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# State-Corporate Crime in the Democratic Republic of Congo

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State-Corporate Crime in the Democratic Republic of Congo

by

Veronica Winters

A thesis submitted in partial fulfillment  
of the requirements for the degree of  
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## Table of Contents

List of Tables	iv
List of Figures	v
Abstract	vi
Chapter One: Introduction	1
Chapter Two: Historical Context	7
Colonization	7
Decolonization	8
First Congo War	9
Second Congo War	11
Conflict in the Ituri Region	12
Chapter Three: Literature Review	15
State Crime	15
Corporate Crime	17
State-Corporate Crime	19
State-corporate crime in the DRC	20
Summary and Conclusion	22
Chapter Four: Theoretical Approaches to State-Corporate Crime	24
An Integrated Theoretical Model of State-Corporate Crime (Model I)	25
Institutional environment (I.1)	25
Catalysts for action	27
Motivation (I.1.A)	27
Opportunity structure (I.1.B)	27
Operationality of control (I.1.C)	28
Organizational level (I.2)	28
Catalysts for action	29
Motivation (I.2.A)	29
Opportunity structure (I.2.B)	29
Operationality of control (I.2.C)	30
Interaction level (I.3)	30
Catalysts for action	31
Motivation (I.3.A)	31
Opportunity structure (I.3.B)	31
Operationality of control (I.3.C)	31
Integrated Theory of International Criminal Law Violations (Model II)	32

International level (II.1)	33
Motivation (II.1.A)	34
Opportunity (II.1.B)	34
Constraints (II.1.C)	34
Controls (II.1.D)	34
Macro level (II.2)	34
Motivation (II.2.A)	35
Opportunity (II.2.B)	35
Constraints (II.2.C)	35
Controls (II.2.D)	35
Meso level (II.3)	35
Motivation (II.2.A)	36
Opportunity (II.2.B)	36
Constraints (II.2.C)	36
Controls (II.2.D)	37
Micro level (II.4)	37
Motivation (II.2.A)	37
Opportunity (II.2.B)	37
Constraints (II.2.C)	37
Controls (II.2.D)	37
Summary and Conclusion	37
 Chapter Five: Methods	 39
Case Study Approach	39
Use of case study methods	39
Advantages	40
Limitations	40
Extended Case Method	40
Qualitative Data	41
Sources	41
Assessing the models	43
Advantages	43
Limitations	43
 Chapter Six: Case Study	 45
An Integrated Theoretical Model of State-Corporate Crime (Model I)	45
Institutional environment (I.1)	46
Motivation (I.1.A)	48
Opportunity structure (I.1.B)	49
Operationality of control (I.1.C)	49
Organizational level (I.2)	49
Motivation (I.2.A)	51
Opportunity structure (I.2.B)	52
Operationality of control (I.2.C)	53
Interaction level (I.3)	55
Motivation (I.3.A)	55

Opportunity structure (I.3.B)	56
Operationality of control (I.3.C)	56
Summary	56
Integrated Theory of International Criminal Law Violations (Model II)	57
International level (II.1)	57
Motivation (II.1.A)	57
Opportunity (II.1.B)	58
Constraints (II.1.C)	58
Controls (II.1.D)	58
Macro level (II.2)	59
Motivation (II.2.A)	59
Opportunity (II.2.B)	59
Constraints (II.2.C)	60
Controls (II.2.D)	60
Meso level (II.3)	60
Motivation (II.2.A)	61
Opportunity (II.2.B)	61
Constraints (II.2.C)	62
Controls (II.2.D)	62
Micro level (II.4)	62
Motivation (II.2.A)	63
Opportunity (II.2.B)	63
Constraints (II.2.C)	63
Controls (II.2.D)	64
Summary and Conclusion	64
Chapter Seven: Conclusion	66
Corruption in the DRC	66
Implications and Limitations	67
Directions for Future Research	68
References	70

### **List of Tables**

Table 1: An Integrated Theoretical Model of State-Corporate Crime [Model I]	26
Table 2: Integrated Theory of International Criminal Law Violation [Model II]	33

## **List of Figures**

Figure 1: Map of the Democratic Republic of Congo	5
Figure 2: Map of the Major Mineral Deposits in the Democratic Republic of Congo	6

## **Abstract**

This study addresses the need for a parsimonious theoretical model to explain state-corporate crime. The Integrated Theoretical Model of State-Corporate Crime will be compared to the Integrated Theory of International Criminal Law Violation to determine which model provides the most accurate theoretical depiction of state-corporate crime, while retaining parsimony. For this comparison, the models will be applied to Democratic Republic of Congo case study. Using a secondary analysis of qualitative data and preexisting literature, it was found that the Integrated Theoretical Model of State-Corporate Crime displays a representative depiction of all state-corporate crime actors and their catalysts for action in a more parsimonious manner than the Integrated Theory of International Criminal Law Violation.

