

ORGANISED CRIME IN MALI: WHY IT MATTERS FOR A PEACEFUL TRANSITION FROM CONFLICT

SUMMARY

Inadequate governance, institutional fragility and widespread insecurity are both consequences and causes of the expansion of criminal activities. The impact of their proliferation is key to understanding the current – and endemic – instability affecting Mali. Yet, to date, there is little indication that policy strategies put forward by the Malian government, as well as by its international partners, are learning from the past to engage with the issue of organised crime as a threat to peace and security.

This policy brief aims to help address this gap. Understanding how crime impacts on the achievement of development goals, on conflict risks, and on mounting fragility and safety threats is indeed crucial for building long-lasting and sustainable peace in Mali.

INTRODUCTION

Over the years, Mali's institutional weakness and geographic location have created fertile ground for the expansion of illicit trafficking and organised criminal activities. Proceeds from illicit trade taking place in the north and in border areas, including smuggled cigarettes, subsidised consumption goods and, increasingly, narcotic drugs and weapons, have been fuelling corruption, cronyism, political alliances and discrimination. Unequal power distribution, poor management of public funds and resources (including development aid¹), impunity, and lack of transparency and participation are among the grievances systematically highlighted in public protests and opinion polls.² These factors contributed to strengthening alliances between leaders at the centre and periphery to the detriment of citizens. In turn, this gave rise to the establishment of armed groups and to the implosion of Mali's state, resulting in the crisis of 2012.

Following the signing of the Agreement on Peace and Reconciliation in Mali emanating from the Algiers process (hereafter 'the Peace Agreement'), local observers³ claimed that no armed actor is free from some degree of involvement in trafficking and that links between the movements and criminal networks appear to be established. Yet, the destabilising potential of organised crime has been overlooked partly based on the assumption that its prevalence may exert a stabilising

effect in the short term, and on the assumption that Mali cannot deal with too many enemies at once. However, the difficulties faced by all signatories in implementing the Peace Agreement support the view that without addressing the underlying causes of Mali's "economy of violence",⁴ peace and security are unlikely to be successfully restored in the country.

UNDERSTANDING ORGANISED CRIME IN THE MALIAN CONTEXT

The traditional notion of 'mafia' fits badly with Mali's trafficking and criminal networks, as these do not have a strict hierarchical structure and the link to one's group is often flexible and opportunistic. Malian legislation does not recognise organised crime as such, only the offence of participating in an association of wrongdoers or in a terrorist group. An incomplete legal framework has hence created an easy link between organised crime and terrorism, resulting in the construction of the notion of 'narco-terrorism', which has led to the shifting of available resources to the fight against terrorism, attracting more national and international attention.

Beyond its legal definition, trafficking is closely embedded in Mali's social and economic structure. Following the ravaging impact of the environmental crises of the 1970s and 1980s, informal trade of all kinds has represented a rare source of revenue in regions affected by geographical

enclosure, endemic conflict and entrenched poverty. The trafficking of licit goods (such as fuel and subsidised foodstuffs from oil-producing countries, and cigarettes the other way around) has been an integral part of the economic and livelihood strategy for Malians and is estimated to represent up to 90% of all available goods in some northern regions.⁵

What outsiders would perceive as ‘criminal conduct’ has thus represented a resilience strategy that enjoys social legitimacy.⁶ In some border areas, “traffic is not seen as a significant security risk by the population”, not even the trafficking of drugs or weapons (in a 2014 poll of 530 people, less than 2% of respondents considered it among the top 10 problems).⁷ On the contrary, the continuous opening of the border to trade of all sorts of goods is the main strategy of communities for dealing with extreme poverty. Local authorities are thus left with little option but to turn a blind eye – if not to encourage – these activities. Similarly, traffickers are reportedly able to buy the compliance of some traditional leaders and security officers through a mixture of threats and profit-sharing deals. This has been particularly successful in remote locations and borderlands,⁸ contributing to the penetration of corruption throughout Malian society.

Cross-border commerce has henceforth been progressively criminalised by the expansion of trade in illicit goods such as narcotics and arms, which are substantially more profitable. Mali – particularly the northern region bordering with Algeria – has been recognised in past years as one of the main transit points for the cocaine trade originating

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in Latin America, and continuing towards Europe and the Middle East. The profits from this trafficking have provided not only great financial gains, but also advantages in terms of employment and social mobility, particularly to vulnerable groups such as youth and hierarchically subordinate clans. Such profits have also been partly redistributed to help build the traffickers’ legitimacy, buy the compliance of local leaders, and ensure political and physical protection through the so-called ‘protection racket’.⁹

THE IMPACT OF CRIMINAL NETWORKS ON CONFLICT

Trafficking in drugs and weapons has exacerbated tensions and increased violence in Mali before, during and after the recent conflict.¹⁰ While the smuggling of licit goods has been steadily declining due to the growing insecurity (thereby causing severe humanitarian crises among

northern populations), some observers suggest that drug trafficking has never before been so prevalent in northern Mali.¹¹

