

Organized Crimes and Governance Gap in the Conflict Affected North-Western Pakistan

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Abstract

Recently there has been an increase in activities and in the number of organized criminal groups in the North-Western region of Pakistan bordering Afghanistan. The simple criminals and gangs have been transformed into more sophisticated and organized groups especially during the conflict and post conflict situations. Why is this increase in the number and level of complexity of criminal activities & gangs? Is there weakness in state capacity that has led to the rise of the organized crimes and criminal groups in North Western Pakistan? These questions has been explored by using Migdal's concept of strong societies and weak states as a theoretical framework. The state-centric approach claims that a state always dominates in every affair within its territorial jurisdiction. In a weak state the government does not possess sufficient will, authority and power to ensure the performance of its fundamental functions such as protecting human rights and making available social and economic wellbeing of its population. If the state fails to provide these functions, a power vacuum results leading to the rise of strong societies. Organized criminal groups and criminal economy are indicative of such happening in North-Western Pakistan. Therefore, in the absence of state control, the organized criminal groups fill this governance gap by performing state-like functions in the local community for strengthening their roots.

Keywords: Organized Crimes, Criminal Groups, Gangs, Governance Gap, State-Society Relations, Poverty and Inequality, Conflict, Social Control.

Introduction

Encyclopaedia of Crime and Punishment defines organized Crime as "two or more persons conspiring together on a continuous and secretive basis, with the aim of committing one or more serious crimes to obtain, directly or indirectly, a financial or other material benefit" (Levinson, 2002: 1112).

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Ponsaers, Shapland and Williams have noted it as “where two or more people systematically offer services or manufacture goods in a manner or benefit activity which is prohibited by the criminal law of the nation state where at least part of that activity occurs” (Ponsaers et al., 2008). Organized crime remains part of “informal economy” involving sale of “drugs, counterfeit goods, running a brothel or paying bribes to politicians” (Ponsaers et al., 2008: 647). In the 21st Century crimes at global level especially the organized crimes and criminal groups have increased. In developing states the rise in organized crimes is associated with socio-economic factors. Among South Asian states especially Pakistan and Afghanistan have very low Human Development Indices and income equality (Schultze-Kraft 2016, 14). Poverty and inequality incentivise illegal activities. Organized crime includes violence, murder, financial crime, assault, tax evasion, counterfeiting, internet frauds/scams, cybercrime, copyright infringement, corruption, white-collar crime, corporate crime, drugs, human trafficking, firearms and persons, money laundering, corporate and labour racketeering in South Asian context (UNODC 2010, v). The common feature of these activities is the emergence of criminal economy in these countries. This illegal money directly affects the state governance. The weak governance by a state provides space for criminal’s strongholds and patronage relations with communities is created who provide the basic services that the state is unable to provide especially in conflict situation. (Camino 2013). Conflict and terrorism leads to the dysfunction of state institutions and weaken state-society relations. As a result, for their needs and interest, the organized criminal groups control local affairs and penetrate the political system at national and local level. This infiltration of the organized groups affect the state governance, development, peace building and state building at local and national level. Organized crime is not only a threat to the human security, peace and violation of human rights but it is also a challenge for socio-economic, political and cultural development of society (UNODC 2011). The core focus of criminal groups is the provision of illegal services and supply of illegal goods or illegal provision of both services and goods even if that are legal. The criminal groups act like an economic organization which maximizes its profit at all costs and remain secretive to avoid competition and detection and such groups ultimately become international in scope (Adamoli, Nicola, Savona and Zoffi 1998). The organized criminal groups are territorial in nature with established social roots in specific geographical locations. These groups exploit these areas to weaken existing governance systems and legal loopholes to strengthen their

positions. Thus organised criminal behaviour, illicit trafficking and armed militias undermines state consolidation and stability. Organized crime seriously curtails the capacity of a state in the provision of services including protection, keeping citizens trustful of government and keeping the rule of law. The weak states suffer from lack of equality in the availability of chances to the citizens to promote their economic interests due to feeble form of government. Such weakness creates favourable atmosphere for the growth of organized crimes (World Bank, 2011: 53). The areas where poverty rate is high, the gap between the privileged and un-privileged unbridgeable and where the slums lag in development, there the fertile ground for recruitment of these networks exists. Organized crimes often coexist along precarious security in such places (Siegel 2014, 63).

