secure cooperation from political and security authorities at the local level. From 1995 to 2015, over 100 political candidates were targets of criminal violence, including threats, kidnapping and assassination (Ley 2015: 9). Concrete incidents of criminal attacks are numerous. The killing in 2010 of the PRI candidate for state governor in Tamaulipas, Rodolfo Torre Cantú, is one of the most prominent cases. Numerous candidates in highly criminalized states such as Durango, Jalisco, Michoacán, Morelos, Nuevo León and Tamaulipas have been forced to withdraw from campaigns, depressing turnout in constituencies affected by high levels of violence (Ley 2015; Schedler 2014). Meanwhile, a total of 21 candidates and activists were killed in the run-up to local and legislative elections in June 2015 (Vicenteño 2015). In a notorious case, one of the mayors elected in these polls, Gisela Mota in Temixco, in the state of Morelos, was shot dead a day after taking office.

However, this panorama of terrifying violence against electoral candidates should not obscure the highly selective use that is made of such violence. The presidential elections of 2012, the most significant Mexican poll in recent years, were barely affected by acts of criminal violence (Corcoran 2012; Hope 2012). Indeed, many Mexican elections are uneventful, and the effects on turnout in high crime areas are disputed by officials (INE 2016). Criminal organizations appear to very selectively target the local authorities that are most essential to their trafficking or extortion business. In doing so, as the drug trafficking scholar Luis Astorga notes, these organizations enter into relationships with all three leading political parties: 'If they enter Michoacán, they have to transport methamphetamine, heroin and cocaine through places with PRI

state governments and municipal administrations run by PRI, PAN and PRD' (Astorga 2015: 38–39). Seen in this light, electoral violence is targeted to wrest certain state powers, such as public works contracts and business licenses, or even regular payment of protection income out of municipal coffers, from the likely poll winners. But it does not demonstrate a preference for a particular party or rely on candidates who are directly involved in organized crime (anonymous interview, Mexico City, September 2015).

This distancing from political power can be seen as a response by Mexican criminal organizations to the risks of seeking too much protagonism in the state, as demonstrated by the demise of major mafia groups in Colombia and Italy (Astorga 2015: 62). Relatively stable relationships of dependence on (and protection of) politicians in particular localities, backed by the weakness, indifference, or permissiveness of national authorities and political parties, appears to be the preferred route taken by leading Mexican criminal organizations such as the Sinaloa cartel. Illicit, cash-based financial contributions to election campaigns also seem to form part of this strategy, and would help account for the evidence that candidates and parties spend far more than they receive in state support (Ugalde 2015). However, there is no robust financial estimate of how great these sums of money might be—evidently they are not accounted for in the INE's digital political finance platform—or how large they are compared to the illicit contributions made by legitimate businesses seeking favours and privileges from the state.

In an attempt to curb this problem, as of the 2015 elections candidates have to report their income and expenses within three days. The INE is responsible for verifying the candidates' reports, and other candidates and parties can report misconduct among their peers (INE 2016). In addition, the INE maintains an Authorized Supplier National Registry, which helps track market prices and verify the general accuracy of these reports.

Politicians consulted for this study tended to argue that the main illicit contributions to election campaigns were in fact from legitimate businesses, and that organized crime tended to avoid electioneering if it could. 'Crime is not a machine for generating narco-politicians ... Organized crime has its own arrangements, such as with police commanders, that are separate from those with politicians' (anonymous interview, remote location in Mexico, September 2015).

At the same time, as the record of Mexican criminal violence shows, local politicians remain crucial intermediaries for multiple illicit networks, not least as a result of their power to appoint and remove municipal and state



police officers and to influence local public works. In the case of the murdered mayor Gisela Mota, her determination to eliminate corrupt procurement and outsourcing contracts would appear to have played a more fundamental role than conflict with trafficking organizations. But her former campaign manager indicated that the precise responsibility for the crime was opaque. 'It's like dealing with a monster with a thousand heads. Interests are symbiotic but mafias don't show their faces' (Lakhani 2016).