Armed factions, terrorist groups and the Malian army are said to be struggling for the control of trafficking routes.¹² In recent years, several armed clashes can be directly linked to the control of the routes and drug cargoes. Interestingly, the tribal peace agreement struck in Anéfis in northeastern Mali in September 2015 establishes the obligation to compensate for some of the drug *razzias* (raids) that armed groups conducted against one another during the war. It also requires respect for the free movement of all kinds of goods across the north of Mali, thereby raising some doubts about the real aim of this process.¹³

The supply boom has implied a reduction in selling prices and a parallel expansion in consumption rates. Moreover, synthetic drugs (such as methamphetamines), arguably originating from Nigeria, are increasingly available in Mali – while mostly destined for foreign markets, the least expensive (and possibly more harmful) items meet the demands of local labourers and youth. Nevertheless, many local and international actors still consider Mali as primarily a transit country, and no policy or legislation are in sight to tackle the social and public health risks connected with a booming narcotics market.

Despite the formal end of the hostilities, small arms are increasingly available in Mali’s borderlands and at cheaper prices.¹⁴ Most of the weapons smuggled from the arsenals of the former Libyan leader Muammar Gaddafi are still unaccounted for.¹⁵ At the same time, local observers indicate that underground caches are being created in the desert by local populations, in preparation for another possible outbreak of violence.¹⁶ Feelings of insecurity, the absence of state authority and growing social tensions fostered by a mutilated peace are driving an increased demand for individual protection, which networks of weapon smugglers and criminal organisations are well positioned to meet.

WHY ORGANISED CRIME MATTERS FOR PEACE

The challenges posed by organised crime in Mali are significant and include: lack of achievement of development goals, the risk of violent conflict, deteriorating governance and fragility, major public health and safety threats, and environmental degradation.¹⁷ The proceeds of criminal activities are supporting and funding non-state armed groups and Mali’s security forces, including the border enforcement apparatus, which has often been regarded as being susceptible to crime infiltration, permeable to protection rackets and corruption, and characterised by impunity. As Mali finds itself at a crucial juncture in addressing the underlying causes of its instability, this policy brief analyses four dimensions of the peace process that may be negatively affected by organised crime: security, development, governance and justice.

Security

The Peace Agreement provides for key defence and security measures, including the cantonment of combatants for their integration into mixed patrols or to participate in the disarmament, demobilisation and reintegration (DDR) programme. Yet, these measures are encountering delays due to a lack of agreement among stakeholders. Amid never-ending talks between signatories, insecurity is growing, providing fertile ground for a thriving market of private protection. As insecurity blocks the development of legal economic activities, communities and particularly the youth become vulnerable to recruitment by violent and criminal groups.¹⁸

It is also critical to ensure that cantonment and DDR take place within a broader context of security sector reform (SSR) and accountability, where grievances and human rights violations are addressed. Given the Malian security forces' permeability to criminal activities in the past, it is crucial to tailor these programmes in a way that prevents infiltration by criminal groups and breaks the chain of impunity. Moreover, today's DDR and SSR strategies have been unable to address the challenge of opaque recruitment processes in the security forces. Recent experience of SSR processes carried out in Guinea-Bissau and Guatemala have failed because they have been undermined precisely by limited understanding of the relations between security forces and organised crime on the part of international agencies.¹⁹ Should these issues remain unaddressed, these processes face the risk of further entrenching the dangerous osmosis between some elements of the security forces and criminal networks.

Development

Poverty remains one of the most significant factors in the persistence of violence and instability in Mali, as it feeds the sentiments of exclusion and marginalisation

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that contributed to the polarisation of the conflict. Mali's development needs are therefore linked to the challenges of organised crime, as the latter has filled a vacuum of social and economic opportunities.

Moreover, the profits from drug trafficking are reinvested (and laundered) in land deals and urban real estate markets, thereby causing speculative bubbles with acute distorting effects on the licit economy. The availability of harmful drugs and counterfeit medicines is likely to have an impact on public health, for which the government and its international partners show little preparedness.²⁰ The infrastructure of illicit trafficking is also causing growing environmental harm, since mercury and arsenic are being smuggled to artisanal gold mines, while the poaching of endangered species (such as elephants) is

increasing, allegedly as a source of funding for terrorist organisations.²¹

Policies should also be aware of the risk of development aid being dwarfed by the profits of criminal activities. Compared with the opportunities of economic and social mobility offered by criminal activities,²² classic development schemes risk becoming irrelevant and unpalatable to prospective beneficiaries unless creative solutions are adopted.²³ These might include measures to facilitate legal trade, such as building roads and upgrading the customs service, as well as to bridge the gap between legal and illegal trade, such as profit repatriation schemes and free trade areas.

