Chapter 2

Understanding Terrorism and Organized Crime in Light of Fragile States: Case Study on Niger, Mali and Chad

Abdelhak Bassou and Amal el Ouassif

The definition of a “failed state” has never been a subject of genius consensus between the scholars of International Relations. In addition to the classic limitations of subjectivity, there is one other important criticism that have explicitly addressed which is the fact that the use of the term “failing state” is predominantly western, and hence reflects western judgment of security and stability. Particularly after the events of 11 September, where states with similar patterns were perceived and treated differently, because of their interactions with the security interests of the US. While this interpretation is not widely approved, it has the benefit of highlighting the need to bring the notion of “failing” states to an objective unbiased framework of analysis. For the purpose of this chapter, we seek to address the limitation of subjectivity by evaluating states’ resilience by the ability of the state to perform a certain set of functions. The latter are the provision of basic public goods and military control over its territory.

This chapter aims at assessing ways by which non-state actors, particularly the ones involved in criminal and terrorist acts, take advantage of the failure of states in this region to proliferate and impose their own rules of the game, in the gray zones left out of the state control.

The authors sought to introduce by this paper a new evaluation of states’ resilience, by looking at the “functional legitimacy of states” in opposition to political or historical legitimacy. In other words, what constitutes the basis of the assessment of a state’s performance is its ability to provide two basic functions: First, provide basic services for its population, like education, health and safety. Second, ability to exercise control and ensure the safety of the totality of its territory.

The suggested approach captures the new orientation in the literature on state fragility that is no more limited to the post-cold war perspectives, linking states’ fragility or failure to merely security considerations, like the struggle with armed groups, ethnic conflicts and collapse of state institutions. While these aspects undoubtedly say lot on states’ resilience, there are other important aspects to consider. These are the ability of the state to fulfill basic functions that widely affect the life and wellbeing of citizens, like access to public goods.

The following chart suggests ways by which criminal and terrorist actors are both a cause and a consequence of state fragility and failure. The proliferation of troubling non-state actors can occur in two cases. First, when due to limited capacity a state in unable to provide basic needs and safety in some of its regions, which leads to the creation of “gray zones” that become later refuge for terrorists and criminal groups. The second case is where, due to external influences, non-state actors enter a country and destabilize its institutional system, to the point that it becomes unable to perform its basic functions, which leads to the emergence of gray zones. In this paper, both cases are illustrated through the cases of Mali and Chad (see Figure 1).

**Theoretical framework**

The selected evaluation criteria find origin in the work of two well-recognized scholars: Jean Jack Rousseau, “The Social Contract”, in which the ability of states to protect its citizens’ safety is key to state’s legitimacy and Max Weber, for which the state is defined, above all, by its ability to exercise the “legitimate physical violence in a given territory”.

*The legitimacy of the state in The Social Contract doctrine*

Central to the work of the three founders of the Social Contract theory (T. Hobbes, J. Locke and J. J. Rousseau) is the idea that individuals, by virtue of a social contract, agree to make a concession on a part of their freedom to the government, in exchange for provision of a set of rights like safety and basic services. By this, the Social Contract doctrine states clearly that the motivation of people to give away a part of their freedom to a ruling entity, is above all the willingness to be protected from anarchy that prevails in the state of nature. Hence, failure of the government/state to provide this protection affects it legitimacy and questions the whole validity of the social contract.
Max Weber’s Theory of the Modern State

Weber identifies two main characteristics for the modern state. First, its ability to rule as an independent legal entity over a given territory, and second, its monopoly over the use of legitimate physical violence, to impose the respect of the community rules.

The Sovereign functions of the state

The sovereign functions of the state is an additional set of principles that complement the two doctrines mentioned above. It refines the legitimacy of states, by directly linking it to its ability to provide a certain set of functions, over which, states are supposed to have complete monopoly. These functions are generally identified as internal security (police and justice), External security (army) and Currency. The recent point is not of a consensus between the absolutists, who are the initiators of this doctrine, and the liberalists, who think that currency is not necessary among the “marks of States’ sovereignty”. For the purpose of this chapter, such divergence is

not of a key interest. The focus is on the two first functions, which are the ability of the state to ensure internal and external security.

**Sources of empirical data**

The literature of “failing states” also commonly called “fragile states” has lot of indicators and instruments that international institutions like the World Bank use to measure the resilience of states for development aid purposes. For this paper, we sought to use the data available on recognized resources like: The World Bank’s Country Policy and Institutional Assessment: which measures the resilience of a country in terms of institutional and political structures, and its ability to act on the determinants of development like poverty reduction. The second instrument is The Failed State Index (FSI), which looks at aspects like security, human rights and external intervention.