North Western Pakistan has suffered from a significant increase in the activities and number of organized criminal groups recently. According to police official report 190,454 cases of crimes were registered between January and October 2014 (Dawn, November 25, 2014). The weak capacity and control of Pakistani state in the region provide opportunity for the criminal groups to flourish. These criminal groups have developed links with the existing terrorist networks in the region and thus poses threats to the national and regional security (Dawn, November 25, 2014). Various activities of kidnapping, assassination, drugs, and corruption etc. occurring daily, are evidences of increase in crimes especially organized criminal activities. The involvement of government officials in corruption cases like that of former Inspector General of Police (IGP) in purchase of weapons (The Express Tribune, February 14, 2016) provides an insight into the complex relationship between the government structure and organized crime, which makes the legitimacy and authority of the Pakistani state dubious in the North Western region of Pakistan (Tilly 19882).

Research Questions and Approach

The paper investigates the relation between the state governance (capacity & control) and the organized crimes in the North-West region of Pakistan. The growing trend and activities of organized groups in the region implores the questions: why?

1. Why there is an increase in the organized crimes and criminal groups are becoming more intricate?

2. Why is there gap in the state governance in North-West region of Pakistan?
3. How this gap in state governance leads to the dominance/control of organized criminal groups and criminal economy in the North-West Pakistan?

These questions have been investigated through a mixed methods approach of both quantitative and qualitative data. The quantitative primary data was collected through survey questionnaire and qualitative primary data was collected through key informant interviews from government officials (police and district administrators), journalists, businessmen, stakeholders and through focussed group discussions with community people.² For secondary data various published materials were reviewed.

Theoretical Framework - Governance Gap

Governance and politics in developing states are defined by synthesis of state-centric and society-centric approaches. According to state-centric approach monopoly on the use of violence is the central foundation of the modern state, and is a precondition for the state's functions and maintenance of political process (Braddick 2000, 14 - 20). Weakened potential of a state results in problems for the state to govern its people. The developing states are more affected by such problems. Therefore, it becomes mandatory for a state to lock its population into the abstract structure of the state in all its territories (Migdal 1988, 16 - 30). Therefore, a state is not the only political actor, it leaves room for the society to perform a role. The relation between a society and its state determines the nature of problems faced by the state in governance. The gaps in the state governance in the north-western region of Pakistan is indicative of the presence of weak interaction between the state and society.

Thus Migdal argues that states in general have to provide a single political status of citizenship to all. It is possible when single jurisdiction within state's boundaries and it has the capacity of hegemonic control over society and when state has viable survival strategies (Toit 1995, 23). Further, the state needs "the organisational capabilities of its leaders, population size, potential

² The primary data used here in this paper was collected through field survey in North-West Pakistan for my (researcher) Ph.D. research, which has been utilized to support the argument. A total of 1500 respondents were surveyed through questionnaire and an overall 39 Key Informant Interviews were conducted with relevant stakeholders and a total 13 focus group discussion were conducted with community people.

material and human resources available, and larger international configurations” for its survival. This translates into the capacity to move the society and penetrate it, control relation between social groups and procure and utilize required resources (Migdal 1988, 21-22). Strong states possess these features while weak states lack them. Such capacity is indicated by the degree of access state provides to the population in governance and the readiness to accept the legitimacy and dictates of the states by the population. The weakness of a state is indicated by the emergence of informal social structures to fill the vacuum created by the inability of the state thus leads to the division of social control between the rival social organizations and the state. It necessitates for the state to regain the control of society in order to make the population conform to its writ (Toit 1995, 24).

Additionally, some societies conform to pyramid like structure of control. Such forms results from co-opting the compatible regulations. In this context a strong state positions itself on the top as the only source of control. Here, the strong state occupying the top successfully subsumes the survival strategies of congruent societies. Thus, the survival strategies of the interest groups, the religious institutions, the family and the state converge. A scenario can also emerge in a society where the control is not uniform. In such context, the web-like society emerges. “In web-like societies no single strand of social control holds the social fabric together, but rather a network of such strands” (Toit 1995, 24). In this context, the criminal groups that are organized behave like social organizations which have their own separate survival strategies filling in the void created by the incapacity of the state. Such scenario points to the rise of strong society challenging the state. It also shows the fragmentation in the social capabilities of the state thus leading to the weakening of the state from a *de facto* to a *de jure* position (Jackson and Rosberg 1982, 1 – 24).

