

Organized Crime's Engagement in Democratic Politics: Strategies for Prevention and Mitigation^{*}

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Criminal networks erode the legitimacy of democratic politics, affecting regions as diverse as Latin America (Briscoe, Perdomo, & Uribe Burcher, 2014), the Baltic States (Villaveces-Izquierdo & Uribe Burcher, 2013), and West Africa (Aning & Edu-Afful, 2013a; 2013b). Contemporary research on this topic describes various factors that might increase the vulnerability of political actors, institutions, and processes to organized crime (Uribe Burcher, 2017). In addition, there is a need to identify strategies to strengthen those political actors, institutions, and processes, making them resilient against criminal influence. Drawing from extensive field research conducted in Latin America, Africa, and West Asia in 2015-2016 (Perdomo & Uribe Burcher, 2016; Hunter & Reitano, 2016; Briscoe & Goff, 2016a; 2016b), as well as additional desk research conducted during the same period, this paper maps a set of 28 actions that may increase these institutions' and actors' resilience to the influence of organized crime networks based on documented global experiences implementing such measures. The paper also reflects some of the findings from a pilot experience to assess the threat of nexus between organized crime in democratic politics in Peru conducted in 2015-2016, which used some of the proposed action points to build a prevention and mitigation plan.

Keywords: democracy, organized crime, corruption, politics

Introduction

In Russia, over USD 20 billion were laundered through more than 700 international financial institutions, initially in Moldova and Latvia, and later in many other countries, as part of a criminal enterprise known as "The Laundromat" (Michaels, 2017). In Mexico, Javier Valdez was one of the most recent victims of organized crime violence against journalists (Orsi & Verza, 2017). In Montenegro, illegal assets moving through the so-called "Balkan Route" have been linked to a variety of international terrorist incidents, most notably the 2015 Paris attacks (Srdoc, 2017). What these scandals have in common is that they were all facilitated by the actions of corrupt politicians, judges, or civil servants. Organized crime networks may seek political muscle to access lucrative public contracts, acquire state resources, secure territorial control in the areas where they operate, and avoid prosecution. What's more, politicians may engage with organized criminals to intimidate

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opponents, access dirty campaign funding, or maintain their clientelistic networks (Perdomo & Uribe Burcher, 2016; Hunter & Reitano, 2016; Briscoe & Goff, 2016a; 2016b).

Recent research on this topic describes various factors that might increase the vulnerability of political actors, institutions, and processes to the influence of organized crime (Uribe Burcher, 2017). However there is limited academic literature regarding potential successful strategies to strengthen these political actors, institutions, and processes in relation to the threats posed by organized crime. This paper therefore seeks to fill this gap, by identifying 28 actions across 10 areas of influence that have increased resilience to the influence of organized crime networks. These suggested actions combine activities to identify and address democratic vulnerabilities, as well as to protect anti-corruption champions.

It is important to note that the paper's focus on international lessons does not negate the critical role of national context in tailoring strategies for combatting organized crime. Rather this paper simply seeks to provide access to cross-country research on this global phenomenon based on proven experiences that have worked in their particular contexts. Each of the potential action areas includes multiple country examples. As the length of this paper does not afford an opportunity for deep discussion on any one action, the reader is encouraged to access referenced sources—or others—for a fuller understanding of the context as well as the action's longer-term impact.

The list of actions is organized around a set of democratic vulnerabilities, clustered in an action framework as shown in section 2 below. For the purpose of this paper, "democracy" is understood as a form of government anchored in the principles of popular control over public decision making and decision makers, and equality of respect and a voice between citizens in the exercise of this control (Beetham et al., 2008, p. 712). The paper provides a brief description of each of these actions and focuses primarily in providing examples of contexts where they have been applied.

This paper condenses desk and field research conducted by the authors and other researchers involved in International IDEA's Protecting Politics Project during the 2011-2015 period in the Baltic States, Latin America, and West Africa. The project focused on analysing threats posed by organized crime to democracy worldwide, and collecting good practices on policy alternatives to prevent or mitigate these threats (International IDEA, 2017). The actions described in the paper form the basis for a policy guide that supports in-country actors to design prevention and mitigation strategies to counteract the threat of political corruption linked to organized crime. The policy guide is an integral part of International IDEA's forthcoming IntegriTAS (Threat Assessment System), which was piloted in Peru by the National Electoral Tribunal in 2016 and is currently being piloted in South Africa by the Global Initiative against Transnational Organized Crime. The IntegriTAS System will be launched in 2018.

Action Framework

Socio-economic Conditions

Action 1: Opening the Space for Legitimate Service Providers. Economic policies that incentivize legitimate service providers in areas traditionally controlled by criminal networks can, with time, ameliorate the role of illicit actors. For example, in Ciudad Juarez and Monterrey in Mexico, the private sector forged alliances with civil society organizations to invest in urban programs, promote citizen reporting and pressure for reform (Conger, 2014). Private sector support can also be leveraged for training and employment to reduce recidivism—i.e. relapse rates—of youth released from prison, as demonstrated by the experience of the

Fundación de Jesus Luz de Oportunidades (n.d.) (Jesus Light of Opportunities) in Panama. Medellín provides another interesting example. The city transformed itself after the period of violence and cartel influence of the 1980s and 1990s, with homicide rates that by 2014 had dropped to one-sixth of the 1991 level (The Economist, 2014). A key part of this transformation was linked to the service delivery revolution that took place in the city, chiefly during the administration of Mayor Sergio Fajardo (2004-2007). Prioritizing quick and tangible improvements in the city's poorer districts, Fajardo's strategy included dismantling the city's clientelistic networks, increasing taxes, promoting transparency fairs, building alliances with civil society and the private sector, and providing universal access to basic public services (Guerrero, 2011; The Economist, 2014).