Governance

The limited impact of development programmes in northern Mali is largely attributable to their unscrupulous management. Embezzlement, fraudulent behaviour and corruption are considered to be widespread.²⁴ It remains debatable the degree to which this is due to individual greed, institutional incapacity or political calculus. The limited absorption capacity of the fragile institutions of northern Mali may partly explain the low impact of the resources allocated. Other observers point to the collusion or direct participation of some northern elites in an opaque governance system controlled from Bamako, which allows for the appropriation of some aid funds as well as pay-offs from criminal activity proceeds in return for their deference.²⁵

Weak governance and lack of accountability and transparency were indeed among the top grievances that fuelled the revolts that erupted in the north and the national coup in 2012.²⁶ Nevertheless, there is little to indicate that these grievances are being adequately addressed. Many stakeholders acknowledge that independent audits and participatory mechanisms such as public scrutiny and community monitoring committees are likely to ensure a more appropriate management of public budgets and aid funding. However, it is widely recognised²⁷ that access to public office is still a gateway to corruption and that political careers can be significantly boosted by the availability of illicit funding from criminal activities. Interestingly, the recent review of electoral law and the political parties' charter, requested under the Peace Agreement, has left the parties' funding scheme untouched even though it is not transparent and is open to abuse.

Justice

It is widely acknowledged²⁸ that widespread impunity and limited access to justice are among the underlying causes of organised crime's entrenchment in Mali. They are also a major obstacle to the reconstitution of the rule of law. Despite the existence of two supervisory bodies in Mali and their publication of quality reports, those involved in malpractice are rarely prosecuted due to a lack of resources and political will. Legal proceedings hardly take place when organised crime is involved²⁹ and when initiated, they often stop at the investigation stage.

Extensive corruption is largely credited for the loss of state legitimacy, which contributed to the 2012 crisis. Non-state apparatuses that are more proximate, including criminal providers of basic services and religiously-inspired millenarian movements, have quickly filled the gap. The current increase in instability in the centre of the country suggests a direct relationship between radicalisation and perceptions of (in)justice.³⁰ However, while trust in state institutions remains low in Mali, at the community level there seems to be limited awareness about the role that trafficking plays in fostering corruption, injustice and insecurity.³¹

To date, the peace process has not provided adequate solutions to this issue. Placed ambiguously between SSR and rule of law programming, justice reform has not been prioritised, as shown by the limited pledges of donors in this sector. Moreover, despite being foreseen by the Peace Agreement, truth-seeking mechanisms have been postponed indefinitely and the need for reconciliation has not been adequately balanced by the obligation to render justice. A worrying sign of the lack of will to fight impunity has been the tendency to resort to compromises and amnesties in favour of alleged drug dealers linked with armed groups.³²

CONCLUSIONS

Virtually all the lessons learned from past experiences highlight the fact that neglecting the potential impact of organised crime on stability, peace and security in fragile countries is potentially significantly disruptive in the medium to long term. While there is growing consensus within the United Nations system about the seriousness of the threat posed by organised crime in post-conflict environments,³³ it appears that Malian actors and their international partners have failed to pay adequate attention to these challenges. The fragile process of seeking to consolidate peace in Mali thus risks being derailed unless action is taken urgently.

Based on a more comprehensive analysis conducted over the past three years, this policy brief has explored the interactions between organised crime and instability in Mali. It has also attempted to highlight gaps in existing policy orientations and to suggest potential avenues to address these challenges in this crucial phase, particularly with reference to the aspects of security, development, governance and justice. It makes the following recommendations to those engaged in shepherding the peace process forward.

RECOMMENDATIONS

- Encourage continuous dialogue on the challenges posed by organised crime to implementing the Peace Agreement among all relevant actors, including Malian national and local authorities, international donors and implementing partners, in order to identify risks without undermining the short-term stability.
- Increase knowledge of organised crime as a destabilising effect on peace among international and multilateral actors accompanying the peace process (e.g. United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), Economic Community of West African States (ECOWAS), African Union, European Union, etc.) and include it in strategic and political discussion.
- Reinforce transparency, regulatory frameworks and accountability in the management and recruitment of security forces (military, local and national police, gendarmerie, customs) and promote zero tolerance of corruption and criminal activities.
- Foresee safeguards and verification measures to avoid integration or reintegration of criminals into government posts and the security forces, particularly during the DDR process.
- Strengthen the role and engagement of civil society and communities in security management, particularly in border areas.
- Strengthen the capacity of the justice sector to carry out investigations on organised crime activities and networks.
- Promote programmes to fight impunity and discourage amnesties for actors involved in criminal networks – in particular, distinguish between prisoners of war and criminals.
- Promote projects to increase the investigative capacities of journalists and local media outlets to play a watchdog role regarding political and government institutions.
- Establish strategies to reduce the attractiveness of criminal economic opportunities and provide measures to facilitate economic operators' return to legality. These could include legal gateways and economic support for the illicit-to-licit transition.
- Ensure greater transparency in the management of humanitarian and development aid, particularly socio-economic development projects, and DDR and SSR programmes.
- Carry out conflict and peace analyses, including political economy analysis to understand local and regional dynamics underpinning trafficking and crime. Apply conflict-sensitivity to programme delivery.

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