Conclusion

A crucial part of the transition to multiparty democracy, Mexico's electoral system has evolved into an elaborate set of mechanisms that aims to finance parties and to protect elections from undue private, government or illicit influence. However, the controversy surrounding the result of the 2006 elections, as well as other scandals involving alleged vote buying and abuse of state resource or the media, have undermined some of this system's public credibility (Urrutia 2014).

Criminal violence targeting local and state election candidates is currently one of the most urgent dilemmas facing the democratic system, and electoral processes in particular. These incidents, however, cannot be treated merely as an occasional phenomenon of bloodletting requiring additional security measures. The character of these attacks reveals that they are part of a broader strategy by criminal organizations and associated businesses to achieve the compliance of select state authorities without gaining an unnecessarily high political profile. Accordingly, disentangling and prosecuting the many different links between politics and crime in the competitive and fragmented context of Mexico's democracy requires a more targeted approach. Furthermore, this should involve a range of institutions outside the electoral realm that have a mandate to provide security and fight corruption.

There is no doubt that the expansion of the vast electoral auditing and compliance system in Mexico has been an important accomplishment. These reforms allow the Mexican Government to closely and rapidly monitor candidates' revenue and spending, or centralize control of elections. For example, the 2014 political and electoral reform provides INE with the power to cooperate with other government bodies on matters of financial intelligence, and identify financial operations involving illicit sources.

However, elections are merely one democratic process that these criminal networks can abuse to benefit from political corruption. Improving the

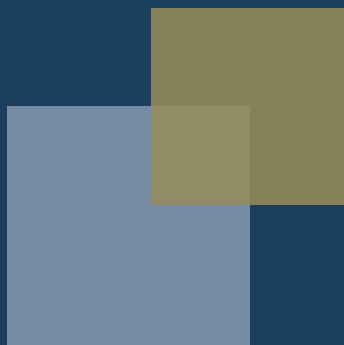
electoral system and strengthening oversight institutions has an important, albeit limited, effect on endeavours to address these threats. Greater efforts should also be made to prioritize oversight of some of the most critical issues raised by organized crime. Identifying the localities that are most vulnerable to criminal violence and co-optation at polling time is a crucial first step. Coordinated, inter-institutional monitoring and enforcement teams—combining INE officials and money laundering experts from the Financial Intelligence Unit—could then be deployed to detect and deter links between criminal actors and politicians.

Most importantly, the large range of institutions charged with providing public safety and fighting corruption need to coordinate their actions in order to mitigate the threats posed by organized crime before, during and after elections. At the same time, national political parties must be obliged to recognize and act upon their responsibilities in these crime-affected campaigns, if necessary through judicial investigations that target and sanction senior party officials. Until the illicit influences at the local level and the responsibilities of national parties, whether through action or omission, are addressed in a robust and concrete fashion, the risks of criminal influence over elections in Mexico are unlikely to abate.



Chapter 7

Case study: Georgia



Chapter 7



Case study: Georgia

High levels of polarization and antagonism between political parties in Georgia have characterized the country's electoral democracy over the past decade, particularly in the wake of the brief war with Russia in 2008 and the resulting contested status of two territories in Georgia, South Ossetia and Abkhazia. In this acrimonious context, some parties have harassed rival candidates and injected large sums of private finance into political competition.

Recent Georgian political history, especially in the years immediately after independence from the Soviet Union in 1991, has also been characterized by organized criminal network influence on the state and security forces through the so-called thieves-in-law, the origins of which can be traced to criminal fraternities formed in the Soviet labour camps of the 1930s (Kupatadze 2012). However, the radical reformist government led by President Mikheil Saakashvili from 2004 to 2013 largely dismantled these groups by using tough legislation against mafia-style groups, and a correspondingly sharp increase in the prison population.