Action 2: Introducing Programmes for Alternative Livelihoods. Important ingredients to de-legitimize long-term criminalization include encouraging smooth transitions to alternative livelihoods and promoting diversification of income. For example, in 1989 the United Nations Committee for Development Policy partnered with the government of Laos and local villagers in the area of Palavek. While opium cultivation dominated the region, the alliance introduced new crops for alternative livelihoods. This increased the licit revenues of local farmers, and by 1995 the number of drug abusers had decreased by 50 per cent (United Nations General Assembly, 1998). Also, opium poppy cultivation decreased 96 per cent between 1998 and 2007 (US State Department, 2015).

Action 3: Targeting Social Programmes to Youth at Risk. A cornerstone of curbing political violence linked to organized crime is to promote state-led and civil society organisation (CSO) initiatives that focus efforts on supporting youth livelihoods. An example of this is the Vencer sports and education program in Brazil, which worked with young people at risk in Brazilian favelas. Recognizing the greater difficulties associated with targeting young adults already active in the drug trade, the program focused on younger children (Spaaij, 2011, pp. 127-130).

Political Transition Processes

Action 4: Prioritizing and Sequencing Key Political Milestones to Build Transparency. The focus on key political milestones, as well as the order in which these are reached—e.g. peace agreements, constitution building processes, decentralization processes and security sector reforms—may increase the capacity of new institutions to deter illicit interests from meddling into politics (Bell & Zulueta-Fülscher, 2016, pp. 7-8). The case of Niger provides some insights concerning the pitfalls and opportunities that the prioritization of certain political arrangements generates. In that country, outbreaks of violence in 1990 and 2007, largely driven by the marginalization of the Tuareg community in the government, eventually gave way to an opening of the power-sharing structure that brought about the political inclusion of historically marginalized communities. While far from resolved, the ongoing transition has managed to ameliorate the level of criminal influence over politics in that country (Perdomo & Uribe Burcher, 2016, pp. 45-50).

In addition, when difficult transition processes challenge the capacity of state authorities to prevent corruption, local CSOs with technical expertise and political credibility can provide temporary or long term support while state institutions consolidate. Such was the case in Tunisia with the broad CSO alliance “the Tunisian Quartet”, which supported the transition process in 2013. The Quartet, which benefited from popular support, a broad interest-base and international backing, played a key role in the drafting of the new constitution and the creation of an independent election commission (Stephen, 2015).

Action 5: Balancing the Role and Capacity of National Actors With International Support Mechanisms and Local Institutions. Provided they work closely and effectively with national stakeholders, international organisations can play a constructive role during transition processes by supporting fledgling institutions against political corruption and illicit interests. Crucially, these efforts should include both national and sub-national institutions, as the latter are particularly vulnerable to illicit interests (Perdomo & Uribe Burcher, 2016, pp. 36-42). The Organisation for Security and Co-operation in Europe in Georgia is an example of the positive role these types of international efforts can have on the local context. The organization had an important part in monitoring political developments in that country, creating a system of external checks on the government and report on instances of political manipulation of the judiciary (Briscoe & Goff, 2016b, p. 54).

Geostrategic Conditions

Action 6: Developing Comprehensive Regional and Global Binding Mechanisms to Address Corruption and Organized Crime. Given the transnational nature of many of the illicit markets involving organized crime, disrupting key components of the criminal chain can have a snowball effect in other locations affected by their connection with the trade route and related political corruption. In that respect, promoting the signing and implementation of international anti-corruption instruments is an important step towards curbing corruption linked to organized crime. Of these, the UN Convention against Corruption (UNCAC)¹ is the most comprehensive global legally binding international anti-corruption mechanism, requiring various forms of international cooperation. By providing common definitions and instruments, UNCAC helps states move towards norm harmonization, facilitating operational coordination and incentivizing the development of common assessment frameworks (Cockayne, 2007; United Nations Office on Drugs and Crime (UNODC), 2012). Also important is the United Nations Treaty on Organized Crime (UNTOC) from 2000, the principal global legal instrument for addressing illicit networks. In spite of its limitations (Council on Foreign Relations, 2013), UNTOC has an important role in committing countries to afford each other with mutual legal assistance in investigations, prosecutions, and judicial proceedings. The “Sustainable Development Goals” approved by world leaders in 2015 are also pivotal instruments, particularly Goal 16 which addresses political corruption and organized crime, with targets on human trafficking, rule of law, illicit financial flows, stolen assets, corruption and bribery (“in all its forms”), and accountable institutions.

Other voluntary global standards have been put in place in some sectors related to organized crime and politics, including the Kimberly Process for certification of diamonds, and the Extractive Industries Transparency Initiative (EITI). Both of these initiatives aimed to raise awareness on the risks of criminal capture of key state resources—diamonds in the case of the Kimberly process, and natural resources more generally for EITI. The EITI process, for example, has seen global progress, particularly in the area of revenue transparency. In particular, Nigeria underwent its first comprehensive audit of the oil and gas industry. As a result, it reformed relevant regulations and established the Nigeria EITI National Stakeholders Working Group as a statutory body. As is the case more generally for EITI, these advances in the area of transparency have yet to be matched in terms of accountability in the fight against corruption (Ocheje, 2007). In addition, and specifically on the issue of financial crimes, the Financial Action Task Force (FATF) sets standards and promotes implementation of measures for combating money laundering and terrorist financing. The FATF's Recommendations serve as the international standard for anti-money laundering (AML) compliance and

¹ United Nations Convention against Corruption (UNCAC), New York, 2003.

include specific measures regarding “politically exposed persons” (PEPs). Importantly, this Organisation for Economic Co-operation and Development (OECD)-sponsored initiative sets up a compliance review mechanism to encourage progress, and spawns eight FATF-style regional bodies that coordinate with Financial Intelligence Units (FIUs) in their respective regions and provide guidance at the national level (Verdugo Yepes, 2011).

Action 7: Combining Multilateral Strategies With Bi-lateral Cooperation. National agencies seeking to make use of international standards and cooperation treaties face a number of challenges, chiefly in accessing information related to corruption and money laundering. Effective international cooperation depends on the establishment of longer-term inter-state relationships, rather than one-off instances of mutual assistance (UNODC, 2012). One model that can facilitate enhanced collaboration is the establishment of joint centres in the border areas of the territory of one or more of the cooperating countries. In these joint centres, police authorities work together on the “exchange, analysis and transmission of information in cases concerning border areas” (UNODC, 2012). In 2014, for example, Panama and Colombia established a joint centre along this model on their common border, and the following year Panama and Costa Rica signed a similar agreement.