## **Chapter One: Introduction**

State-corporate crime has far reaching consequences that not only result in the harm to individuals, but in harm to society. When state-corporate crime occurs, relatively little attention and resources are given to them in relation to the large-scale impact of the crime. Criminal actions by governments and corporations reverberate across society. The concept of state-corporate crime has existed for years, but for the degree of damage that occurs, little research has been conducted in the field of criminology. To help in addressing this problem, I will be reviewing recent history and current events in the Democratic Republic of Congo (DRC). Attention given to these series of conflicts has not been proportionate to the loss of human life; estimates of casualties from the Congolese conflicts, for example, are as high as 3.8 million from 1998 to 2004 (Turner, 2007). In comparison, the twenty years of the Vietnam war produced about 1.9 million military and civilian deaths, while the three year Korean War produced 1.2 million military deaths for North and South Koreans, the Chinese and the United States (Lacina, & Gleditsch, 2005).

The DRC has had a tumultuous history. Exploitation of the country's people and mineral resources has occurred for years against a backdrop of political corruption and ethnic tensions, resulting in genocide and inter-state conflict. In the context of state-corporate crime, little theory has been applied to these particular circumstances, with the exception of a brief contribution to the criminological literature by Mullins and Rothe (2008). The theoretical contributions to state-corporate crime as a whole have also been

sadly lacking in the criminological field. To address the issue of specific DRC coverage and theoretical application to state-corporate crime in general, I will be using the Integrated Theoretical Model of State-Corporate Crime (Model I), which was initially developed by Kramer and Michalowski (as cited by Kramer, Michalowski, & Kauzlarich, 2002) to review three levels of analysis: institutional environment, organizational, and interaction. Each level of the theory breaks down the motivations, opportunities, and operationality of controls faced by the government, corporations, and individuals responsible for the crime. I will then compare this model to the Integrated Theory of International Criminal Law Violation (Model II), which was founded on Model I, and is used to explain the DRC conflict by Mullins and Rothe (2008). This theoretical application by Mullins and Rothe (2008) displays Model II's lack of parsimony; the model is unnecessarily complicated, as seen when I compare it to the application of Model I.

This work is a secondary analysis of qualitative data collected using case study methods. Consequently, to ensure ideal standards are met, I will be using Yin's case study research design components. These components include, "a study's questions; its propositions, if any; its unit(s) of analysis; the logic linking the data to the propositions; and the criteria for interpreting the findings" (Yin, 1994, p.20). This case study seeks to determine the relative contribution of Model II in comparison to Model I within the specific occurrence of state-corporate crime in the DRC. The comparative parsimony of the Model I provides a similar degree of theoretical support in explaining state-corporate crime in the DRC when compared to Model II. These results indicate that Model I should be preferred over Model II on the grounds of parsimony of explanation, and that

Model I is likely sufficient for purposes of research in the field of state-corporate crime. The unit of analysis is considered the entire scope of the DRC conflict, which could be demarcated by the beginning of the Second Congo War and the ensuing civil and regional fighting. The most explicit documentation in relation to state-corporate crime comes from the Human Rights Watch (2005) and the United Nations Security Council (2003). Linking data to the theoretical propositions of Model I and Model II includes connecting collected data to the scope and propositions found in each theory. In this study, this issue is specifically examined in the application of the models to the DRC conflict in Chapter Six. Similarly, the criteria for interpreting findings include the description of the models and their subcategories and subsequent application in Chapters Four and Six.

The recent history of the DRC is a myriad of shifting political ties and human rights abuses. To fully understand the context of the state-corporate crimes that occurred in this context, in Chapter Two: Historical Context, I will briefly introduce the history of colonization and recent events in the DRC. An understanding of local ethnic conflict within the Ituri region will also be covered. In Chapter Three: Literature Review, I will then provide a review relevant literature in the fields of state crime, corporate crime, and state-corporate crime. The theoretical foundations of Model I, and of Model II used by Mullins and Rothe (2008), will be outlined in Chapter Four: Theoretical Approach, and I will describe the levels and categories of each model. Chapter Five: Methods, provides a brief examination of case studies and the extended case method, where I discuss the benefits and limitations of using the case study approach and qualitative data. In Chapter Six: Case Study, the application of Model I will be applied to the DRC conflict to explain

the perpetration of state-corporate crime by various parties. Concluding this study, I will discuss the current status of events in the DRC, the research implications and limitations of this case study, and the direction for future research.

