The Nexus between Failed State and Transnational Organized Crime A Growing Threat to Security in the Sahel

طبيعة العلاقة بين الدولة الفاشلة والجريمة المنظمة عبر الوطنية

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Abstract:

Transnational organized crime has become one of the most prominent and complex security challenges due to the adverse effects that accompany it and problems that affect the security of countries, especially with the facilities provided by globalization from the development of communications that have facilitated the penetration of borders and communication between groups and individuals of organized crime. The Sahel region is considered one of the areas that are likely to attract more activities of organized crime groups in the future due to the failure of its states, which made the region a severe source of regional and international security threats.

Keywords: African Sahel, failed states, transnational organized crime, new security threats.

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Introduction

The post-Cold War international order has undergone profound changes affecting many of its aspects, notably the actors, the structure, and the prevailing values including the changes that occurred in the concept of traditional security and its shift from the level of preserving state's survival to the level of global security in all its political, economic, social and cultural dimensions. All of this was the result of the changing nature of security threats for the post-Cold War period due to the emergence of new actors that affected the traditional concept of security.

Organized crime is considered one of these new transnational actors, which benefited from globalization advantages, especially those related to the technological and digital revolution.

Transnational organized crime is looking for areas that provide it with the protection and effectiveness necessary for its activity, especially in those areas where the state is unable to perform its essential functions, including providing security and stability for its citizens. For instance, the region of Sahel has become in a few years a base of transnational organized crime activities, making the region a source of serious regional and international security threats.

In this regard, this research paper aims to tackle the following question:

How was the state failure in the Sahel a key factor in producing and the proliferation of transnational criminal organizations?

And we have supported the problem with a central hypothesis that we try through analysis to prove or deny its validity:

The more failed states are unable to activate political participation, achieve democracy and advance development, the more this leads to the possibility of the spread of organized crime activities within their borders.

The plan of this research paper is divided into two sections. The first one explores the concept of transnational organized crime and the concept of the failed state. Then, the second section examines the spread of transnational organized crime in the Sahel and its impact on the regions. Finally, in conclusion, we suggest some recommendations on how the Sahelian states can defeat the problem of transnational organized crime.

Finally, this research has used a case-study approach to explore the correlation between failed states and transnational organized crime through the Sahel region.

1. Conceptual framework of study design.

1.2 Definition of transnational organized crime

All the definitions developed by the states through their security agencies or security conferences and seminars agree with most of the reports produced by researchers specialized in criminology. For example, most of the definitions agree that "Transnational organized crime" comprises the folowing caracteres[1]:

- the organization of groups for criminal purposes;
- the presence of hierarchical or personal links that allow certain individuals to direct the group;

▪the laundering of illicit proceeds;

▪the potential to expand into new activities and beyond national borders;

▪cooperation with other organized transnational groups.

Also, the "United Nations Convention against Transnational Organized Crime" defines transnational organized crime as a group with an organizational structure consisting of three or more persons present for a period of time and working in concert to commit one or more serious crimes or criminal acts for the sake of Obtaining a financial or other material benefits directly; thus, organized crime can be defined as every unlawful act committed by an individual that harms a person in himself, his money, or society and his political and economic system that results in a penalty.

1.2.1 The relationship between terrorism and organized crime:

A- Defining terrorism: Terrorism is organized and connected violence intent to create a state of terror and a threat against the state or a political group committed by an organization to achieve political goals.

B- Similarities between organized crime and terrorism:

*Both organized crime and terrorism depend on complex secret organizations that add a kind of fear and secrecy to criminal operations in light of a set of height strict internal principles and rules for all members or dealers who violate them.

* Transnational Organized Crime and terrorism have a similar structure due to their cross-border nature and illegal means.

*Threats posed by organized crime and terrorism to national and international security and stability.

Each of them is characterized by global displacement and crossing borders. Terrorist groups, just like organized criminal groups, may depend on recruiting their followers in one country and training them in another[2]

C- The differences between organized crime and terrorism:

* Terrorism aims to achieve political goals and demands, while organized crime organizations seek to make a profit in illegal ways and methods.