Another potential area for international cooperation is information exchange and joint learning. For instance, the experience of Guatemala’s National Secretariat for the Administration of Seized Assets has been used to inform El Salvador’s legislative development and administrative procedures. Following a series of exchanges, the two countries are now working on a mechanism to enable the sharing of seized assets that result from coordinated intelligence.

Action 8: Enforcing International Standards at the National Level and Implementing Review Mechanisms to Bolster Compliance. A country’s jurisdiction rules can facilitate effective cooperation with its neighbours and other nations. Switzerland’s recent legislation on the identification, freezing and recovery of stolen state funds is one such example. Known as the “Lex Duvalier” after the deposed Haitian dictator, the Swiss government has since assisted in the recovery of private accounts belonging to former President Mubarak of Egypt. In addition, and under certain circumstances, international review mechanisms can make a difference in promoting domestic enforcement. For instance, the Group of States against Corruption (GRECO), an official Council of Europe agency, is charged with monitoring the compliance of its 47 member states with anti-corruption instruments, including the issue of political finance. According to one European Union (EU) report, “GRECO evaluations on party funding have had a visible impact on the reform of the legal and, to some extent, institutional framework in this area” (European Commission, 2014).

Rule of Law and Access to Justice

Action 9: Strengthening Legal Frameworks to Effectively Tackle Corruption Related to Organized Crime. The development of legislation against corruption and organized crime should be based on comprehensive assessments that inform the political and legal dimensions of illicit networks’ behaviour in a given jurisdiction. Laws should include definitions of organized crime, the scope of their activities, and penalties for any transgressions that are clear and enforceable. The inclusion of legal instruments such as protection and plea-bargaining for witnesses and collaborators are also useful instruments because of their potential to provide insights on larger network schemes rather than only individual-relevant information. The importance of a favourable legal framework that includes special investigative techniques is illustrated by the case of Pavlo Lazarenko, former Prime Minister of Ukraine, who was convicted of money-laundering, wire

fraud and extortion for a combined looting of more than USD 200 million in public resources. Lazarenkos's conviction in the US was made possible thanks to a search of discarded trash from the office of an accomplice. Under US law, a search warrant is not necessary as long as there is no physical entry of property owned (UNODC, 2012).

Action 10: Enhancing the Capacity of Law Enforcement Agencies and the Judiciary. Unlike most forms of crime where the offense is followed by evidence collection and prosecution, organized crime requires a different type of investigative proceedings. Law enforcement agencies should therefore be equipped to deal with such investigations, which generally focus on persons or illicit networks, rather solving a particular crime, are intelligence-led, and have an expansive scope to ensure coverage of all the actors (UNODC, 2012). Most importantly, the criminal system should avoid becoming a conduit for “mano dura” or “iron fist” policies that rely on mass arrests or harsher sentencing instead of meaningful justice action. Strategies for law enforcement capacity building often include training of law enforcement and judicial personnel, advisory and technical assistance for enhanced administration, and equipment provision. Other critical ingredients include promoting law enforcement accountability—such as internal auditing and early warning systems to identify officers at risk of corruption—and support community policing models that build trust and citizen engagement (Inter-American Development Bank, 2014). Important mechanisms to bolster the independence of the judicial system also involve exploring alternative appointment mechanisms, fixed terms, and limited liability for decisions. The Honduran civil society organization (Asociación para una Sociedad Más Justa) (Association for a More Just Society, ASJ) works on some of these issues, helping bridge the gap between the national police and local communities. ASJ helps solve homicide investigations by finding murder witnesses, encouraging them to testify anonymously, connecting them with trustworthy police, and ensuring their protection.

More importantly, depending on the weaknesses of law enforcement or judicial authorities, engaging in a security sector reform process might be necessary. These reforms should prioritize transparency among law enforcement institutions through solid internal affairs protocols, open crime tracking and civil society engagement in dialogue, monitoring and reform processes. For instance, a police reform process supported by the United Kingdom (UK)'s Department for International Development (DFID) saw the need to shift its framework from equipment and training when anti-corruption efforts were blocked by “criminal dons”. As a result, DFID's support was restructured to focus on accountability through the dismissal of corrupt officers, community policing, and civil society involvement in police oversight (ICAI, 2015).

Action 11: Considering That Organized Crime Affects Women and Men Differently. While men suffer higher rates of homicide, women are more likely to be victims of human trafficking for the sex trade—worldwide, women make up 98 per cent of victims of commercial sexual exploitation (USAID, 2015). Women are also more likely to be sexually assaulted by human traffickers and by gangs or armed groups, and in most countries sexual assault crimes are underreported and unpunished. In Honduras, for instance, one study found that the impunity rate for sexual violence is 94.5 per cent (Centro de Derechos de las Mujeres, 2014). There are a number of ways that gender sensitivity can be introduced into efforts aimed at preventing or mitigating the nexus between organized crime and political corruption. The first is to ensure that data is collected and research is conducted on the gendered differences in victimization rates and types. Additionally, awareness raising campaigns should be tailored to reach women and reflect their needs and priorities. For instance, in Albania, a UNODC anti-corruption project focused on assisting women in identifying corruption and raising awareness of the legal framework and reporting mechanisms available (UNODC, 2013). A

gendered approach should also be used to design policing and investigative techniques, including adequate training on evidence gathering involving human trafficking victims—who are likely to have suffered sexual assault—without “re-victimizing” the person. Most importantly, diverse gender staffing in law enforcement agencies may have a positive impact in fighting against organized crime. For example, the presence of female police officers can improve the law enforcement response to sexual crimes and certain types of physical violence (UNODC, 2013).