Other sources of secondary data like the UNHCR, International Monetary Fund are mobilized to enrich the analysis.

**Scope of the study**

For comparison purposes, we sought to select three countries of West Africa that are also members of the G5 Sahel group (Mali, Niger, and Chad). We selected them because of their comparable economic and social indicators, and because they are all subject to the threat of terrorist and criminal groups.

**The causes of state failure from a governance, territorial, and state regime perspective**

**Mali**

Between 30% and 35% of the 17 million people in Mali, live with less than 1.9 dollar per day (the world bank poverty line).\(^3\) In the recent years, Mali’s economy has been growing at rates that pass 5%, particularly driven by the performance of the Agricultural sector. However, uneven distribution of wealth has led to important disparities between the rural and urban areas, and the country faces the threat of food insecurity. Wealth is highly

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concentrated in the region of Bamako, in the hands of actors, like executives in the agricultural, mining and energy sectors.

A survey conducted by *Afro Barometer* on a sample of 600 rural residents, prior and after the crisis of 2012 suggests that the main preoccupation of the rural population is access to basic needs like health, education and infrastructures, rather than the political crisis and territorial breakdown that the country was going through. “Villagers felt disconnected from and “abandoned” by the state. These sentiments were only compounded by the crisis.”

These findings are not surprising, since the main argument used by the rebellion groups, in all insurrections is that populations of the North are neglected by the south centric state.

Contrary to the common perception, the territories of North Mali were not ungoverned,4 but due to poor governance and the inability of the Malian state to fulfill basic functions, non-state actors flourished in those territories.

Interestingly, an important part of the Malian population saw in the insurrections led by Junta, despite their violence, a necessary shock to the ruling elite. Therefore, what initially started as Junta’s call for support for its uprising project converted to a general demand for better public services’ provision and infrastructures.

The aforementioned survey had as a target the residents in the rural regions between the territories under the Malian ruling and those under the rebellion authority. Hence, the researchers expected that those populations are more concerned about the political crisis, but the following figures highlight a different reality (see Figures 2 and 3).

Through history, violent conflicts characterized the Northern region of Mali, between the Tamasheq also referred to as Tuareg and the Arab communities located in the Sahel region. The reason of these conflicts is the willingness of the North communities to be autonomous from the rest of Mali. The initiators of the rebellion movements accuse the central government of financial and social neglect.

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4. Dowd and Raleigh argue that poor policy rather than ungoverned spaces led to non-state actors flourishing (often in cooperation with government actors). Dowd, C., & Raleigh. The myth of global Islamic terrorism and local conflict in Mali and the Sahel.
Despite its efforts to contain conflicts in the central region of Mali, the government seems unsuccessful in dealing with the inter-community violence in this region. One of the main problems the Malian security services are facing is the lack of capacities. The government forces are only able to cover the urban centers and hence, neglect the small rural areas, which create a vacuum for extremists and criminal actors to fill.

Taking advantage of the vulnerable situation of the Malian government, following the coup of 2012, extremist groups comprised of Malian and neighboring countries fighters flourished in some regions of Mali. Few days after the political uprisings, the alliance of Ansar Edine, with Al Qaeda in West Africa and the secular movement of MNLA (Azawad National Liberation Movement) occupied the northern parts of Timbuktu, Kidal, and Gao up to the Mopti region in which they claimed the independent state of Azawad.

In order to face the rebellions in the Northern regions, the Malian government called for international support, which came under the format of French and international coalition military interventions.
In 2015, a peace agreement was concluded between the government and Armed groups. However, the agreements blocked, because of allegations of government’s disengagement and continuous violence of the armed groups.

In the regions that were under rebellion ruling, the situation is mitigated. In Gao for example, the presence of the government is limited to towns and the provision of public services is merely symbolic. In other regions like Kidal, the government is absent, and the local populations are deprived of basic needs.5

Niger

Niger is a country with important resources that range from Oil, gas to uranium and gold. In 2017, Niger had a growth rate of 5.2%, driven by the performance of the oil and agricultural sectors.6 The government is mak-

5. C. N. There is a crisis overlap in northern Mali (Rep.). Mali: Voices from the Field
ing important efforts to scale up its investments in infrastructures, but the financial system remains limited.

Overall, the poverty rate in Niger has witnessed a significant drop from 2005 to 2011. However, this was not reflected in all the parts of the country. Because of an underdeveloped agricultural sector, the rural population in Niger is highly dependent on basic farming production.