Organised Crimes and State’s Monopoly and Social Control

Criminal gangs have been operating in Pakistan for long. After the event of 9/11, the organized criminal groups in Pakistan have become international. Gauging the exact magnitude and nature of such crimes requires reliable data that is missing in Pakistan. However, it can be safely guessed that this number would be in thousands especially in the north-western region of Pakistan. Concentration of these criminal groups in the north-western region arises from the unique geography of mountains, passes and terrain that is difficult to patrol by law enforcement agencies. The organizational form of these

groups is not efficient like the western criminal groups, however, the severity of their crimes matches. The organized criminal groups in Pakistan like other organized criminal groups aim to earn money, that wreaks havoc in this financially weak state.

A dramatic increase of organised crimes in the world has been observed since the September 11, 2001 attacks. The resultant war on terror in Afghanistan coincides with increased spaces for the criminal groups in FATA as they happen to be adjacent to Afghan border. Lack of resources and skills in state and society make these criminal groups a threat to national security as these groups have established links of coexistence with the terrorist networks (Alda and Sala 2014).

Beginning in the 1990s, Pakistan remains a base for national, regional and international criminal groups, which enjoy substantial support among certain sectors of the population. These groups have benefited from the existing structure, which was developed in the sale of drugs to support the *Mujahideen* in Afghanistan with the help of the US and Pakistani officials (Chandran 1998). The organized criminal groups in Pakistan, adopted to the new conditions after independence in 1947. They ensconced themselves neatly in the structure of the newly established state. However till 1981 they remained low in profile. After Pakistan's hosting of war refugees from Afghanistan such organizations found a new boost in their activities, membership and organizational structure. Thus the historical, political, geographic factors combined to make north-west of Pakistan an attractive area for the criminal organization. The presence of international border facilitates the operations of such criminal groups as they shift their activity across border when they are squeezed by a state (Bajoria 2009).

The movement of illicit products happens through Afghanistan and Iran. It depends on the heavy transport road from Afghanistan and Pakistan used by large trucks and trailers who engage in smuggling. During Afghan War, the drugs business, and smuggling along with other illegal business of weapons sale were the major crimes developed thus transforming from small-scale local to international syndicates (ISS 2003, 46-47). The low socio-economic and other developmental indicators of the North-Western part of the Pakistan further lead to the people involvement in these illegal activities.

In North-Western Pakistan kidnapping for ransom is the major source of income for criminal and militant networks. The number of kidnapping for ransom cases increased during the last decade due to conflict in the region. This number increased from 48 cases in 2006 to 150 cases in 2017. The economic value of kidnapping for ransom is estimated to be US\$ 10 million (SDPI and UNODC 2011). Similarly, in 2013 the number of registered target killings was 647, while the current government claims that this rate declined to 72 in 2016 but the opposition government rejects the claim and say that the decrease in target killing is due to current military operation in the North-Western Pakistan. Likewise the number of registered extortion cases was 344 in 2014 which decreased to 16 in 2017 (Pakistan Today August 15, 2017). The proceeds of crime are injected into the world's formal economies and fund activities of international organized crime groups. With respect to North-West Pakistan, the *Hawala (Hundi)*³ serves an estimated 85% of the total population by offering a money transfer system (SDPI and UNODC 2011).

The growing activities of gangs and their renovation to organised criminal groups have resulted in an informal or criminal economy in the North-Western Pakistan. These gangs varies according to their structure i.e. from sophisticated drug smuggling syndicates to territory based established gangs, young newly recruited by militants and other groups and to loose criminal groupings of criminals, local kidnapers and abductors. These groups has weakened state monopoly in the North Western region of Pakistan. To validate the claim of being a state, the Pakistani state needs to re-gain or re-establish its monopoly of force in areas under its geographical jurisdiction. Thus, any organization, whether it is internal or external, if effectively challenge the government control in a given area undermines the authority of the state and also the state itself in that area. To validate the Pakistani state claim of monopoly⁴ majority of the respondents (80.60%) acknowledged that generally the Pakistani state lacks control on violence in their areas. A large number of criminals and militants are present in their areas and dominate the same (60%) and almost all people possess one or other kind of weapons in these areas (86%) (Appendix - 1: Table - 1). Criminal activities, like

³ The hawala (hundi) system is a network of finance brokers and lenders who transmit funds to and from a country without physically moving money across borders or creating a paper trail.

⁴ Monopoly of the state on violence has been assessed through three major indicators as identified by Rabasa (2007), these are: i) the population with easy access to arm, ii) the illegal armed groups, and iii) the presence of criminal networks in a given society.

ransom, kidnapping, smuggling of opium, heroin, extortion, and other such acts have become the daily routine activities of these criminal groups (Field Interview). It is also established that such groups have an easy access to shelter and supplies, as they are never denied these by the local community when they demand (FGD).