Action 12: Creating ad hoc, Specialized Investigative Units. Given the complexity and time investment involved in a comprehensive overhaul of corrupt criminal justice systems, in some countries long-term institutional reform processes have been complemented with more immediate tangible steps. Specialized units can sometimes achieve this, mainly when there is a need to avoid leaks on sensitive cases involving high-value targets (Brownfield, 2013). Seen by some as a “corruption-free zone”, they usually undergo extensive background checks and “post assignment incentives and disincentives for operatives and family members” (Kavanagh, 2013, p. 25). The International Commission against Impunity in Guatemala (CICIG) is a prominent example of an independent body created to investigate a limited number of sensitive and difficult cases. While it operates under national law and supports the work of the national Public Prosecutor’s Office, CICIG represents a unique model given its mandate as an international prosecutor. Its accomplishments include the passage and implementation of legislative reforms; the provision of tools for the investigation and prosecution of organized crime; and the removal of politicians with links to organized crime—including most notably the 2015 resignations of Guatemala’s president and vice-president (WOLA, 2015, p. 2).

Political Parties

Action 13: Designing Effective Political Finance Regulations. Political finance transparency seems to contribute to a reduction in the perceived levels of political corruption (Ben-Bassat & Dahan, 2014), especially when the legal framework is well suited to the particular context and responsive to its particular challenges and needs (Falguera, Jones, & Öhman, 2014). According to the International IDEA Political Finance Database (2014), 89 per cent of democracies ban vote buying. However, some of those bans are more general than others. In the case of Italy, for example, the Interior Ministry reported that between 1991 and 2014 at least 248 city councils were dissolved following the detection of mafia infiltration; as a consequence, in 2015 an amendment to the vote buying legislation encompassed any benefit generated by these exchanges—including information and favours—, not only money (Xinhua, 2014). Other common political finance regulations include bans on anonymous donations to parties, regular political party finance reporting, public political finance reporting, and direct public funding; these norms have been enacted, respectively, by 50, 70, 60 and 66 per cent of countries worldwide (International IDEA, 2014). Public funding in particular seeks to reduce candidate reliance on private contributors (licit and illicit ones). In Latin American, for example, 15 countries have passed legislation providing some level of free airtime to parties during campaign periods. Out of these countries, four (Brazil, Argentina, Chile, and Mexico) prohibit parties from buying television time. Seen as particularly far-reaching in the region, Mexico’s political finance reforms of 2007–2008 included a prohibition of all private advertising for radio and TV, and the establishment of specific criteria to distribute airtime.

However, the real challenge to closing the loopholes that organized crime exploits in the political finance system is ensuring the full enforcement of laws. In Africa, for example, most parties “submitted financial reports [that] are not scrutinized and no sanctions are imposed on violators” (Öhman, 2014a). Crimes involving

politicians in Argentina can experience an average 14-year delay in sentencing (Londoño & Zovatto, 2014). It is thus important that new regulations are realistic in terms of “enforceability”, specifically regarding the necessary mandate, resources, and sanctions (Dahl, 2014). In some cases, a long-term strengthening process may be required, which includes new political finance regulations ratcheted up over time, in sync with investments in party compliance strengthening (Öhman, 2014b).

Action 14: Improving Transparency and Monitoring of Political Party Finance Data. Key ingredients for effective oversight of political finance data are transparency and accessibility, such that designated entities and civil society can verify the accuracy of reports. Yet, in spite of the Freedom of Information (FOI) and Open Data movements, there is room for improvement in this area. The international Open Government Partnership (OGP) promotes commitments on government transparency, but political finance integrity has not been a priority. Of the seven open government projects recognized in 2016 for effective citizen engagement, none of these involved transparency of funding for parties and candidates (OGP). Additionally, few countries have electronic platforms with reliable and user-friendly access to party finance information.

In some cases, however, parties do not need to be compelled toward transparency, but rather choose to voluntarily provide information on their finances beyond what is legally required. For example, in Spain the Socialist Party allowed Transparency International to conduct a transparency audit of the party. In other cases, civil society or international organizations can work to strengthen parties' capacity to report on their finances. Organized by the Colombian chapter of Transparency International “Transparencia por Colombia” and the National Democratic Institute, the Cuentas Claras (Clear Accounts) program provides parties with technology-based tools and training for accounting and reporting, in line with new financial requirements passed in 2010 (La Nación, 2015). Civil society also plays a critical role in monitoring political finance, primarily during election campaigns. Advertising expenses is usually a good place to start, as these can be objectively verified through detailed media and publicity tracking. One example is the work carried out by Transparency International Hungary, K-Monitor and Atlatszo.hu, who partnered on a parallel expenditure tracking exercise through their website kepmutatas.hu (Hungarian for hypocrisy). This brought to light large discrepancies between real expenditures and party declarations. Also, Excelências in Brazil systematized political finance declarations into a user-friendly website with information on donations and donors, as well as on profile information, personal patrimony, and legislative voting patterns (Transparencia Brasil, 2010). However, there are increasing challenges to conducting this type of tracking due to the advent of targeted social media advertising, which is notoriously difficult to monitor.

Action 15: Increasing Political Party and Candidate Responsibility. Political parties are at the forefront of vetting their members and candidates, and identifying their potential linkages with illicit actors. In Colombia, for example, following a political finance scandal that erupted in 2006, Congress passed a series of far-reaching political party reforms. Most importantly, the “silla vacia” (empty chair) reform was designed to incentivize more rigorous political party candidate selection. Under this measure, a party loses its legislative seat if one of its elected officials is convicted of colluding with criminal groups. Furthermore, any parties or political movements that endorse politicians with connections to illegal armed groups risk jeopardize their legal status or can be forced to pay back public money received for campaign financing (Sample, 2014).

Similarly, in 2010 the Brazilian legislature passed the Clean Record Law, which prohibits candidates that have been sentenced for electoral crimes or violations from running for office for eight years. Under the regulation, 868 would-be candidates were barred from the 2012 electoral campaign (Consultor Jurídico, 2014),

while 250 were prohibited from running in the 2014 general elections (Bandeira, 2014). Drawing on the principle of institutional multiplicity—by which more than one institution is charged with a given mandate—the law authorizes the electoral courts to impose a sanction barring someone from running in the next elections, based on a decision imposed by a regular court for a criminal offense. Even if the sanction is eventually nullified through regular court proceedings, the Clean Record Law allows sanctions by other institutions (Prado & Carson, 2014).