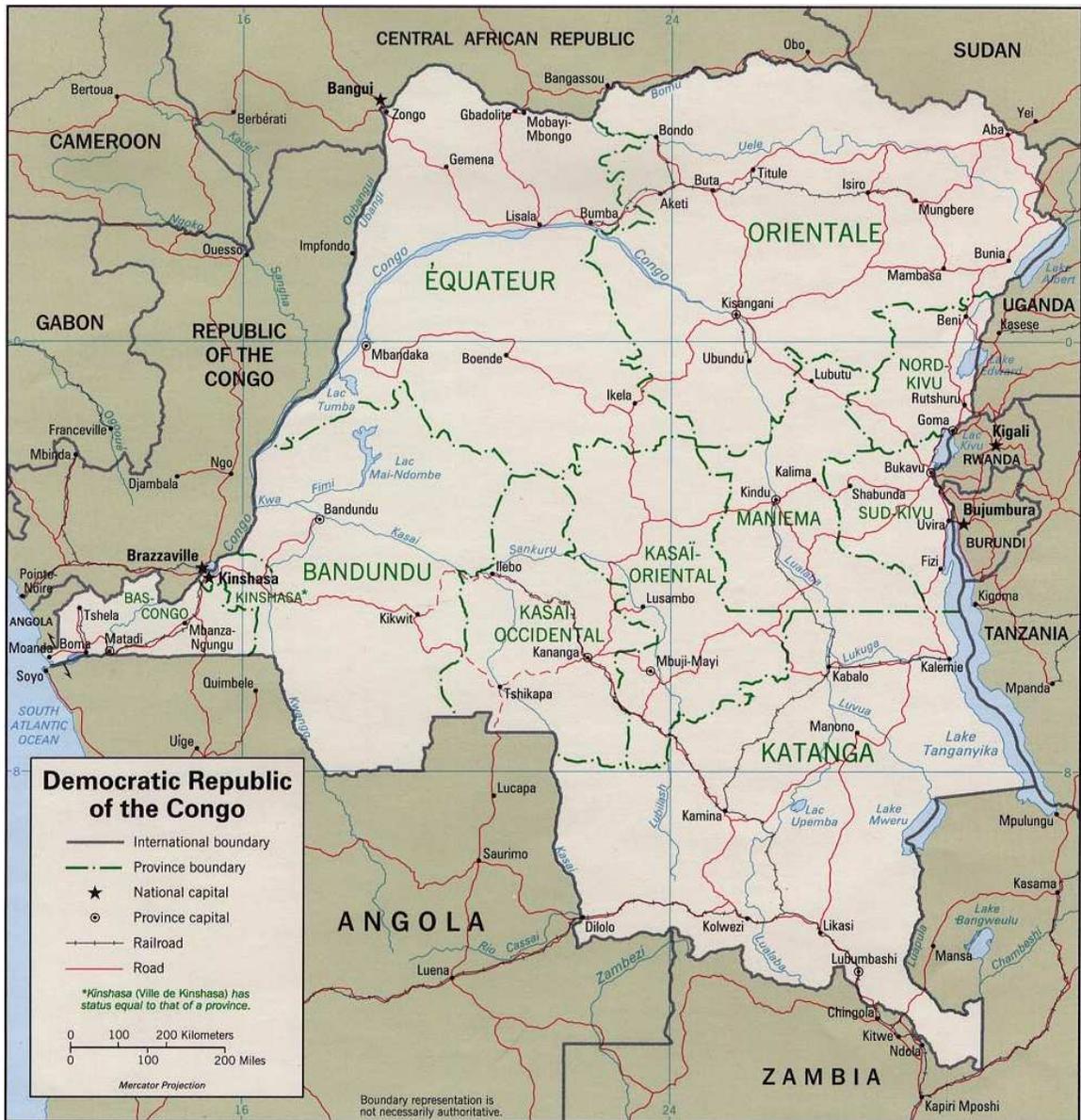


Figure 1: Map of the Democratic Republic of Congo (University of Texas, 1998)