The society-centric theory argues that social structure in a given society is the major cause of state weakness in post-colonial states. Societies in such states remain decentralized and present a “web-like” structure. The influential persons create a local sphere of influence that remains out state’s control (Migdal 1988, 39). In such states, the state’s control remains weak due to social fragmentation. The Pakhtun society of north-western region of Pakistan is defined by this feature. Social control depends on the state’s capacity to form norms for the society. Table-2 shows that respondents (most of them) were of the view that informal institutions and customary law is dominant in North Western region of Pakistan. In such context the criminal organizations find an opportunity to exert their control and compete with state in establishing the writ. The social norms are formed under the dictate of these criminals and are accepted by the people instead of formal laws. The majority of participant confirmed that informal laws are more important for them in comparison to the formal laws⁵ (Appendix – 2: Table – 2).

One of the fundamental duty of any state is to deliver public goods to the population (Anton, Fisk, and Holmström 2000). Participants of this study expressed their worries regarding lack of amenities, security and their rights. They complained that state treat their area as conquered territory and them as vassals. They pointed out that in infrastructure, facilities and services in their areas are the most backward as compared to the rest of the country. These facts, they pointed, indicate lack of capacity in Pakistan as a state to carry out its basic functions (FGD 12). That’s why the people in these areas contact the non-state actors i.e. outlaws, criminal groups for their security, recovery of lost persons, vehicles etc. instead of state institutions due to the inability, lack of capacity and loss of trust by state institutions (Field Interview). More than half of the respondents (57.27 percent) believe and think that a capable and strong state with functional government can solve and cater their demands. At the same time, a significant number of

⁵ In most of the tribal areas, the Non State Actors, Taliban and militants orders and do state like functions i.e. ordering prices of daily used commodities, ban on the use of certain goods and control many other day to day activities.

respondents (79%) claimed that they look towards their informal institutions and other non-state actors compared to a very nominal number (15 %) of respondents who showed their satisfaction to believe in state's formal institutions for their problems and demands. Obviously, this reflects a substantial gap between the state's ability to deliver the public goods and the people expectations of the state (Appendix - 2: Table - 2). This is because that in these states social authorities try to stymie the efforts of the state to hoard the necessary authority to close this gape (Migdal 1988).

5. The Criminal Economy

The criminal activities of gangs in the North-western Pakistan fill the governance gap and present alternative social organisations to those provided by state. The economic situations and prospects in North-West region of Pakistan have been historically restricted by factors like geography, negative impact of subversive international activities and lack of human and natural resources. The cumulative effect of such factors has led to the current problems of high rate of unemployment, negligible growth and high rate poverty in this region. The 20% area of north-west region (KP and FATA) of Pakistan remained under active conflict that has produced economic challenges in the region.

Soon after 9/11, in 2002, the unemployment rate of this region (KP and FATA) was approximately 7.2 percent (higher than national level which is 5.9 percent) according to the federal Labour Force Survey (2014-15). This rate is even higher for people under the age of 30 years. The infrastructure of the North-Western region of Pakistan is also underdeveloped. Further, the society is undergoing transformation and is disintegrating from the traditional joint family structures to nuclear family system. Where domestic violence along other social violence is a daily occurrence. Unemployment is high especially in youth, the militant and criminal gangs provides attractive income sources and benefits to recruit the youth. The wealthy and influential criminal elites assume the rule of community regulators and social supporters. This criminal economy delivers goods and provides employment to thousands especially the socially excluded individuals. These groups have strengthened itself by exploiting the poverty, depravedness and other miseries of this community. In the words of Migdal, as opposed to the Pakistani state, these groups and gangs have provided their own survival strategies to the community members of this area (Migdal 1988). Thus the people in North Western Pakistan rely on these groups more than they rely

on Pakistani state for their needs, security and other social welfare services. A large number of youth at KP and FATA are participating either by own free will or under some compulsion, in these groups, as they have no other source of income. Even the family of these people are paid a handsome money when the person dies while serving the group (Field interview).

The existence structure of informal economy in this region further provide safe haven (in terms of non-physical existence) to outlaws and criminal groups (Lamb, 2014). The criminal elites have control on the local illegal and informal economy such as drugs sale, alcohol sale and even other immoral crimes of kidnapping, extortion, murders, stolen cars, and non-custom paid items. These criminals also own transportation, garages, workshops, motor bargains, property dealing and many other similar commercial pursuits.