As a result of this campaign, and unlike the other case studies featured in this report, there is no solid evidence pointing to the current influence of organized crime or illicit trafficking on Georgian political life. In that sense, this case study is a positive example of the way democratic institutions have, to a large extent, addressed these threats. Yet the prominent role of private finance in politics, and the connections that have emerged between party financing and networks of state-based corruption, indicate that electoral competition has become heavily monetized and open to serious abuses. While the Georgian state and judicial institutions have certainly adopted much tougher responses to illicit practices in politics, a number of these endeavours have been criticized for seeking partisan political advantage rather than promoting democratic integrity.

A polarized political environment: legal and illegal harassment

Georgia underwent a significant political transition between 2012–14 when voters awarded the Georgian Dream coalition (GDC) control of the single-chamber parliament, the presidency—which has a five-year mandate—and most local governments over the course of three successive elections. This series of electoral victories unseated the United National Movement (UNM) party that had ruled the country since 2004.

However, high levels of polarization between political parties in Georgia continues to be manifested in the form of physical, verbal and legal attacks against opposition parties. In the run-up to the first round of local elections in 2014, the chief prosecutor initiated criminal charges against Roland Akhalaia, a former UNM deputy, and summoned former President Mikheil Saakashvili for questioning, which led to criminal charges against him later that summer. During this period, former Prime Minister Irakli Garibashvili also continued to call for the dismantling of UNM, while the government gave little weight to cases of physical attacks against UNM members (IRI 2014; HRW 2015).

The forcible coercion of candidates to withdraw from election processes is one area of notable illicit interference. One reported incident took place in Mestia in the spring of 2010: eyewitnesses and video footage supported allegations that opposition party members were forcibly taken to an administrative building at 3:00 am and coerced into signing prepared withdrawal statements. Although the Georgian Government's Inter-Agency Task Force for Free and Fair Elections opened an investigation into the incident, civil society organizations allege the inquiry was rigged and unsound (Urushadze 2010). This kind of pressure continued into the June and July 2014 elections, with allegedly coerced withdrawals of opposition candidates occurring in more than 12 municipalities (HRW 2015).

The parliamentary elections in 2016, however, appear to mark a slight shift in the nature of political competition. The UNM declared its intent to run an issue-based campaign, and has plans to end the climate of retribution and polarization if it returns to power (anonymous interviews, Tbilisi, October 2015). The GDC, which is now fully in control of the government, remains a more ideologically diverse force that is still united largely by its opposition to the UNM.



Campaign finance: regulating private donations and state funds

Prior to the entry of the Georgian billionaire Bidzina Ivanishvili into the country's political life in 2011, the ample private and state-based financial resources of the UNM proved impossible for opposition parties to match. Carrying out a proper political poll in Georgia costs between USD 35,000 and 55,000, whereas the Georgian Labour Party spent a recorded USD 25 on all of its research in 2007. The Republican Party's annual budget in 2012, meanwhile, was about USD 5,000. In contrast, the UNM officially had 20 to 25 times more funding available than all the other parties in the 2008 elections, in addition to its influence over the media and the backing of public institutions (anonymous interviews, Tbilisi, October 2015).

Ivanishvili, whose personal wealth when he entered politics was close to half of Georgia's annual GDP—a fortune he had made through operating business enterprises in the Russian Federation—was finally able to pose a credible electoral threat to the UNM through his sponsorship of the GDC. Prior to this, he had spent years making large-scale charitable donations in his hometown and in the capital, Tbilisi.

In an effort to limit Ivanishvili's ability to support the GDC financially, in December 2011, and again in May and June 2012, the UNM made a series of changes to the country's political financing regulations. These included prohibiting corporations from donating to political parties, even though they had previously been the largest donors to political parties; capping donations from private persons at GEL 60,000 (USD 24,846) per year; limiting annual campaign expenditures to 0.2 per cent of Georgia's GDP for the previous year, which in 2012 was GEL 48.5 billion (USD 20.08 billion); and demanding compliance with comprehensive financial declaration forms, with administrative and criminal charges for any 'vote-buying' offences. The laws also gave oversight authority for the new regulations to the State Audit Office (SAO), which was headed by a UNM official (Bolkvadze 2013; anonymous interviews, Tbilisi, October 2015).