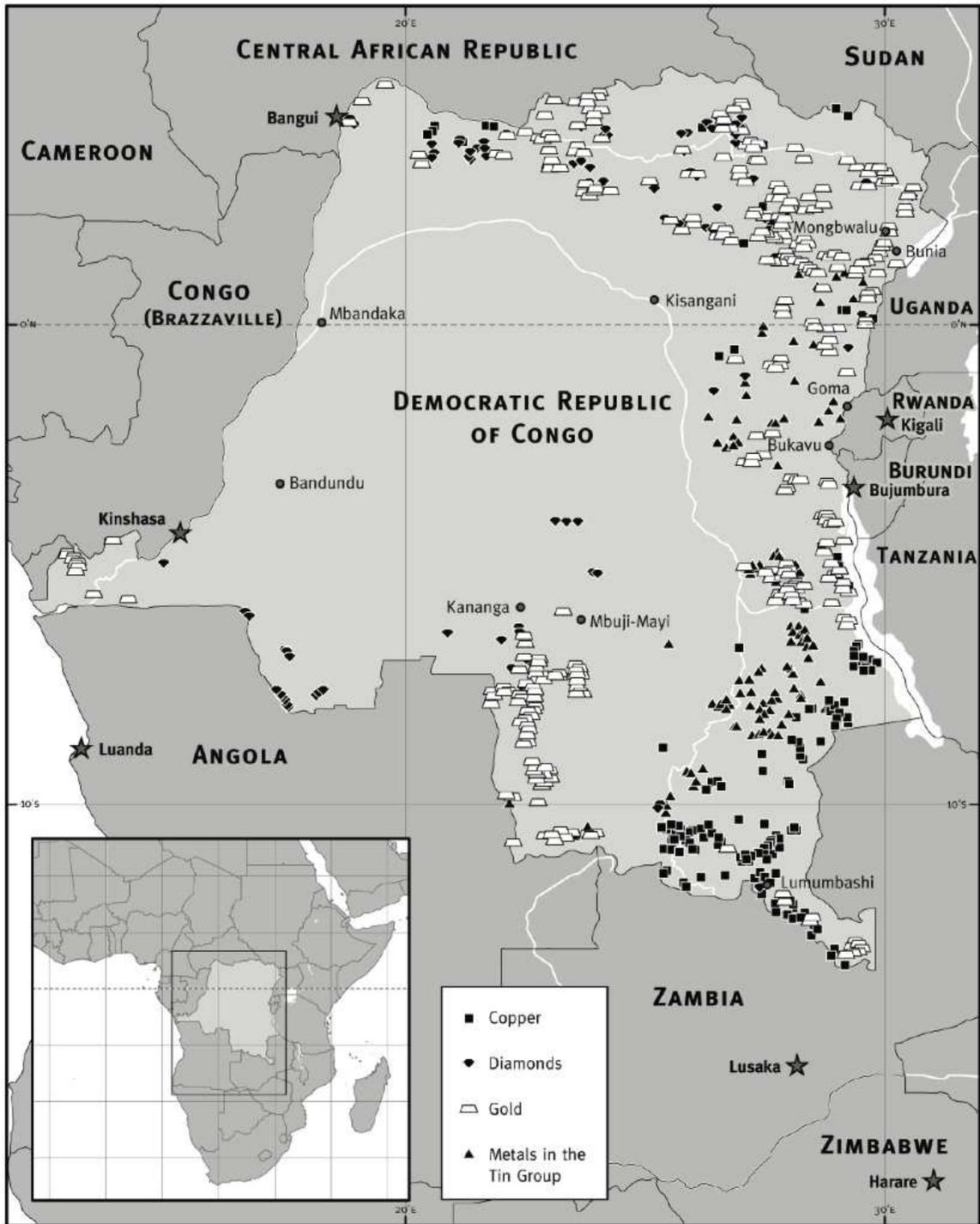


Figure 2: Map of Major Mineral Deposits in the Democratic Republic of Congo (As cited in Human Rights Watch, 2005)

## **Chapter Two: Historical Context**

The Great Lakes region of Central Africa encompasses Rwanda, Burundi, eastern Democratic Republic of Congo (DRC), and southwestern Uganda (Lemarchand, 2009). Recent violence in the region, such as the 1994 Rwandan genocide, has bled over national borders, and exacerbated preexisting tensions in that region contributing to war, human rights abuses, and state-corporate crime in the DRC. To better understand the underlying causes of such conflict the historical background of the DRC and Rwanda must be reviewed.

### **Colonization**

Although it had been victim of the European slave trade, the region that would become the DRC was considered for colonization in 1878 after exploration by Henry Morton Stanley's Congo River expedition. King Leopold II of Belgium established control of the Congo River basin in 1885, named the Congo Free State until 1908. Under Leopold's private control, forced labor allowed for the construction of the railroad and extraction of natural resources including red rubber. Resistance to labor exploitation was met with Leopold's private army of African soldiers and European officers, who used violent tactics including arson, murder, and amputation to force submission. News of the human rights abuses in the Congo Free State reached the international stage in 1908, and in addition to state profits, resulted in the removal of these holding from Leopold, which were then placed under Belgian rule (Gondola, 2002; McKenna, 2011).