* A terrorist crime can be committed by one person, as defined by legislative texts. However, organized crime is always committed by a group of people.

* Terrorists often refuse to admit their crimes and refuse to describe their actions as a "crime." They may issue political statements after committing a crime, while organized criminals keep it secret and are keen to conceal their activities [3]

1.2.2 Characteristics of transnational organized crime:

Organized crime has several characteristics that make it different from ordinary crimes, and these characteristics or qualifications are embodied in the following:

A - Planning: It is considered the most crucial factor in organized crime, as it guarantees its success and continuity, requiring qualified and experienced individuals.

B - Professionalism: It is one of the organized crime conditions because its goal is rapid financial gain in a short time, which is different from those looking for legitimate profit.

C - Complexity: It is considered one of the conditions for organizing, as a simple matter does not need to be collected, and its causes are quickly revealed with clarity.

D - **The ability to employ and blackmail**: Organized crime is wise in choosing people with whom they interact, directly or indirectly, and can buy people's consciences or intimidate and pressure them.

E - The danger to society: The judiciary cannot prove the organized crime in many cases due to the lack of evidence because people who carry out the crime are usually experienced people; they plan and manage their work effectively.

F- Objective: Organized crime aims at quick financial gain.

G - Impact on society: its results lead to disruption of development and corruption in the country.

H - Focusing on strategic alliances: they tend to accord partnerships with other criminal organizations from other countries to facilitate their activities.

I- International character: Crime activities across states are characterized by not being confined to the territory of one state only but extending it to the regions of other countries[4].

As for the criminal traditions of organized crime gangs, they are the hierarchical structure of forming the band, passing the admission tests for new members, blind obedience and absolute loyalty to the chiefs, giving precedence to the interests of the gang over the welfare of its members, the strictness of the internal system, adherence to the rules of behavior, the sponsorship of the gang members, the division of areas of influence, the revenge From opponents, seeking to win over public opinion.

1.2.3. Forms of transnational Organized Crime

Transnational Organized Crime has many forms:

A. Illicit drug trafficking:

The phenomenon of drug production and abuse is a global problem in which the human community is hardly devoid of its effects. The costs of international and local measures to combat the spread of drugs, raise awareness of its harm, and treat addicts annually are estimated at $ 120 billion. Drug trade represents 8% of total global trade, according to what was stated in the United Nations report for the year 2000.

Also, trafficking in various types of drugs worldwide varies from one country to another according to the nature of the economy and its level in those countries. The economic damage is the inability of the system in place to accurately determine and calculate the gross domestic product and the gross domestic product due to the considerable money circulating illegally in the market that is difficult to estimate[5].

From the previous, it can be said that the drug trade represents a big part of organized crime revenues, which is reused in other activities.

B. Human trafficking

C. The problem of trafficking in persons has become one of the significant challenges that threaten the security of the state and society. Human trafficking has become third in profits after arms and drug dealers, as well as it has become more and more expanding until it has become a global problem that urges all countries of the world,

whether they are These countries are gathering points, transit stations, or final destinations for that trade (Islamic law preceded international laws in preserving human dignity and rights.

Their crimes are now considered to be international or transnational organized crimes, So-called transnational. Trafficking in persons, especially women, for sexual slavery, constitutes one of the main activities undertaken by criminal organizations due to the high profits it makes, and criminal organizations

have been active in practicing this dangerous activity at the national and international levels[6].

The term "trafficking in persons" as defined by the United Nations Protocol to Prevent, suppress and punish trafficking in persons means "the recruitment, transfer, harboring, or reception of persons using threat, force, or other forms of coercion or abduction, or by giving or receiving money or benefits for obtaining the consent of a person who has control over another person for exploitation. Exploitation includes, at a minimum, the exploitation of others in various forms, slavery, practices similar servitude, or the removal of organs.