Action 16: Protecting Party Candidates From Targeted Violence. Political corruption is not always voluntary. Organized crime networks often use violence, or the threat of violence, to intimidate parties and candidates and force their cooperation. It is therefore critical to ensure the safety and wellbeing of political actors as a basic principle to avoid political corruption at a later stage (Alihodžić & Uribe Burcher, 2013, p. 24). Colombia is a case in point. In the run-up to the 2011 local elections in that country, more than 35 candidates for mayor and town councils were assassinated. In response, the Colombian government took a number of measures to mitigate the threat of violence. Firstly, the Ministry of Defence used statistical and targeted data to prioritize 72 high-risk areas (due to the presence of organized crime or non-state armed actors) for the provision of security protocols and protection for candidates. Additionally, on election day, the military and police mobilized 300,000 service people as part of “Operation Democracy”, to “protect the right to elect and be elected”. As part of these efforts, the Strategic Police Information Centre (CIEP) was created to coordinate security agencies and provide public information (Alihodžić & Uribe Burcher, 2013).

Legislature

Action 17: Limiting the Political Participation of People With Criminal Linkages. Regulations that prevent and tackle conflict of interests and regulate lobby are essential to curb the potential influence of illicit actors on the legislature (Villaveces-Izquierdo & Uribe Burcher, 2013, p. 19; Briscoe, Perdomo, & Uribe Burcher, 2014, p. 110). They should be “sufficiently broad to cover conflicts of interest that arise after the individual has left public employment... [and] all ranks of public servants should be covered by the rules” (Perdomo, 2014, p. 227). Another important tool is to prevent people with proven linkages to criminal groups from accessing elected office in the legislature. In the case of Taiwan, for example, where senior governmental officials acknowledged the infiltration of organized crime in the legislature—reporting that many elected officials in the Law and Order Committees had colluded with illicit actors (Lo, 2016)—the government pushed for the legislative body, the Yuan, to enforce the so-called “black gold exclusion clause”. This regulation excluded people who were convicted under a certain anti-organized crime act from participating in elections for 10 years.

Limiting the provisions granting immunity and indemnity to members of parliament is also important in this regard. While these provisions have an important role in protecting legislators from undue pressure from other state branches—mostly the judicial branch—, this should be balanced with the need of law enforcement agencies to investigate and prosecute corrupt legislators. Estonia seems to have prioritized the latter by providing the Security Police Board and the Prosecutor General’s Office with a mandate to “conduct searches against public figures, without the prior consent of parliament, the Ministry of Justice or the president, thus protecting criminal investigations from political tampering and effectively upholding the criminal liability of politicians” (Villaveces-Izquierdo & Uribe Burcher, 2013, p. 17).

Public Administration

Action 18: Ensuring the Effective Implementation of Transparency Norms and Principles. Within the broader transparency movement, FOI laws regulate the disclosure of public information. To date, more than 100 countries have passed FOI legislation. In Brazil, the office of the Comptroller General conducted a survey prior to enacting the FOI law to canvass officials' views regarding access to information. Survey results informed effective implementation of the law and the design of online courses ("towards a culture of access to information") for public officials. As a result, during the first six months of FOI implementation, more than 460,000 requests were made to federal bodies; of these, 85 per cent received positive responses (Martini, 2014). FOI laws have furthermore become the norm in Latin America, where such norms have been introduced in more than 18 countries (UNESCO, 2014). In many countries, however, a gap exists between the FOI laws and their implementation (Freedom of Information Advocates Network, 2013; Access Info Europe, 2014), which largely depends on inter alia the development of a solid and detailed legislative framework, sufficient state resources and capacity, strong civil society and media, performance monitoring, and checks and balances within the government (Martini, 2014). An interesting example of the efforts to ensure that implementation keeps pace with regulation is Colombia. There, a network of CSOs developed the innovative 42-variable Index of Freedom of Expression and Access to Information. The index was designed to rate state response along four variables: access to information; the environment for freedom of expression and access to information; direct aggressions; and impunity (Proyecto Antonio Nariño, 2012).

Another important transparency instrument is the OGP. Despite its limitations (Barr, 2014; Hudson, 2014; Human Rights Watch, 2013), the partnership has attracted more than 70 states that committed to upholding the principles of open and transparent government as enshrined in the Open Government Declaration (Open Government Partnership, 2011). Finally, Asset declaration systems (ADS) contribute to identifying and prosecuting cases of illicit enrichment by public officials. Given the threat of money laundering linked to politically exposed persons, UNCAC focuses an article on this issue². ADS should require officials from all branches of government to specify all their assets and income, including homes, financial portfolio, sources of income, investments and gifts, as well as any liabilities in the form of debts and mortgages. ADS should also provide for an independent monitoring process and agency, as well as sanctions in the case of non-compliance (Transparency International, 2013a).

Action 19: Prioritizing Transparency in the Procurement System. Public procurement transparency is a priority area. Given the considerable investments at stake—sometimes as much as 15 per cent of a country's GDP (Center for Global Development, 2014)—the potential for fraud and corruption is great (European University Institute, 2015). Transparency is a strong antidote to organized crime infiltration, and corruption more generally, of public contracting processes. In many countries, FOI laws include the opportunity to request access to contracts. A number of countries, including Colombia, Georgia, Slovakia, and the UK even publish their contracts proactively. This has proven beneficial to increase fair and equal competition among firms and value-for-money monitoring by civil society (Center for Global Development, 2014). This level of openness enabled Transparency International Slovakia to detect inefficiencies in hospital administration, and conclude that competitive processes yielded a price that was 20 per cent lower than single-bid processes (Kenny, 2014). Similarly, in Georgia, through the comprehensive procurement platform created by the Georgian Government,

² United Nations Convention against Corruption (UNCAC), New York, 2003.

TI Georgia was able to cross-reference 430,000 purchases awarded without tender to the declarations of public officials, after which they found that at least USD 150,000 million in single-sourced purchases were linked to companies owned by legislators, public officials or their families (Kenny, 2014).