Leopold's brutal influence on the Congo River basin sowed the seeds of anti-Western sentiment. Known as Belgian Congo, the violence and terror of the Congo Free State declined while political oppression held strong. However, the interest in political reform grew as neighboring countries were decolonized after World War II. The post-war period also saw a dramatic increase in copper and gold production, with mining conditions similar to those that existed during Leopold's reign (Gondola, 2002). By 1957, when local government was reformed, unrest was increasing, as the Congolese people desired democratic opportunities. On June 30, 1959, Belgium granted independence to Belgian Congo, after nationalist riots led by Joseph Kasavubu erupted (McKenna, 2011).

### **Decolonization**

Days after being granted independence, a series of events wreaked havoc on the new nation of the DRC. The Congolese army mutinied as Belgian soldiers sought to protect Belgian citizens. Months later, President Kasavubu ousted Prime Minister Patrice Lumumba. By July, the Katanga province, backed by Belgium, asserted independence. Viewing the Belgian backing as an attempt to regain control of the region, Kasavubu and Lumumba sought assistance from the United Nations. Kasavubu resisted the use of force by U.N. peacekeepers to reunite Katanga, leading Lumumba to seek assistance from the Soviet Union. In September 1960, army Chief of Staff Mobutu Sese Seko declared martial rule, and partnered with a caretaker government. Lumumba was subsequently executed and the Katanga secession was quelled. A series of leaders took office as prime minister, including Cyrille Adoula and Tshombe, resulting in a relatively unstable government. Following another defeated succession challenge and civil unrest in 1964,

Mobutu led a second coup and took power from President Kasavubu and current Prime Minister Tshombe (Birmingham, 1995; Gondola, 2002; McKenna, 2011).

Within Mobutu's first two years in office, the DRC faced two riots led by mercenaries under the direction of Mobutu's opposition. This short period of mutiny was followed by years of peace, during which Mobutu attempted and failed to improve the DRC's economy. By 1971, Mobutu renamed the nation Zaire and enforced a single-party political system until 1990. From 1977 until 1978 Mobutu faced an invasion by the opposition group Front de la Libération Nationale Congolaise (Congolese National Liberation Front, FLNC), displaying the continued unrest that existed under Mobutu's regime. With the end of the Cold War, the international stage also began calling for increased democratic actions. In response, Mobutu allowed opposing political parties but negated these reforms by violently ending student protests at the local university. Following a reduction in international aid, Mobutu supported democratic reforms and elections, which were never enacted. The Rwandan genocide that occurred from 1993 to 1994 not only gave Mobutu an opening to re-establish ties to France, Belgium, and the United States, but also permitted an opportunity for attacking citizens of Rwandan Tutsi heritage. Supporting Hutu factions ultimately led to the end of Mobutu's long-standing regime (McKenna, 2011). The genocide also led to massive emigrant of the Hutu population.

### **First Congo War**

In November 1996, Mobutu was forced out of office after a thirty-two year rule. The rebel group Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre (Alliance of Democratic Forces for the Liberation of Congo-Zaire, ADFL), led by

Laurent Desiré Kabila, seized control of Zaire, which he renamed the DRC. The ADFL was a newly formed organization backed by neighboring Rwanda, and thus mainly constituted by Rwandan Tutsis and Banyamulenge, who were Tutsi Rwandans from eastern DRC. Not only did the ADFL march through the DRC to its capital, Kinshasa, resulting in the expulsion of Mobutu, but the Tutsi-comprised army also escalated tensions between Hutu refugees who had fled the Rwandan genocide (Ngolet, 2011; Renton, Seddon, & Zeilig, 2006; Turner, 2007). The ADFL attacked refugee camps in an attempt to force the Hutu refugees to return to Rwanda. Thousands attempted to return to Rwanda, which was made difficult by closed borders, and the hatred and fear after the 1994 Hutu-led genocide. The other thousands of Rwandan refugees largely traveled west. These systematic massacres of the refugees from the Rwandan genocide provoked a longstanding conflict between the United Nations (UN) and the Kabila regime. After a year of evasive attempts by the Kabila government, investigations into human rights violations by the UN produced one report resulting in inconclusive findings concerning state crime committed by Kabila's regime (Ngolet, 2011; Turner, 2007).