D. Smuggling of illegal immigrants:

The smuggling of illegal immigrants is one of the distinctive features of the dangerous development that organized crime has developed across countries. The profits made from this activity are estimated at (3.5 billion dollars annually). Criminal organizations smuggle large numbers of immigrants who leave their countries for political, economic, or social reasons. It leads them by illegally admitting them to developed countries, and immigration poses a threat to the receiving countries, as the presence of illegal immigrants in the state's territory constitutes a violation of its sovereignty, and it exposes the migrants themselves to various types of inhumane and dishonorable transactions.[7]

E. Money laundering:

The term money laundering includes many definitions, but they are consistent in content, as the European Commission defined money laundering as "the process of transferring funds obtained from criminal activities to conceal and deny the illegal and prohibited source of these funds or helping any person who committed a crime to avoid legal liability on preserving proceeds of this criminal.

The main activities on which organized crime is based are not limited to drugs but includes other activities, such as illegal arms trafficking, illicit antiquities trade, and counterfeit currency.[8]

Accordingly, the phenomenon of money laundering weakens the ability of the authorities and economic leaders to implement their financial programs and achieve their overall objectives. In addition, the significant and intense financial shifts in the movement of laundered funds negatively affect the money markets and the levels of exchange rates[9].

F. Electronic terrorism (digital terrorism)

Cyber terrorism is a manifestation of aggression against the security of states using the internet. One of the manifestations of profound negativity is the expansion of the classification of traditional crimes in social law, especially in the neoclassical penal code. And by using the legislative and media tool in this regard, so the constant call from jurisprudence, academics, policy experts, society, and the law was necessary to communicate to the form of an agreement for this new term so that its overall image can be clarified through which legitimacy and legitimacy can be directed to confront and to limit its spread

1.2 Defining Failed State

The failed state theory is considered one of the theoretical approaches that emerged after the Cold War because the changes in the international system led to the disintegration of many countries. Here the discussion of the future of the nation-state or Westphalian began.

Many scholars believe that this theory came to confirm only the role of the major powers in the stability of the international system. Weak and powerless states caused the conflicts in the international system after the cold war, because most of the post-Cold War conflicts had occurred within these countries and then Transition from conflicts between states to conflicts within states.[10]

The failed state is tense and is witnessing intense conflict, and the warring factions are waging dangerous wars, such as the Sahel countries, where violent conflicts are witnessing that indicates the lack of control of the Sahel countries in security, and there are indicators by which we can measure the impotence of states, namely:

Social indicators:

Great democratic vulnerability - large refugee flows - clear discrimination of certain groups at the expense of others - large outward migration.

Economic Indicators: Limited economic development, especially in isolated regions - weakness and economic collapse

Political indicators:

- Illegitimacy of authority - Delay in public services - A state that blatantly violates human rights

A police state - contempt for minorities - discriminates against foreign intervention, whether on the part of some states or other political actors[11].

In general, if we try to apply these criteria to the countries of the Sahel, we find that they are almost identical. Therefore, these determinants will be referred to through the causal dynamics of organized crime in the Sahel region.

Thus we can conclude how the internal environment of these countries, such as their inability to implement the law, and the illegality of their systems, has produced pathological phenomena like organized crime and terrorism. [12]

2. Transnational organized crime activities in the Sahel region

2.1 Defining Sahel region

Perhaps the first thing that confronts scholars about the Sahel region is to formulate an accurate definition. Geographically, the Sahel extends from the Atlantic Ocean to the Red Sea, separating the Sahara Desert in the north and the savannah region in the south and extending westward from Senegal through Mauritania, Mali Burkina Faso, Niger, and north Chad and Sudan to Ethiopia in the east.[13]

According to the Interstate Committee to Combat Drought in the Sahel," the Sahel region includes nine countries: Burkina Faso, Cape Verde Islands, Gambia, Guinea-Bissau, Mali, Mauritania, Niger, Senegal, and Chad[14] . But in practice, we find Sudan (before it was divided into two states) was located within the Sahel region, but it was not a member of the committee.