The local culture and some of the local people also do provide significant social support to these criminal groups. These criminal elites also provide charities to the local social events of the community. Most of them are great philanthropists that's why they have a strong hold and grip on the sympathies of the local community. The charity of these people in the local community gives these criminal elites the social support and as a result gets the compliance of the people of the community. The social services and other community welfare services provided by these criminal elites include supporting poor families, support in jobs or employment for the unemployed people, support during funerals and other support like assistance at local police station or local courts. Besides, these provide support to the local orphans, widows and other needy people in the community along with feeding food to poor hungry people (Field Interview).

Conclusion

A web-like society's structure is held together by a network that is anchored around strongmen. In the context of North-Western region of Pakistan, there are numerous components of social control resulting in fragmented society. Further, the leaders of the criminal gangs, and militant groups act as strongmen and having influential position within the social organisations in this society of North-Western region. These leaders provide the masses with survival strategies different than the Pakistani state. By creating a criminal economy, these strongmen have secured their place in this society.

Thus, the economy of North-Western Pakistan influences and comprises of various legal and illegal, informal and criminal domains, which is controlled by the criminal elites, called powerful men by Migdal. These powerful men have social control because they are mostly, linked with informal links in civil society and also with local officials of the government, as well as mostly have an edge of recruiting the local unemployed youth who are supplied and assisted by the local criminal groups from the local community.

The heightened level of organized criminal activity in the north-west of Pakistan shows the weakening of social control of the state. The failure to provide services and security delegitimizes Pakistan's authority of a state. The organized elements in Pakistan have links with the militant outfits and both present an alternative informal rules of the game to the local society. Such rules challenge the writ of the state, and help in the alienation of the people from the state. The criminal networks produce an economy that ensures their survival and sabotages the formal economy. The political milieu of the affected areas is distorted to such an extent that the very existence of Pakistan as a state is threatened by the organized crimes.

Appendix - 1: Table - 1: Monopoly on the Use of Coercion/Violence

Q. What are your views about the following Statements?

Question/ Indicator	Response Rate	Agree	Strongly Agree	Neutral	Disagree	Strongly Disagree	Don't know	Total
a). Pakistani state control on violence and monopoly on coercion	Frequency	78	455	20	68	876	3	1500
	Percent	5.20	30.33	1.33	4.53	58.40	0.20	100
b). Functions of State institutions (Police, Army, Judiciary)	Frequency	78	112	20	78	1209	3	1500
	Percent	5.20	7.47	1.33	5.20	80.60	0.93	101
c). Presence of armed groups (criminals, militants, outlaws, etc.)	Frequency	429	859	112	2	97	1	1500
	Percent	28.60	57.27	7.47	0.13	6.47	0.07	100

d). Armed groups have more control in local society	Frequency	377	965	93	1	53	11	1500
	Percent	25.13	64.33	6.20	0.07	3.53	0.73	100
e). Free and easy access to weapon	Frequency	23	1213	112	54	97	1	1500
	Percent	1.53	80.87	7.47	3.60	6.47	0.07	100

Source: Field Survey

Appendix - 2: Table - 2: Social Control

Q). Please click an appropriate answer for each question as per the given options.

Question/Indicator	Response Rate	Strongly Agree	Agree	Strongly Agree	Neutral	Disagree	Strongly Disagree	Don't Know	Total
a). In your area, Government (formal institutions) has more controls on daily lives of the people and makes 'rules of the game'.	Frequency	412	201	412	28	627	227	5	1500
	Percent	27.47	13.40	27.47	1.87	41.80	15.13	0.33	100
b). In your area, informal institutions and Non State Actors have more controls on daily lives of the people and make 'rules of the game'.	Frequency	959	57	959	11	370	101	2	1500
	Percent	63.93	3.80	63.93	0.73	24.67	6.73	0.13	100
c). People look towards and have expectations from state/government institutions for their services and grievances (Police, Judiciary etc.)	Frequency	210	132	210	24	234	890	10	1500
	Percent	14.00	8.80	14.00	1.60	15.60	59.33	0.67	100
d). People look towards and have expectations from	Frequency	1189	121	1189	12	120	47	11	1500
	Percent	79.27	8.07	79.27	0.80	8.00	3.13	0.73	100

the informal institutions and Non State Actors (<i>Mullah, Taliban, Khan, Malak, Jirga, etc.</i>)									
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Source: Field Survey

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