The UNM's fears that Ivanishvili would deploy his financial firepower to fund the GDC's election were not unfounded. He and Kakha Kaladze, who would eventually become energy minister, were found to have illegally donated a combined GEL 22.5 million (USD 9.32 million), and were subsequently fined GEL 114 million (USD 69 million) (OSCE/ODHIR 2012: 17). However, it is widely believed that the SAO disproportionately targeted opposition parties and their donors in its investigations. For example, the Election Observation

Mission of the Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights found that in 40 randomly selected cases, the SAO called more than 200 witnesses and questioned over 100 people and legal entities that donated to the GDC, and eventually fined 68 people (OSCE/ODHIR 2012). Of these cases, the SAO investigated only ten UNM donors and fined eight, despite the fact that the UNM received 6.5 times more in total donations than the GDC (OECD 2013; Bolkvadze 2013).

Reports of the SAO acting in a partisan fashion were all the more serious given that it had the power to apply sanctions five to ten times higher than the initial financial violation, and to immediately seize private property as collateral. This led to a number of cases in which homes and other property belonging to donors were seized. When the GDC came to power in 2013, it capped the sanctions at twice the rate of the initial violation, in line with civil society recommendations (anonymous interview, Tbilisi, October 2015; OECD 2013; OSCE/ODHIR 2012).

Other changes made by the GDC in 2013 included allowing donations to political parties by citizens and legal entities of up to GEL 60,000 (USD 25,976) and GEL 120,000 (USD 51,952) respectively, with donations made by legal entities being limited to only those registered in Georgia with Georgian citizens as beneficial owners. The annual amount that could be spent by parties was also lowered to 0.01 per cent of the country's GDP in the previous year. Furthermore, the SAO's powers were circumscribed: having been criticized for biased investigations in the 2012 parliamentary elections, it was then criticized for being too passive during the 2013 presidential elections. A number of civil society organizations contended that the body performed relatively well during the 2014 local elections, when the SAO took into account the recommendations of an NGO consultative body on issues such as illegal donations and vote buying (anonymous interviews, Tbilisi, October 2015).

Modest progress has also been made in curbing the linkages between political party donations and the awarding of state procurement contracts. Transparency International Georgia found that between 2010 and 2013, the ruling party's donors almost exclusively won competitive government tenders and simplified procurement contracts (Transparency International 2014). In contrast, Transparency's latest study found that although donors connected to the ruling party still won most of the government contracts awarded between January 2013 and May 2014, companies affiliated with opposition party donors also won some contracts (Transparency International 2014). While companies connected to the ruling party still enjoy a marked advantage, the distribution of contracts represents an improvement on the previous state of affairs.



Contentious electoral reforms

Georgia has a mixed electoral system to elect its 150-member Parliament: 73 of the members are elected in majoritarian, single-member constituencies, while the remaining 77 are elected according to a proportional list system from parties that receive at least 5 per cent of the vote. There have been calls to reform this mixed system for many years, since there is a large population size discrepancy between districts, and because the number of seats a party receives is not necessarily proportional to the percentage of the total national vote it wins. The Constitutional Court also ruled in May 2015 that majoritarian districts violate the principle of equality in voting.

However, electoral reforms have also been treated as part of the polarized contest that shapes most efforts at political regulation in Georgia. The GDC ran on the issue of establishing a fair election system, but has been criticized for proposing minor changes that do not address the problem, and which will also likely give an advantage to the party ahead of the 2016 parliamentary elections. Opposition parties and some civil society organizations counter that there is no need to continue the majoritarian system at all, and that it could have been abolished prior to the 2016 elections. The opposition is also critical of the redrawing of majoritarian districts, arguing that lines have been artificially constructed without party consensus or adherence to administrative boundaries. There have also been allegations of attempted gerrymandering: a UNM deputy argued that the ‘cutting and tailoring of the districts’ will not help the GDC win the upcoming elections (*Civil Georgia* 2015). One GDC member asserted in response that the majoritarian system is more important to people in the regions, as this is the best way to ensure that they have a representative in central government. The current system also benefits ethnic minorities by giving them an outsized influence based on their population size (anonymous interview, Tbilisi, October 2015).