According to the European Union's Strategy for Security and Development in the Sahel (Strategy for the Sahel), the Sahel region extends from Mauritania in the west through Mali, southern Algeria, north Burkina Faso, Niger, and as far as northern Chad in the east.

Depending on the political criterion, the Sahel region refers to a large geographical area that includes countries facing an economic, political, and environmental crisis, or what is called an arc of crises, extending from Sudan to Mauritania, which is: Senegal, Mauritania, Mali, Burkina Faso, Niger, Sudan, Chad, and Guinea Tropical. [15]

Map 01: The geography of the Sahel region

Source: **https://bit.ly/3cuLNax**

The area of the Sahel region of Africa is estimated at 3 million km2. Some geographical studies of the Sahel and West Africa Club attached to the Organization for Economic Cooperation and Development are identified, such as a study by Philipp Heinrigs entitled: "Security Impacts of Climate Change in the Sahel: Political Horizons," that area between latitudes 12 ° and 22 °[16].

2.2 The causes of transnational Organized Crime in the Sahel

In recent years, the countries of the Sahel of Africa have known the growth of international crime organizations activities, such as money laundering, the trade in

human organs, arms smuggling, and cigarette smuggling, especially in the financial district of Dakar, which is the most important region or the main link for cigarette smuggling. Also, The Sahel countries, are experiencing a dangerous phenomenon, which is the drug trufficking, which is overgrowing, especially after the region's transformation into a transit place for hard drugs such as heroin, cocaine, and cracks from Latin America to Europe via West Africa, then the African Sahel and across the Maghreb[17].

According to statistics provided by the United Nations Office in 2008, 49 kg of cocaine, valued at 10 million dollars were seized, and 4 tons of drugs destined for Eastern Europe through Al-Marghab and North Africa were seized, and 75 kg of cocaine were seized at the Algerian financial border, an estimated Its value is about $ 45 million near the Tanzaoutine area, 500 km southwest of Tamanrasset.[18]

The nature of the societies in the region is disintegrated tribally and ethnically, which made the process of social integration very difficult to achieve, especially with the absence of a unified national political culture. This has produced internal crises of a complex combination that are difficult to control and monitor, such as the Darfur crisis in Sudan, the Tuareg in Mali and Niger, ethnic unrest in Mauritania, and tribal clashes in Chad.[19]

In total, the inhabitants of the Sahel can be distinguished into several hundred ethnic groups, the actual inventory of which remains difficult as certain ethnic groups are divided into ethnic sub-groups; because of these ethnic differences, two risks geopolitical arise[20]:

▪On the one hand, the central power may want to brutally build a national identity while ignoring the principle of subsidiarity so necessary to ensure social harmony between diverse ethnic traditions. This can result in resistance and, therefore, the tension between the central power and other ethnic groups that are mistreated. Such a situation exists in particular because of the frequent intention of the central power to settle nomadic ethnic groups to control them better.

▪On the other hand, insofar as populations attach more importance to their belonging to an ethnic group than to their legal nationality, their attitude may consist in promoting mainly, or even only, their ethnicity in the struggles for obtaining national power by attaching more importance to the advantages that their ethnicity can derive from them than to the common good of the entire population. This attitude can be particularly prevalent when one ethnic group dominates the government and takes advantage of it to distribute most of the positions of responsibility or material advantages to members of the same ethnic group.

Furthermore, the countries of the Sahel do not have a homogeneous protection system. Therefore, they are unable to self-monitor, i.e., the weakness of these countries in monitoring their borders and unable to manage the security of their lands, leads to the ease of organized criminal action and ease of communication between non-national criminal organizations, and this is due to the following causal movements:

2.2.1 State fragility: due to a set of factors

A. Tribal system: tribal order governs many countries in the Sahel, where ethnic division dominates political life.

B. Colonial Domination: Colonial powers are still working to spread chaos and differentiate between factions by arbitrarily dividing regions without considering the ethnological aspect of groups. The case of the Tuaregs is the best example.