Corruption is another challenge facing the Nigerien economy and administration, in particular the judicial system. In the recent report of Business Anti-Corruption Portal, corruption was identified as one of the highest risks facing the business sector in Niger.

The provision of public services is insufficient with high disparities between the urban and rural areas. 70% of the population of Niger does not have access to electricity, particularly in the rural regions.

Niger is hit by armed conflict with extremist groups, which has led to important numbers of refugees and internally displaced persons. The country is directly affected by the consequences of the Malian and Libyan crisis, which puts extra pressure on the social and economic resilience of this country. Such pressures are translated in insufficient provision of basic needs, like health, education and food necessities. The high demographic growth (approximatively 3.9% per year) is an additional element of concern is this regard.

Like neighboring countries, Niger is suffering from the attacks of Boko Haram. In 2015, Boko Haram made its first attack in Niger. As consequences, a deep crisis in the Diffa region emerged, with 129.000 internally displaced persons in addition to the already existing 108.000 refugees that fled the atrocities of Boko Haram in Nigeria.

In 2017, the Nigerian government spent as much as 7.4% of the GDP on security expenses to combat Boko Haram. Such important spending has led to deepening the budget deficit of the country.

The direct confrontation of the Nigerian government with Boko Haram caused instability in the southeast and exacerbated the conflicts over access to resources in this region. However, despite its multiple attempts, Boko Haram was unsuccessful in spreading influence beyond the Diffa region, which has historical and cultural ties with Nigeria.

Although joining the Multinational Joint Task Force (MNJTF), was costly for the Nigerien government, the latter managed to disturb the insurrection of Boko Haram in the Diffa region, mainly through military operations and the state of emergency that blocked the access of extremists to commercial services necessary to their survival in the region.

In fact, in Niger also, insurgents exploited the existence of intercommunal tensions, which has led to bloody conflicts in the region. The Nigerien government attempted to limit this by ensuring mediation between the communities of the region. The concerned communities welcomed the initiative of the government, although lot is yet to be done to dissipate all tensions.

Chad

In 2015, the growth rate in Chad was estimated at 1.8%, in comparison to 6.2% in 2014. This decline is particularly the result of the slowdown of investments, in oil and constructions sectors, in addition to the considerable cuts in public expenditures.

In Chad, poverty is an important challenge to development. It is mainly a rural phenomenon. The most recent Household Consumption and informal sector Survey, conducted in 2011, shows that the recent monetary crisis’ effects were twice higher in rural than in urban areas. Knowing that 82% of Chadians live in rural areas, poverty is a structural challenge to social and economic development.

The government made significant efforts to reduce poverty, but the fall in the national poverty headcount (55% in 2003 to 47% in 2011) is quickly mitigated by the demographic growth. Hence, over the years the numbers of Chadian under the poverty line raises. In Chad, about half of the population is aged under 14, which creates high demand for primary educa-


tion and health. Conjugated to the limited capacity of the government to collect taxes and revenues, because of the important share of the informal sector, the provision of public services is insufficient.

In 2016, following the elections, wide public protests emerged because of corruption, austerity and the cost of living.

Originally, the magnitude of Boko Haram’s attacks in Chad was limited. However, in 2015 the violence escalated in response to the military involvement of Chad in fighting Boko Haram in neighboring countries. Particularly under the framework of the Lake Chad Basin Multinational Joint Task Force (MNJTF). Terrorist acts of Boko Harma mainly consisted of explosive attacks targeting civilians in the towns of Guite and Miterine.

In 2016 thanks to the international and regional support, the Chadian government managed to limit the attacks of Boko Haram, taking advantage of the internal tensions that emerged within this movement.

On the legislative level, the Chadian government passed a counterterrorism law on August 2015 (Law 034/PR/2015) that criminalizes the terrorist acts and punishes to death penalty and life imprisonment individuals involved in funding or recruiting for terrorist activities. Although, unclear if there have been prosecutions under this law, the latter constitutes a strong statement by the Chadian government in favor of counter-terrorism.

Overall, Chad has been to a certain extent effective in restricting the activities of Boko Haram on its territory. Anti-terrorism measures are a priority area for the government and the national forces has displayed a certain level of command through improved screening in borders, to prevent the crossing of Boko Haram fighters and other militias from central Africa. Nevertheless, the war on Boko Haram is very costly for the Chadian government who has been involved in counterterrorism assistance to neighboring countries, like Cameroon and Niger. According to the last Country Report on Terrorism 2016, by the US Department of State, the Chadian government is facing challenges to meet its basic financial commitments like paying the police and military salaries.