In addition, building up the capacity of CSOs to detect instances of abuse of state resources is key to curbing corruption linked to organized crime. A myriad of tools have been developed to detect these cases, including the “clientelism index” by Expert Forum in Romania, social expenditure tracking by Fundar in Mexico; procurement monitoring before and during campaign periods by the Philippines Center for Investigative Journalism (2013); publicity tracking by Poder Ciudadano in Argentina and TI Czech; and surveys to monitor abuse of state resources in Kenya by the Coalition for Accountable Political Financing. In addition, and given the lack of reliable data around indicators on corruption in the granting of contracts and licenses, context-specific “red flags” can be identified for monitoring, including single bidding in competitive markets, no publication of the call for tenders, and unusually short advertisement periods (Fazekas & Kocsis, 2015).

Action 20: Protecting Whistler-Blowers Within the Public Administration. Whistle-blowing involves the disclosure or reporting of wrongdoing, including corruption, criminal offences, abuse of authority, and conflicts of interest (Transparency International, 2013c, p. 4). Protecting whistle-blowers is essential for public administration integrity; otherwise, employees who come forward to report corruption risk being fired, demoted or harassed. Accordingly, UNCAC encourages countries to adopt whistle-blower protections, something that has already been instituted in a number of countries—although many some have failed to be comprehensive enough (Transparency International, 2013b). A good example of a comprehensive regulation is the 2004 Romania Whistle Blower Protection Law, which covers government employees and also provides equal protection to disclosures made to journalists, activists and others—allowing whistle-blowers to bypass their employers and share information directly with external groups (Transparency International, 2013b). This addition is critical, as “external” cases of whistle-blowing have typically more effective than internal ones, and tend to result in harsher retaliation (Apaza & Chang, 2011).

Action 21: Increasing Transparency Among Local Governments. Just as vulnerability varies greatly between countries, significant differences also exist within countries. The trend towards decentralization in recent decades has led to the establishment of new subnational governments as well as increased flow of resources, which may exacerbate corruption at that level (Chene, 2012, p. 2; UNESCO, 2013), particularly in relation to organized crime (Perdomo & Uribe Burcher, 2016; European University Institute, 2015; InSight Crime, 2013; European Commission, 2014). As a response, and with a focus on public contracts and licenses, the Colombian legislature approved the “Efficiency and Justice Law” to oversee local government budgeting and spending. A team comprising multiple ministries and the Comptroller’s Office conducts the monitoring and can suspend contract implementation in case public resources appear to have been diverted to organized crime (Perdomo & Uribe Burcher, 2016). In addition, Colombia developed a sophisticated e-procurement system to publish full public contracts and procurement documents (Colombia Compra Eficiente, n.d.). At the local level, Brazil also instituted an innovative practice through the Controladoria-Geral da Uniao (CGU) (Comptroller General of Brazil), which carries out audits in municipalities around the country. Notably, these “audit swat teams” choose these local governments at random through a public national lottery scheme, so local officials know they can be selected in any round and do not have time to “prepare” the account books (Petherick, 2015). During their two-week assignment within a municipality, the team “travel[s] far and wide within each

municipality, measuring, counting, and interviewing to verify that federal records align with public goods on the ground" (Petherick, 2015).

Electoral System

Action 22: Promoting Democratic Turnover. Alternation of power is an essential ingredient of democratic governance with benefits for political rights and civil liberties, an independent judiciary and the weakening of patronage networks and clientelistic relationships (Maltz, 2007). Most importantly, by reducing electoral "predictability", democratic turnover may help to prevent the political involvement of illicit actors as it lowers corruption's "return on investment" (Hoff, Horowitz, & Milanovic, 2010, p. 19). One method to promote democratic turnover is through term limits. A key rationale for term limits is that they allow for fairer political contests, as the advantage of incumbents are too great in terms of access to information, name-recognition, status quo biases ("better the devil you know") and, in some cases, access to state media and financing resources. In the US Congress, incumbents post a batting average consistently above 80 per cent in seeking re-election (OpenSecrets, 2015). In the last 35 years in Latin America, only two executive incumbents—President Ortega in Nicaragua in 1990 and President Mejia in the Dominican Republic in 2004—lost re-election bids (Zovatto, 2013).

Action 23: Creating a Credible, Independent and Capable Electoral Management System. Investing in a credible electoral management body (EMB) with a clear mandate, resources and sanction authority, as well as mechanisms for independence from political pressure, is important for preventing organized criminal meddling into elections. Bolivia's example shows that it is possible to overhaul a discredited EMB. A fraud incident in 1989 led to deep citizen distrust in the National Electoral Council. A new electoral law then replaced the party-based commissioner framework with an expert model with members chosen by a two-third vote in the legislature, as well as one member designated directly by the executive, with eminent public figures selected to the Court of the Notables. This resulted in a nonpartisan elections management framework that enjoyed unquestioned credibility for more than two decades (Sample, 2014). In addition, as part of the efforts to protect EMBs from political pressure, such as firing or demotions, some countries have experimented with enforcement "firewalls". This includes providing special powers for the election monitoring body—as in the case of Mexico—or collaboration with other government oversight bodies—as in the case of Peru (Londoño & Zovatto, 2014).

Moreover, electoral management bodies should be equipped with adequate mechanisms to monitor threats on a regular basis, ensuring a close collaboration between elections and security sector authorities during electoral periods. This can be done through joint threat assessments and coordination for candidate protection and extra security at polling stations, as necessary. The Mexican National Electoral Institute (INE) developed a robust threat data analysis system to prevent attacks on citizens and political actors. Two of its principal instruments (the "political-electoral information system" and the "scenario analysis programme") enhanced INE's capacity for assessing threats related to crimes like narcotics trafficking, homicides, robbery, and kidnapping. In addition, the "state risk index" was designed to draw on data provided by a task force made up of local state governments and security sector, communication and infrastructure agencies (Alihodžić & Uribe Burcher, 2013).