C. The unfair division of wealth:
The Political and economic marginalization of a particular group or ethnicity has produced rebellion and political violence.

D. Political systems vulnerability:
The inability of African political systems to fulfill the function of socio-political upbringing and to subordinate family, tribal, religious, and other sub-loyalties to loyalty to the national nation[21]

E. Poor economic performance: which was the result of the following factors:

▪The nature of the Sahel region is represented by drought, lack of rain, lack of groundwater, and the fragility of the land. Some call it the extent of hunger. In addition, Global Warming has worsened the environmental situation in the region.

▪Instability of agricultural resources, which is one of the standard features of the Sahel region, as it is always classified according to the human development reports in the category of least developed countries in the world[22]

▪Weakness of the mechanism used by government institutions

▪Weak infrastructure.

▪Weakness and mismanagement of underground resources, especially the oil and the gas that is exploited for the benefit of military expenditures or tribal interest, leads to frustration, violence, and demands for economic and political rights.

2.2.2 Wars and internal conflicts

The history of Sahelian states has been characterized by intra-state conflicts, violent crises, political instability, and state failure. Moreover, ethnic conflicts have hindered the growth and development of the region. In addition, conflicts are more dangerous when fueled by religions, such as the Chadian conflict between Muslims in the north and the Christians in the south.

-Add to that the presence or outbreak of neighboring violent conflicts; these conflicts stand in the way of economic reforms and impede development, as well as food and financial aid, which further weakens the countries of this region which are in their origin failed and powerless.[23]

-All this increases the burdens and responsibilities placed on the shoulders of the Sahel states, as the latter were unable to create a progressive and homogeneous policy based on equality and respect for rights and duties for all without exception, as well as providing fair deals for all, and the result was that these countries followed military systems because continuous conflicts have generated a tendency for these countries to arm themselves to resist and confront the rebels internally and externally.

After all, the nature of the conflicts in this region is so interconnected and complex that any conflict may lead to the outbreak of other neighboring wars. [24]

-What added to these countries was the foreign intervention that stirred these conflicts many times to serve their interests.

-This armament system led to a feeling of union and a lack of dialogue, communication, and consensus between the top and the base and encouraged the law of force. Hence, the intervention of a third party was an inevitable necessity, which inevitably led to an increase and worsening of the situation.

-And it can be said that all these factors have weakened the central authority of the state over its territory.

Consequently, this necessarily leads to the ease of the emergence of criminal organizations that exploit these situations, from the absence of the state and its weakness to states of despair among individuals and because of the distress, marginalization, and miserable economic conditions they suffer that lead many to lose their lives, and this leads us to talk about the most dangerous engines Causality of international crime Poverty, which is the least expenditure that any family needs to meet its food needs.

2.2.3 Poverty

For a long time, philosophers and scholars pointed out the role of poverty in the deterioration of the individual and directs him to criminality, and this is what we have noticed in the Sahel region, people suffer from a disintegrated economy resulting from poor internal development in addition to poor or weak rates Internal exchange, which led to resorting to foreign aid, and worse than that is the misuse of this foreign aid, which in itself is attached to political and economic conditions to which the lending or creditor countries are subject, and which ultimately led to these countries becoming indebted.

Excessive, which increased the complexity of the situation, which led to the crime of money laundering in these countries in particular, as they depend in their annual budget on capital flowing to them in their banks without considering their source because they need it and thus encourage this crime, which is very dangerous On national economies and make them threatened with collapse at any moment because it leads to the concentration of the economy in the hands of these criminal organizations and thus their control over the economic life in these countries[25] .

Also among the causes of poverty is the high population increase, the production increases by 1.5 percent while population density increases by 2.7 percent annually. Therefore, global warming will lead to long-term severe threats in the black continent, which is the most affected by this pollution.[26]

Social disturbances result from the conflict over natural resources like water. When people are moving and looking for safe drinking water, this situation can create clashes between them.