Drug trafficking and human smuggling, other ways of states’ fragility

The challenges of Mali, Niger and Chad are not limited to their vulnerability to terrorism alone. Transnational Organized Crime finds also in the weakness and bankruptcy of these states an opportunity to flourish. Networks and cartels of transnational criminality settle and use the territory. Their influence goes even to certain levels of government and administrative hierarchy, from which they get support for their activities.

The weaknesses of governance and lack of means of control combined to the immensity of territories of (More than one million km² per country for Chad, Mali and Niger) reinforce the vulnerability of these countries, which are physically unable to protect thousands of km of borders. These hence become traffic areas of all kinds of criminal activities.

The vastness of the territories and the immense distances of frontiers to be covered in addition to the geographical specificity of the Sahel all hamper these states’ ability to provide a satisfactory level of territorial protection.

Criminal networks use the Sahel as a crossing point or a storage area for prohibited goods intended for criminal activity. The routes of the Sahel are connected to the Atlantic Ocean, the Mediterranean Sea and the Red Sea. It is precisely for this particular geographic position that criminal networks flourish in the desert roads of the region.

The proliferation of traffic in the Sahel and the use of the territory of these States and their borders by cartels and mafia groups add another important element to the definition of fragile/failed states. In fact, a failed state is not only a government that is unable to provide vital needs of its population, or one that cannot monitor and secure its borders. It is also a state with weak institutional structures, that are porous to the temptations of corruption and criminal networks that get power through the corruptibility of the administration.

The “Air Cocaine” case in Mali15; had revealed to the world the role played by the territory of Mali in the international cocaine traffic. It opened eyes on the massive arrival of Colombian cocaine to West Africa. The multinational character of this case demonstrates the extra-territorial dimension of criminal groups, which took advantage of the weakness of the Ma-

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15. In November 2009 a plane, carrying 5 tons of cocaine, crashed in Mali, in the Gao region.
The question that rises: Is the massive traffic at hands, a cause of Mali’s inability to manage the security of its territory; or is it a more structured crime, at the level of some of the state’s administration officials who made it possible for a plane full of cocaine to land on the Malian territory?

Several media and observers had, at that time, invoked the weakness of the Malian state, but several other journalists and investigators did not reject the hypothesis of complicity of the Malian administration in this wide scale traffic scandal.

In fact, it is clear that the bankruptcy of the state and the installation of transnational organized crime networks is a vicious circle. As soon as there is a slight breach in the governance of a state, criminal networks encrust themselves to enlarge it. These networks have both the means and power to buy officials, interfere in the electoral processes to elect people who can support their activities, and consolidate their hand-put on the wheels of the state. The latter becomes weaker which leaves space to criminal actors, and the circle continues until a radical change occurs, or the state eventually collapse.
Networks of clandestine migration and human trafficking in the Sahel

Illegal migration and its criminal corollary and trafficking in human beings is another cause and consequence of states’ fragility in the Sahel. The city of Agadez in Niger is considered the hub and obligatory route of clandestine migration in the Sahel (see Figure 5A).

It is from the bus station of Agadez that trucks leave loaded with candidates for illegal migration, taken care of by travel agencies sometimes legally registered with the authorities, but used by mafia networks. The majority of the candidates for illegal migration are not nationals of Niger, but the traffickers present them as Africans who have the right to transit through Niger to travel elsewhere. The question is: Why Niger authorities did not strengthen the control on Agadez, which is now worldwide known to be the city of human smuggling? Is it because of the lack of means, or is that pertaining to the power of the criminal mafia that prevent the state from fulfilling its sovereign prerogatives? Besides, is the geographical position of Agadez, an important determinant of the poor performance of the government of Niger?

We are inclined to think that that all the above factors combined has led to the situation at hand (see Figure 5B). The situation in Agadez is similar to the one in Gao, Mali, where illegal migrants are also supported by criminal networks that are sent to neighbouring Niger with impunity. This traffic flourished in Gao well before 2012 when terrorist groups took control of the city. They colluded with organized transnational crime groups who became a source of income to finance their terrorist activities.

Drug trafficking: the failed states of the Sahel

Africa has become an area of choice for cocaine from Latin America to cross to Europe and Asia.

According to Samuel Benshimon, editor of the site “Sahel Intelligence”, boats arrive from Latin America and transit the Gulf of Guinea especially in Guinea Bissau, Cape Verde and Senegal. The goods are then transported by land to Togo through two routes: the first from Mali, Burkina Faso and Benin, while the second transit through Mali, Burkina Faso and Ghana. Then the merchandises leave from Togo by planes to Europe. However, the most popular routes are those on land, across the Sahel, especially countries led by almost bankrupt states such as Niger or Mali.
Figure 5A. Networks of clandestine migration and human trafficking in the Sahel.