In March 1997, after nearly a year in power, Kabila agreed that a transitional government was to be created, lasting one year, and would exclude any former members of Mobutu's regime. Included in his move to create a transitional government, Kabila outlawed opposing political parties (Gondola, 2002; Ngolet, 2011). Later, the ban of political parties would be extended to two years (Ngolet, 2011). In addition to the seeds of discontent sowed by Kabila in the political scene, as the ADFL regime swept the DRC, ethnic tensions also began to rise. Within the regime, offices were frequently undermined or opposed by Rwandan Tutsi or Banyamulenge members of staff (Gondola,

2002; Ngolet, 2011). By January 1998, Kabila created a new administration that kept earlier members of the government in power, and was restructured to display the increased power of the Katangans, Kabila's home province in the DRC. Dissatisfaction and tension rose among the Tutsis, resulting in the ordered expulsion of Rwandan soldiers from the DRC on July 27, 1998 (Ngolet, 2011; Renton et al., 2006). As Rwanda was losing power in the DRC, Kabila was courting military ties in Zimbabwe. Dissatisfaction among the Banyamulenge led to rebellion on August 2, 1998 (Ngolet, 2011).

### **Second Congo War**

The DRC faced the outbreak of a second war in as many years, when leaders within the DRC's military denounced Kabila. In return, the Kabila regime focused blame on Rwandans and Ugandans as instigators of the rebellion in eastern DRC. In addition to discontent in the east, uprisings occurred in Kinshasa and Kisangani as Rwandan soldiers fought orders to leave the DRC. As the rebel coalition, with the assistance of the Rwandan and Ugandan armies, continued to hold more land, the DRC population was left unstable. Based on increasing ethnic tensions, public order diminished (Ngolet, 2011).

Rebellion soon disintegrated into full-scale war, as Zimbabwe provided military assistance to the Kabila regime ten days after the uprising began. With the assistance of forces from Angola, and nominal help from Namibia, Kabila began to retake rebel holdings. A month later, under continued fighting, a Sudanese rebel group sided with the DRC rebel groups. By December 1998, dissention spread as Ugandan and Rwandan forces sought more control over the rebel movement, with each supporting different DRC rebel groups. By July 10, 1999, representatives from the DRC, Zimbabwe, Angola,

Namibia, Uganda, and Rwanda signed a ceasefire agreement in Lusaka, Zambia (Renton et al., 2006; Ngolet, 2011).

January 2001 brought both Kabila's death and a history of repeated violations of the Lusaka ceasefire. Later that month, Kabila's son, General Joseph Kabila, was sworn into the presidential office. Although Joseph Kabila was intent on resuming the Lusaka ceasefire, political oppression and conflict between rebel factions continued, particularly in northern DRC where ethnic conflict led to violence (Ngolet, 2011). Several attempts were made throughout 2001 to withdraw foreign troops, ultimately resulting in deployment of UN peacekeepers to the DRC. By 2003, a transitional government was established following the final withdrawal of Rwandan and Ugandan forces (Human Rights Watch, 2005; Turner, 2007).

### **Conflict in the Ituri Region**

The northeastern region of the DRC, including North and South Kivu provinces, Orientale province, and the Ituri region have a high concentration of mineral resources, including copper, cobalt, diamonds, and gold (Ezekiel, 2007). In addition to holding heavy concentrations of mineral riches, the northeastern region has faced ethnic tensions for many years. Dating back to 1964, the constitution restricted Congolese nationality to those whose ancestors lived in the DRC before 1908 (Kisangani, 2012). This revision in the constitution was the first of many policy changes that affected the nationality of various ethnic groups, causing many to lose or have restricted voting rights. In 1987, under Mobutu, a policy was passed that divided Kivu province into three separate provinces to decentralize Kivu and increase government accountability (Kisangani, 2012). This policy created enough confusion that some areas, such as North Kivu

province, were unable to hold elections. Ultimately, continued exclusion of ethnic groups led to the first ethnic war in North Kivu, in 1993. The influx of Hutu refugees from the Rwandan genocide created a new ethnic dynamic in the region, which initiated additional conflicts in the area.

The neighboring Ituri region has had a history of ethnic oppression and exclusionary policy. The roots of conflict in the Ituri region reach back to Belgian colonial rule, when groups of Lendu repeatedly revolted in response to discriminatory decrees and social policies (Kisangani, 2012). The pattern continued, as Mobutu gave the Hema minority preferential land access at the expense of the Lendu in 1973. Ethnic tensions continued through the First Congo War, during which the Ugandan-backed Congolese Rally for Democracy – Liberation Movement (Rassemblement Congolais pour la Démocratie—Mouvement de Libération, RCD-ML) occupied the region. Lone groups began disseminating ethnic hatred, increasing the rising tensions. On June 19, 1999, a clash between the Hema and Lendu ended with 700 people killed. Conflict continued until July 2005, with estimates ranging from 80,000 to 100,000 people killed.