In addition, this movement, or the so-called displacement of refugees in search of resources or escaping from conflicts, has created pressures on receiving countries

that cannot provide food security for their citizens. Thus, Wich has aggravated the food problem in the Sahel region, i.e., poverty and consequently. Famine.

Therefore, famine and poverty in the Sahel region led to many repercussions, including; The rapid transmission of dangerous and infectious diseases such as AIDS, cholera, meningitis, and malaria due to malnutrition and pollution, as well as the high rate of illiteracy with significant equipment, which was the reason behind making this region a fertile environment for the existence and spread of organized crime, that is, this The situation helped to create and exacerbate it, as the Sahel countries are considered among the least developed countries in the world, according to the United Nations report, especially Niger, the least developed in terms of per capita income estimated at less than one dollar per day.[27]

3. Results and discussion:

Thus, it can be said that in the face of these security threats produced by the Sahel region (organized crime, illegal immigration, terrorism, etc.) and in the front of its spread and after the oil and gas discoveries and the presence of uranium in the region, all of these attracted the interest of external powers in the Sahel region, notably the United States of America, the European Union and China recently, which created a kind of competition and conflict over the region (who is the biggest beneficiary).

The Sahel region found itself between two fires, namely security threats and external competition, all of which resulted from the failure and inability of these countries to carry out their functions, and according to strategic studies, many of the Sahel countries are likely to fail in the future, given the weak social integration, economic deficits and the weaknesses of the political structure of these countries will affect the regional security of the Sahel[28]

Accordingly, it can be said that whenever the economic conditions are miserable, i.e., the inability of the internal environment to respond to the aspirations of the population, this pushes the young people to seek other ways to live as long as their countries do not offer them solutions, and they turn towards the criminal act such as theft, smuggling of all kinds, and trade in human organs. Prostitution is the result of situations of despair from the lives they live in their countries, and this situation is exploited by transnational criminal organizations to involve them in criminal operations because everyone's goal is profit, that is, money[29]

Conclusion

This paper has attempted to demonstrate the link between failed states and transnational organized crime using the Sahel region as a case study.

After a deep analysis of transnational organized crime impact in the Sahel region, we can confirm the central hypothesis of this study. Indeed the more failed states are unable to activate political participation, achieve democracy, and advance development, the more this leads to the possibility of the spread of organized crime activities within their borders.

However, this does not deny that other factors help the spread of the phenomenon, such as environmental conditions, in addition to the facilities that globalization provides from the development of communications that facilitated the penetration of borders and communication between groups and individuals of organized crime. Accordingly, given the previous data, the African Sahel region is likely to attract more activities of future organized crime groups.

Moreover, regional and international mechanisms remain insufficient to confront the phenomenon, and these mechanisms have focused more on the security aspect only, without searching for the real and fundamental causes leading to the phenomenon, which are mainly represented in the weakness of the internal infrastructure of the countries of the Sahel region and the deficiency of their systems. Political about achieving the conditions for economic development and political stability.

More importantly, transnational organized crime in the Sahel is also the product of its corrupted political systems; in some Sahelian countries, organized crime protection by government security agencies has been reported.

As a result, Sahelian governments are advised to take the following actions to combat transnational organized crime[30]:

▪National laws, regional agreements, and international conventions against organized crime should be properly implemented through strengthening law enforcement and judicial institutions.

▪Establish economic and political systems that promote employment, good governance, and political stability, reducing organized crime incentives and possibilities.

▪Initiate security sector reform to appropriately respond to emerging security challenges, such as organized crime and terrorism.

▪Create a partnership with civil society organizations to combat organized crime.

▪Implementation of targeted development initiatives in border communities to earn their trust and support the government's attempts to battle cross-border crime organizations.

▪Finally, the significant recommendations for tackling the threat of transnational organized crime in the region revolved around enforcement and the lack of holistic programs to address the problem's socio-political and economic root causes and effects.

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