Meanwhile, observers note that although the UNM is vocal on the issue of dismantling the majoritarian system, it stamped out previous attempts to dismantle it in 2008 and 2010 when it was in power. Likewise, when the GDC was in the opposition, it pushed for reforms it now opposes. Indeed, parties understand the majoritarian system to be very favourable to the ruling party: any candidate with over 30 per cent of the vote in a single-member constituency can win (GeoWel 2012). This resulted in the UNM winning 79 per cent of the seats in parliament with just over 59 per cent of the vote in the 2008 elections. The GDC also benefited in the 2014 elections for the Tbilisi City Council, when it was awarded 74 per cent of the seats with only 46 of the total vote (anonymous Interview, Tbilisi, October 2015).

Conclusion

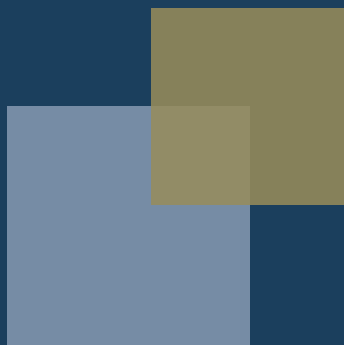
Georgia has been held up as a model in recent years for its efforts to crack down on state corruption, and for its notable success in dismantling the previously entrenched powers of criminal organizations. Various initiatives in the field of political finance, judicial oversight and electoral reforms also indicate recognition of the importance of shielding electoral competition from a number of illicit influences. However, these reforms have been tainted by evidence of partisan manipulation in a political environment marked by extreme polarization (fuelled by the tensions with Russia and Georgia's occupied territories), misuse of state resources and acts of judicial intimidation. Many observers concur that the radical measures taken since 2004 to dismantle criminal organizations embedded in the state and security forces generated the conditions under which greater political influence could be exerted over the state, the private sector and judicial bodies. The regulation of elections and political finance has fallen under the influence of exactly this sort of partisan control.

While current election laws are considered in line with best European practices and seem to have been key in preventing organized criminal influence in elections, observers are concerned that the prospect of a tight contest between the two main parties in the October 2016 parliamentary poll may incite efforts to circumvent the new regulations. In response, certain civil society organizations are calling for additional rules, such as a lower cap for individual donations and encouraging parties to ask for membership dues in order to help with financing. However, it is also evident that Georgia's system of political regulation would gain in strength and legitimacy by showing clear signs of independence from the ruling party, and by demonstrating greater transparency in the decision-making process. National and international observation missions and support programmes that focus on the impartiality of judicial and government decisions taken in the realm of political finance would be of critical assistance to Georgia as it seeks to overcome the risks of state capture by politically dominant actors, and the associated corrupt practices.

A decorative graphic in the top left corner consisting of three overlapping squares. The top-left square is light blue, the bottom-left square is a medium blue, and the top-right square is a darker blue.

Chapter 8

Conclusions and recommendations



Chapter 8



Conclusions and recommendations

Elections form just one part of systems of representative democracy, although there is little doubt that they are crucial pivots in the distribution of state power. Perceptions of how well they are handled, and how fair they are, are essential to the legitimacy of not just the voting result, but to the strength of democratic arrangements as a whole.

The three countries chosen for closer study in this report have all been lauded in recent years for achieving a remarkable transition to multiparty democracy. While a number of elections in these countries have stood out as landmark events of civic participation and democratic transition, other polls have prompted profound political crises. A number of elections have been denounced for the apparent illegitimacy of their results and the alleged mismanagement of the electoral process. Meanwhile, many citizens have grown indignant at evidence that abuses of the political system, above all corruption, have withstood the transition to competitive multiparty democracy.