Mongbwalu, a gold mining town, was the center of the Ituri violence. Between 2002 and 2003, the RCD-ML became embroiled in the Hema and Lendu conflict. In 2002, the Rwandan-supported Union of Congolese Patriots (Union des Patriotes Congolais, UPC) was formed by the Hema, and clashed with the RCD-ML. In response, the RCD-ML began targeting Hema civilians, which led to the retaliatory targeting of Lendu civilians by the UPC. Shortly after, Uganda withdrew backing for the RCD-ML, while the RCD-ML turned to the Lendu militia. The UPC was able to take control of Bunia, the capital of Ituri, and Mongbwalu. The attack on Mongbwalu on November 18,

2002, was an ethnically charged massacre, as Lendu civilians were indiscriminately killed. The Mongbwalu massacre was repeated a month later in Kilo, a neighboring town. Additional human rights abuses occurred under UPC rule, including subjective arrests, torture, and forced labor in the gold mines (Human Rights Watch, 2005).

By 2003, the UPC splintered into two groups and lost Mongbwalu. Ugandan forces turned their support to the Lendu group, Front des Nationalistes et Intégrationnistes (Nationalist and Integrationist Front, FNI). Less than a year after the UPC-led massacre, Kilo became the grounds for a second, FNI-led massacre, with Hema victims. Additional conflicts between the FNI and UPC ensued, producing FNI led “witch hunts” to find and prosecute Hema women, and ongoing subjective arrests, torture, and forced labor continued into 2003, when FNI gained control of the Mongbwalu gold mines.

The qualitative overview provided above lays out a general description of the series of conflicts in the DRC region, and the extent of government suppression, the history of internal conflicts, and state violence. These materials are subjected to further analysis following a description of the state crime and state-corporate crime literature within criminology.

### **Chapter Three: Literature Review**

Although less prevalent than street crime theory and research, in the criminological field, sufficient research on state-corporate crime has been yielded to create a foundation for further exploration of the state crimes committed in the DRC. Addressing the roots of both state crime, corporate crime, and the intersecting topic of state-corporate crime provides a more detailed grasp of the literature and theoretical response to these forms of crime.

#### **State Crime**

The study of state-corporate crime has come into focus in the field of criminology over the last twenty-five years. Chambliss (1988) first sparked criminological interest in the area when he reviewed the historical occurrence of state-sponsored piracy, smuggling, and murder. He defines state-organized crime as, “acts defined by law as criminal and committed by state officials in the pursuit of their jobs as representatives of the state” (Chambliss, 1988, p.184). State-organized crime occurs when law prohibits the actions of the state. The state must take action illegally, to circumvent the law and achieve the desired events.

Various case studies and reviews have populated the field of state crime research (e. g., Friedrichs, 1998, 2010a, 2010b; Kauzlarich & Kramer, 1998; Kramer & Michalowski, 1990, 2006; Kramer, Michalowski, & Kauzlarich, 2002; Mullins & Rothe, 2008), while recent publications have expounded upon the intricacies of state crime. Various aspects of this literature are examined below.

Green and Ward (2004) contributed a comprehensive assessment of the forms state crime may take. The authors detailed state crime occurring through corporate means, including: negligence in natural disaster recovery, police violence and corruption, government involvement with organized crime, state-sponsored terrorism, torture, war crimes, and genocide.

It is important to keep in mind that political economic motivations drive state crime to varying degrees. Crossover between these types of state crime identified by Green and Ward are not precluded, and real world state-corporate crime may often cross these theoretical boundaries. This is true, for example, in this case study of the DRC in which state-corporate crime involves international corporations, foreign governments of Rwanda and Uganda, political corruption, and control of natural resources such as gold.

In 2009, Rothe focused on the theoretical background, the perpetration of state crime by democratic and non-democratic governments, and controls and constraints that limit state crime. Rothe (2009) reviewed traditional criminological theories and emphasized the need for an integrated approach that considered international context; “the value of an integrated theory is only such if it is manageable and/or useful for explaining crimes” (Rothe, 2009, p. 100). Instead, Rothe suggests using the Integrated Theory of International Criminal Law Violations (p. 102), an adapted version of previous models by Kauzlarich and Kramer (1998), Rothe (2006), Rothe and Mullins (2006, 2007, 2008) and Mullins and Rothe (2008). For the purpose of this study it will be referred to as the Rothe model. This model incorporates features of anomie, social disorganization, social learning, and structure-strain theories at four levels of analysis. In laying out this argument, Rothe argues for the need to address the international level, macro level, meso

level, and micro levels of analysis in relation to each theoretical dimension of the explanation, meaning that motivations, opportunities, constraints, and controls are examined at each level of analysis.