Media and Civil Society Watchdogs

Action 24: Promoting the Capacity of the Media and Csos. The media digital transformation of the last

years has left investigative journalism in a tough spot around the world. That is why entrepreneurial investment and innovative financial avenues for investigative journalism are key to ensure adequate coverage of corruption. Protecting the physical well-being of journalists and activists is also crucial in these endeavours, with measures such as security safety nets (e.g. asylum for journalists and activists). Engaging the private sector for the development of technologies—such as panic buttons on mobile phones and circumvention technologies to avoid censorship—can also provide journalists with some level of protection against criminal networks or corrupt governments. In Colombia, for example, the government created the Journalist Protection Program in 2000, which includes economic support and state-provided security. Even though implementation has been uneven over the last 15 years, the program's impact contributed to decreasing the number of reporter homicides, and providing journalists with a greater sense of safety (Fundación para la Libertad de Prensa, 2015). Also, impunity levels in Colombia apparently declined as prosecutors have successfully filed charges on previously closed investigations (UNESCO, 2014). Similarly, in 2012 Mexico passed a constitutional amendment and legal reform aimed at protecting journalists.

Support networks organized by civil society can also provide much needed assistance in terms of physical security and legal counsel. The Journalists Alert and Protection Network created by the Press Freedom Foundation (FLIP) in Colombia helped more than 1,200 journalists over the past 15 years. Another interesting example is the EU-funded initiative “Safety Net for European Journalists”, the Osservatorio Balcani e Caucaso, which is coordinating a European network monitoring, documenting and reporting media freedom violations in Italy, Southeast Europe, and Turkey. The initiative is creating a crowd-sourced platform for geo-localising media freedom violations and developing a manual for journalists on protection measures (European Commission, 2015).

Finally, removing unnecessary legal burdens faced by journalists and activists is also important to bolster freedom of the press guarantees and prevent state and political interference. This includes limiting penalties for libel such that the threat of civil and criminal prosecutions does not preclude media coverage of sensitive issues. While four Latin American countries—Cuba, Venezuela, Ecuador and Brazil—continue to pursue criminal prosecution for acts of defamation, there is an overall trend in the region towards decriminalization of defamation, with the Caribbean accounting for three of the seven countries that have fully or partially decriminalized defamation in the past years. There is also a growing movement towards abolishing disobedience laws, which cover defamation of public officials (UNESCO, 2014). The region has also advanced in integrating protection of sources as part of the constitution in at least six countries and in the Inter-American Commission on Human Rights' Declaration of Principles on Freedom of Expression and the Inter American Press Association (IAPA)'s Chapultepec Declaration (UNESCO, 2014).

Action 25: Channelling the Capacity of Social Media and New Technologies for Reporting on Cases of Corruption Linked to Organized Crime. Social media's potential to fill the gaps left by the mainstream media should be further exploited and capitalized, as it provides a channel for stakeholders to disseminate reports of corruption. Additionally, crowdsourcing platforms have become useful spaces to process and systematize individual experiences into collective analyses. For instance, in Argentina the interactive database *Dineropolitica.com* aggregates political finance information based on a wiki platform that allows users to collaboratively create content. Also on a wiki-basis, “CorrupediA” so far has spotlighted 217 politicians

accused of corruption in Colombia³. Civil society organizations also used crowdsourcing during the 2014 elections in Hungary to highlight spending patterns that violated official limits (Keseru, 2014). This included the Corruption Research Centre in Budapest, which analyses advertising expenses by state institutions and state-owned corporations to identify possible signs of political influence. Another example is the “Dirty Politics” scandal of 2014 in New Zealand. In a context of a very concentrated media market, Nicky Hager hacked email accounts and blog posts to uncover the favourable relationships between the Prime Minister, key politicians and the media. Publishing this in his book *Dirty Politics* caused the investigation and resignation of several officials (Loewenstein, 2014).

New technologies can also facilitate journalists' investigative capacity concerning the nexus between illicit networks and political actors, as these investigations often require accessing data and a better understanding of complex financial processes. In Colombia, the Writing Board developed “ZoomOnLine”, a comprehensive database for journalists that covers a wide range of information, including political finance data. Also, in 2014 the Organized Crime and Corruption Reporting Project (OCCRP) partnered with Google Ideas to organize “Investigathons”. These provided journalists, researchers, and activists with training and access to new technologies, while collectively working through an investigation into a UK-based company's potential involvement in billions of dollars in money laundering activities (OCCRP, 2014). OCCRP also created the “Investigative Dashboard” to help journalists expose organized crime and corruption through three tools: a crowd-sourced database of documents on persons of interest and their business connections; a list of more than 400 online databases and business registries in jurisdictions; and a help desk for journalists in need of hard to find data. Similarly, the African Network of Centres for Investigative Reporting provides its members with encryption and semantic analysis technologies, forensic research support services and seed grants for cross border cooperation.

Financial System

Action 26: Complying With the International Standards on Anti-money Laundering, Particularly Peps. Adopting and implementing UNCAC and FATF guidelines are some of the most important measures to curb the money flow that funds criminals and corrupt politicians, particularly PEPs. This includes developing processes that consider PEPs as higher-risk cases and trigger additional actions, such as approval by senior management for establishing or continuing the business relationships; measures to establish the source of wealth and source of funds; and enhanced ongoing reviews of the business relationship (FATF, 2015). Equally important is to harmonize these frameworks with other states whenever possible. In an attempt to stem the estimated USD 70 billion that flow illegally into or out of emerging EU economies annually, the EU recently strengthened its AML Directive. It is now a requirement that companies and trusts formed in every EU country disclose their “beneficial owners”—i.e. the natural persons who ultimately own or control them—to a central authority (Simmons, 2014). Registries are accessible to “obliged entities”, such as banks doing due diligence into customers and other actors with a “legitimate interest” in the data, such as investigative journalists (Out Law, 2015).