Criminal and corrupt influences on state structures have not only remained, but in certain instances have become noticeably more pronounced. By and large, the three case studies indicate that electoral processes have tended not to be the main targets for criminal organizations seeking political influence. But polls in all three countries have been heavily affected by large and generally unregulated campaign expenditures, episodes of violence, and—in the case of Mali and Mexico—a number of direct and indirect connections to criminal penetration of political life. The evidence from these cases is thus crucial to devising responses to organized criminal threats that are robust and tailored to real political conditions.

It is worth noting, however, that the three countries have responded to the threats of illicit influence on their electoral process and the political system in general in very different ways, and stand at extremes on a spectrum of regulation and enforcement. Mali, at one end, lacks substantial enforcement of regulations on election campaign finance, which has risen to significant levels. Mexico has copious regulations and oversight mechanisms governing elections, although these are not always robustly implemented and lack a much-needed focus on crime-affected areas. Georgia, meanwhile, has undertaken major efforts to cleanse corruption from state offices and democratic politics. However, the role of private money in electoral life is conspicuous, while the regulations governing political life—although enthusiastically enforced—are not always implemented with full independence from factional or government interests.

Yet these very distinctive approaches to political and electoral regulation are associated with a set of common concerns that affect all three of these democracies, as well as many other multiparty democracies emerging from ‘third-wave’ transitions. Contested or contentious elections can tear apart fragile nation states, generate violent backlashes or lead to waves of popular protest. Illicit influences on electoral processes exacerbate these threats by seeking to rig or manipulate the outcome in grossly unfair and partisan ways. However, organized criminal influences tend to be less visible to observers. Apart from a few cases of blatant criminal offensives against the state, or efforts to terrorize voters and candidates, these groups have generally sought to form mutually profitable relationships and protection agreements with elected politicians. As the cases of Mexico and Mali demonstrate, they tend to operate alongside (or close to) corruption networks in political life, or provide useful assets and services to these politicians and candidates—more concretely money, votes or harassment of opponents. While it is obvious that the use of violence is part and parcel of organized criminal strategies, the trend in certain elections in Mexico, for example, has been to avoid confrontation by cultivating more stable, long-term relationships with political parties, state offices or security forces.

However, this trend towards more inconspicuous working relationships does not diminish the latent threat of violence, the vetoes on policies by elected politicians or the risks, voiced very clearly in the case of Mali, that entire political establishments may be elected without displaying great attention to the interests of the electorate. In many ways, one of the greatest long-term threats to democracy is the self-serving and solipsistic nature of politicians elected with the support of organized crime or through promises to pay back illicit funders, above all in environments marked by high levels of exclusion or inequality. This overview points to four areas in which criminal influence over elections



can be better appraised in order to frame more effective policy responses: investigations, sanctions, contested areas and illicit campaign finance.

More sophisticated investigations

The first priority is to gain much better and fine-grained information about the rationale of finance and mobilization by criminal organizations in electoral contexts. The evidence gathered in this paper suggests that the bulk of illicit campaign funds, above all in major developing democracies such as Nigeria or Brazil, or in a high-finance democracy such as the United States, derive from legitimate businesses and individuals seeking special privileges from the state. This phenomenon has been denoted ‘legalized bribery’.

Criminal organizations may well seek to use the same channels of campaign funding to cement their own partnerships in the state, although their selection criteria are generally biased towards state sectors over which they have the greatest influence. Contributing a large sum of money to a presidential election would be considered wasteful unless it is tied to a particular promise of future support or protection. Yet targeting candidates for local and state administration in areas of great illicit business interest would represent a rational use of a criminal organization’s competitive advantage.