Source: IOM Niger.

Figure 5B. Cocaine traffic in West Africa.
Drug trafficking, particularly cocaine, in the Sahel, generated $900 million in profits between 2013 and 2014 according to the United Nations Office on Drugs and Crime (UNODC). Some 21 tonnes passed through the Sahel desert, which became the preferred route to Europe. A colossal windfall that traffickers reinject into the local economy.

Figure 5B shows that the majority of the states in which the storage and departure of cocaine trafficking occur are states with weak governance/failed states; Niger and mainly Mali are, like in the case of human smuggling, among the favourite spots of mafia and criminal actors.

The examination of the maps of other traffics highlight the consequences of weak states, on the proliferation of cross-border criminal organizations that undermine institutions and lead to states’ bankruptcy. A major threat to report is that transnational organized crime and terrorist groups join efforts to eliminate any possibility for these states to restore authority over their territory. The whole region can thus become destabilized by a contamination effect.

Wrap up analyses and conclusions

From the exposed country profiles, we conclude that the three countries in the study display certain similarities. First, they are all countries will vulnerable economic and social indicators: high poverty and unemployment rates, in addition to important inequalities between the urban and rural areas. Second, this sample of countries is characterized by inter-community conflicts that were exploited by terrorist groups, in order to destabilize the system. In the case of Mali, Ansar Edine, Al Qaeda in West Africa and the secular movement of MNLA (Azawad National Liberation Movement) were only able to occupy the North of Mali, when the central government was fully mobilized in the aftermath of the 2012 political coup. Moreover, these movements were implemented in the Northern region of Mali that historically witnessed important ethnic and communal conflicts, and more important; where a general feeling of state neglect is strongly present. Niger is a slightly different case, in the sense that it suffered from its geographic position, in the frontiers with Nigeria the cradle of Boko Haram. The latter, again, chose to settle in the Diffa region, historically known to be conflictual, because of communal tensions, which Boko Haram attempted to play against the government. However, the Niger state, has managed to certain extent to disturb the presence of Boko Haram in this region. Chad is a similar case to Niger, in the sense that it was affected by the spill-
over effects of the Boko Haram activities in the region and became itself a target of the terrorist groups, because of its military support to the Lake Chad Basin Multinational Joint Task Force (MNJTF). The main difference is that in Chad, Boko Haram did not manage to occupy a whole region, but rather targeted the centre of the country through repetitive bombing attacks in towns and villages.

One other important observation in the three cases is that, the activities of the terrorist groups aggravated the fragility of the economic and social tissues. Figure 6 represents the share of public spending on health and education from 2013 to 2015, according to the World Bank.

In Niger, 2015, which is the year in which Boko Haram, made the most violent attacks in the country, the government’s investment in health and education witnessed a sharp decline, undoubtedly in favour of security spending. Chad is a similar case, starting from 2014 the government spending on public services declined and reached its lowest levels in 2015, the year that corresponds to the peak of the security crisis in Chad. Mali is a different figure, where public investments in health and education followed the same tendency since 2013, which is the year that followed the political coup and insurrections in the North of Mali.

Figure 7 compares the share of health and education in the GDP of the three countries, with the share of public spending on security.
Figure 7. Comparison between public spending on education and Health vs. Security in Chad, Mali and Niger (2013–2015).

The above figure clarifies that in parallel to the decline observed in public spending on health and education on the observed period, there is a net increase in security expenses. Except for the case of Chad, which has committed from the beginning important financial resources to security and was later forced to review its budget allocations.

All these figures tell us about the mechanisms by which states fragility is at the same time a cause and consequence for the proliferation of terrorist and criminal groups. Back to the model in the introduction section, we can conclude that terrorist groups, mafias and cartels need a set of conditions to flourish, among which the inability of states to provide quality public services. However, by a dual mechanism, these actors, once established in a country hinder a lot its development and the ability of the state to perform its basic functions, which leads to a vicious circle.

To link these findings to the main argument of the paper, we conclude that assessing the resilience of a state is not a scientific process, particularly in the case of West African states, in the sense that each country represents a different case study. Mali was at a certain time, a failed state, when it lost control over its Northern region, because it failed the criteria to exercising control in the totality of its territory. Niger and Chad and to a certain extent Mali today exhibit the symptoms of fragile states that have lot of internal development challenges, which conjugated to the regional context made of them a target of terrorist groups.
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