CIRCUMSTANCES PROMOTING AND ASSOCIATED WITH THEIR COMMISSION

LECTURE 5

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Introduction

Organised crime thrives in the following contexts:

- A weak state authority,
- Compromised governance institutions
- illicit markets flourish with minimal regulation or enforcement.

1. Weak governance and institutional fragility

- **Corruption** in law enforcement, judiciary, and public administration allows criminal networks to operate with impunity.
- **Lack of rule of law** and political will to combat organised crime enables state complicity or protection.
- **Poor border control** and fragmented security apparatus provide easy transit routes for illegal goods and persons.

2. Socio-Economic Inequality and poverty

- High levels of unemployment, especially among youth, make criminal syndicates attractive as sources of livelihood.
- Urban slums, informal settlements, and neglected rural areas become recruitment grounds for gangs and traffickers.
- Organised crime offers economic alternatives in areas where state development is absent or inaccessible.

3. Conflict, Political Instability, and Fragile States

- Armed conflicts and civil wars create ungoverned spaces where criminal enterprises can flourish.
- Post-conflict societies often experience residual armed groups transitioning into criminal syndicates.
- In fragile states, non-state actors (e.g., militias, insurgents, or cartels) may become de facto governors, extracting taxes and controlling resources.

4. Globalisation and Technological Advancement

- The ease of cross-border movement, digital communication, and financial transfers has enabled the transnationalisation of organised crime.
- Dark web markets, cryptocurrencies, and encrypted messaging platforms facilitate anonymous criminal transactions.
- Globalised supply chains are exploited to conceal illicit trade within legitimate commerce (e.g., container smuggling).

5. Demand for Illicit Goods and Services

- Consumer demand for drugs, trafficked persons, counterfeit goods, wildlife products, and illicit firearms sustains transnational criminal markets.
- Prohibitionist policies (e.g., drug bans) may paradoxically fuel underground economies controlled by criminal syndicates.

6. Political and Electoral Systems Susceptible to Capture

- Jurisdictional limitations, sovereignty concerns, and legal disparities hinder cross-border law enforcement.
- Criminal syndicates exploit weak or non-existent mutual legal assistance treaties (MLATs)and poor intelligence sharing.

8. Poorly Regulated Financial Systems and Tax Havens

- Use of shell companies, offshore accounts, nominee directors, and bearer shares enables concealment of illicit wealth.
- Lack of beneficial ownership transparency facilitates the laundering of proceeds from organised crime.

9. Cultural and Social Legitimacy of Criminal Actors

- In some communities, criminal figures (e.g., drug lords, militia leaders) are seen as protectors or patrons, especially when they provide jobs, services, or security.
- Normative acceptance of certain illegal activities (e.g., smuggling, bribery) can entrench organised crime as part of daily life.

10. Weak or Outdated Legal Frameworks

- Inadequate criminal codes or lack of modern legislation on cybercrime, terrorism financing, or transnational organised crime hampers enforcement.
- Some states lack effective asset recovery, witness protection, or non-conviction based forfeiture mechanisms.

CLASS DISCUSSION

- Which one of these circumstances are most prevalent in Kenya and why?

THE END

THANK YOU!