It is rare to find electoral authorities which will seek to disentangle illicit campaign finance donated by legitimate actors from illicit campaign finance contributed by criminal organizations. Doing so requires coordination between electoral authorities and other state security, finance and intelligence bodies, and pooling efforts to identify suspect candidates, assess weak spots and corruption networks in the political system, explore the likely strategic interests of criminal organizations, and amass evidence of patterns of voter and candidate intimidation. Tools that might help generate useful information for such an investigation include technology to crowd-source intelligence on violence or vote buying related to an electoral process, as well as mapping of risks, vulnerabilities and criminal hotspots. The effectiveness of these tools will depend on close collaboration with local civil society organizations, as well as transparency in the reported revenue and spending of election candidates.

Broader range of sanctions

Even when this information is gathered, there remains the issue of what must be done in response. Where violence against candidates is an obvious

threat, additional security measures are desirable—even if they are rarely sufficient, and unlikely to last long past polling day. Yet if there is evidence of an emerging relationship between political actors and criminal networks, election authorities might consider other options than embarking on a lengthy criminal investigation into political–criminal collusion. Rapid election annulments were envisaged as part of the package of Mexican political reforms from 2014 in order to punish candidates for violating spending limits or receiving donations from prohibited sources, including organized crime. The Colombian political reform of 2011 established various punishments for parties found to be fielding candidates with links to illegal groups, including fines, the loss of a seat in Congress or the dissolution of the entire party (Londoño 2016). Although the results in both cases have fallen short of expectations, in the Colombian case recent local elections confirmed a trend towards lower levels of violence and a rather more discrete presence of criminal organizations (Gagne 2015). Above all, the Colombian reforms highlighted the overriding importance of ensuring that national parties are ultimately made responsible for the activities of their local candidates.

The case of Georgia nevertheless displays the manifest collateral risks of introducing complex and heavy-handed political regulations when these can be used to target opponents. Just as greater state financial support for political parties comes with increased controls over parties' internal functioning, more power to prosecute politicians suspected of criminal complicity must be attached to firmer guarantees of the independence of election management bodies and associated prosecutors. If more rapid justice is required, then such guarantees become primordial.

Elections in contested areas

The role and effect of criminal organizations in electoral processes appears to be particularly acute in areas where state control is highly contested, state authorities are not regarded as legitimate by all the population or non-state armed groups are powerful. Elections in northern Mali, as well as the history of paramilitary influence on elections in areas of pronounced state weakness in Colombia, prove the mobilizing power of crime in what might be regarded as forms of democracy in areas of limited state authority (Perdomo and Uribe Burcher 2016). Efforts to extend electoral democracy in these areas require targeted assistance on how to combine fair elections, civil society engagement and judicial oversight in ways that are approved by local populations.

Illicit campaign finance

The issue of organized criminal influence forms one part of the much broader global question of regulating the private financing of political parties and candidates. Curbing private finance to electoral campaigns would in principle make it much harder for criminal networks to contribute money to campaigns. However, systems of state finance for political actors, whether they are generous or not, tend to be easily circumnavigated by in-kind and cash contributions. The right balance between spending controls, state finance and restrictions on private donations is context specific. Legislators must consider how criminal organizations behave in each setting when formulating such regulations.

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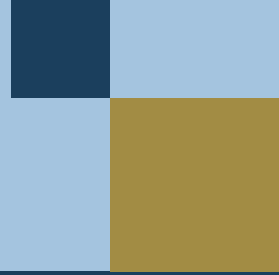
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Elections are essential elements of democratic systems. Unfortunately, abuse and manipulation (including voter intimidation, vote buying or ballot stuffing) can distort these processes. However, little attention has been paid to an intrinsic part of this threat: the conditions and opportunities for criminal interference in the electoral process. Most worrying, few scholars have examined the underlying conditions that make elections vulnerable to *organized* criminal involvement.

This report addresses these gaps in knowledge by analysing the vulnerabilities of electoral processes to illicit interference (above all by organized crime). It suggests how national and international authorities might better protect these crucial and coveted elements of the democratic process. Case studies from Georgia, Mali and Mexico illustrate these challenges and provide insights into potential ways to prevent and mitigate the effects of organized crime on elections.

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