A good example of a country improving its AML system is Ghana. Following a negative assessment of its compliance with FATF standards in 2009, the country started working with the Inter-governmental Action Group against Money Laundering in West Africa to inter alia ratify UNTOC, enact the Criminal Offences Act,

³ Retrieved November 24, 2016, from <http://www.redcolombia.org/>

issue the Anti-Terrorism Regulation, and establish a fully operational Financial Intelligence Centre. As a result, the FATF concluded that Ghana was no longer subject to FATF monitoring (Modern Ghana, 2013). Also, in Peru the corruption scandal surrounding President Alberto Fujimori's advisor, Vladimiro Montesinos, led to the effective recovery of approximately USD 250 million in stolen assets from local banks and international jurisdictions such as Switzerland and the US, facilitated by the "Efficient Collaboration Act" that allowed plea agreements for information on foreign accounts, as well as waivers authorizing foreign banks to transfer defendants' funds to Peruvian government accounts (Brun et al., 2011). However, tightened AML policies may inadvertently restrict essential financial flows to migrants, small business owners, and recipients of emergency aid. Calibrated threat analysis is therefore required to avoid jeopardizing legitimate financial flows to the poor. It is also pivotal to improve data sharing, improve compliance, clarify low risk indicators, and enhance identification processes (Lowery & Ramachandran, 2015). Along these lines, Mexico instituted a four-tiered simplified account structure that allows to open very low risk, "level one", accounts with a maximum balance limit of around USD 400 on a quasi-anonymous bases and over the phone. Higher-level accounts, on the other hand, are subject to the standard "know your customer" requirements (Thomas & Ioannides, 2015).

Action 27: Improving the Capacity of Financial Oversight Actors. FIUs have a key role in curbing money laundering. With a mandated to analyse suspicious transaction reports, these centres should be independent from the executive and legislative branches, and require clear mandates to investigate and impose effective penalties, as well as access to high-quality information and technology to track the presence and risk of organized crime. Civil society also has a key role to "follow the money". A prime example was a Global Witness investigation exposing London real estate holdings worth GBP 147 million linked to the son-in-law of Kazakhstan's President—purchases made possible thanks to secrecy laws that served to keep beneficial ownership in the dark (Global Witness, 2015). This example also highlights the need to building civil society's "forensics economics" capacity. The course "Introduction to Illicit Finance, Financial Secrecy and Asset Recovery" offered by the Tax Justice Network's Illicit Finance Journalism Programme and the Centre for Investigative Journalism is a good example of such capacity-building efforts.

Action 28: Bolstering Transparency and Social Impact of Seized Assets. Transparency is a core element of asset seizure programs to allow information on the volume, source and use of seized assets to be publicly available. Ensuring the establishment of public registries of meaningful beneficial ownership on all legal entities is key in this regard. As a precondition, national personal identification systems should be in place for financial institutions to be able to identify clients. For example, in Honduras, the Office for the Administration of Seized Assets developed an internet-based transparency platform that included web cameras, specialized software, and website design. Revenue generated through the sale of seized assets was allocated to support the government's ongoing AML activities. In addition, strategies should counteract the potential "contamination" of healthy economic relations with illicit funds. In Italy, beginning in the 1990s the country reformed its asset seizure policies to allocate seized goods for "social purposes" and weaken the social bonds of criminal groups with local communities. Examples of this social repurposing included mafia properties transformed into schools, centres for the disabled, cultural centres and police barracks, and the rehabilitation of a mafia-owned Quarto football team into the Nuova Quarto Calcio per la Legalità (UNODC, 2014).

Conclusions

The strategies outlined in this paper address some aspects of corruption and criminality. The framework aims to provide a systematic analytical model to cluster them under 10 categories according to their target area, i.e. socio-economic conditions, political transition processes, geostrategic conditions, rule of law and access to justice, political parties, legislature, public administration, electoral system, media and civil society watchdogs, and the financial system. This categorization does not imply that these policies and instruments are isolated, but the opposite. Many of these strategies are, or should be, interconnected and interdependent. Importantly, their implementation is often a political discussion that depends on timing, interest, and capacity, and their success depends on the country's context. Accordingly, these actions should serve as inspiration rather than a recipe.

The strategies that contribute to addressing the underlying *socio-economic conditions* include opening space for legitimate service providers, introducing programmes for alternative livelihoods, and targeting social programmes to youth at risk. Accordingly, they should contribute to creating an environment where communities are not overly dependent on basic services and economic opportunities provided by criminal groups, and where youth in particular can build social ties outside of those networks. The strategies focused on managing *political transition processes* refer to the prioritization and sequencing of key political milestones, and how international and local actors can be involved in these processes, gradually creating transparent systems that involve actors at all levels. In addition, the strategies addressing the *geostrategic conditions* that may create opportunities for organized crime to engage in corruption are tailored to strengthen regional, global and bilateral mechanisms, and to enforce them at the national level.

The strategies that target the *justice sector* include the legal frameworks related to corruption and organized crime, as well as the investigative and prosecutorial processes in these areas. These primarily seek to move away from isolated responses to organized crime and corruption, and instead deal with them holistically. The actions related to *political parties*, for their part, focus on how these organizations deal with their finances, how other actors monitor those finances, and how parties are then accountable for their potential mismanagement. The *legislature* is also a key actor linked to the potential influence of organized crime over democracy. This paper therefore suggests actions to prevent people with criminal linkages from participating in politics, either as candidates or lobbyists, and to guarantee the capacity to investigate politicians for their potential nexus with criminal actors. The *public administration* is also a key conduit for these groups' criminal interests. Responses therefore require a system that fosters transparency in public decision making, procurement and income, most importantly among local institutions. Active disclosure of information and whistle-blower protection not only enable investigations but create a deterrent environment for corruption. On top of these strategies, those that focus on the *electoral system* allow to remove corrupt politicians through electoral turnover thought monitoring by a credible electoral management body.

However, strengthening formal democratic institutions alone is insufficient to deal with corruption and organized crime. Adequate accountability mechanisms by *the media and civil society* form an integral part of a democracy. Consequently, their monitoring capacity and legal freedoms are paramount elements for preventing and mitigating the corrupting influence of organized crime. Finally, cognizant that the *financial system* creates the conditions to move dirty money and resources in and out of political institutions, the strategies targeting this system seek to reinforce AML measures, due diligence in relation to PEPs, and financial oversight more generally.

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