In Rothe's (2009) book the variety of government structures that produce state crime are reviewed. Democratic governments typically use covert methods to support criminal acts, while non-democratic governments engaged in state crime share historical, economic, and political patterns.

For this study, I will be using the definition of state crime Kauzlarich and Kramer (1998) adopt from Friedrich (1995), which addresses the distinction between acts of the state as an organization and individual political actors. As a broad, organizational definition, governmental crime includes all crime conducted in relation to the government. Governmental crime includes two subsets of crime, political white-collar crime and state crime. Political white-collar crimes are the illegal acts committed by government officials and politicians. State crime, then, refers to illegal activities, "carried out by the state or on behalf of some state agency" (Friedrich, 1995, p. 54).

### **Corporate Crime**

While the prominence of state crime in criminological research has occurred over the last thirty years, the study of white-collar crime, a precursor to corporate crime, has gained notice since 1940. Sutherland (1940) first noted the occurrence of crime among upper class professional men, terming it "white-collar crime." It was theorized that differential association, when criminality is learned through association with criminal peers, led to the occurrence of white-collar crime. Additionally, social disorganization

permits the criminal association to occur, as the community is not organized to withstand criminal behavior.

Twenty years later, Quinney (1964) addressed the need for a clarified definition of white-collar crime. The nebulous definition of white-collar crime popular in criminological literature did not lend itself to use in categorizing aspects of white-collar crime, and instead allowed for criminologists to vary the conceptualization of white-collar since no standardization of white-collar crime was implemented. Quinney (1964) noted that the definition of white-collar crime must be limited in order to further scientific research on this topic. While Sutherland (1940) defined white-collar offenders to be upper class professionals, Quinney (1964) advocates for the, “expansion of the concept to include all violations that occur in the course of occupational activity—regardless of the offender’s social status” (p.210).

With the existence of white-collar crime, criminologists have struggled to provide an accepted definition of the act. Friedrich (1992) attempted to bridge the definitional gap between the assorted camps of criminologists who do or do not believe white-collar crime can be operationally defined, or seek an explicit and detailed definition rather than an ambiguous definition. Using three stages to define white-collar crime: presentational, typological, and operational, Friedrich (1992) offers five types of crime related to white-collar activity: corporate crime, occupational crime, governmental crime, residual white-collar crime, and advocational crime. State-corporate crime is considered a residual white-collar crime, which includes, “hybrid and marginal types of white collar crime” (p.15).

Differing from white-collar crime is corporate crime, which refers to, “the illegal activities of large corporations, generally the larger industrial corporations (the Fortune 500 or 1,000) and the executives acting on their behalf. It involves violations of laws, statutes and regulatory standards affecting corporations for corporate profit and not for the sake of personal gain by an individual (or groups of individuals) working for the corporation” (Clinard, Quinney, & Wildeman, 2010, p. 191). A simplified definition will be used for this study, in which corporate crime is identified as “the offenses committed by corporate officials for their corporation and the offenses of the corporation itself” (Clinard & Quinney, 1973, p.188).

### **State-Corporate Crime**

The integration of state and corporate crime to form a new field of study occurred relatively recently. The topic of state crime covers a wide array of criminality, including state-corporate crime, environmental crime, political crimes, and state-international organized crime (Rothe, 2009). For the purpose of this case study, state-corporate crime will be defined as, “criminal acts that occur when one or more institutions of political governance pursue a goal in direct cooperation with one or more institutions of economic production and distribution” (Kauzlarich & Kramer, 1998, p.10).

It was Kramer (1990) who conducted one of the earliest state-corporate crime case studies by looking at the roles of the National Aeronautics and Space Administration and the corporation Morton Thiokol in the Challenger shuttle disaster. Additional state-corporate crime case studies followed, as Matthews and Kauzlarich (2000) reviewed the crash of ValuJet flight 592 and negligence by the Federal Aviation Administration and maintenance company SabreTech. Case studies have also been increasingly presented on

state-corporate crimes occurring abroad, such as Dutch collusion in the construction industry (Van den Heuvel, 2006), and private security regulation in the United Kingdom (Whyte, 2003).

Prior to the theoretical framework first proposed by Kramer and Michalowski (1990) there was little application of theory to state-corporate crime research. Various theories have been applied to state crime and corporate crime, particularly Sutherland's (1940) differential association and Syke's and Matza's (1957) techniques of neutralization (e.g. Chirayath, Eslinger, & De Zolt, 2002; Piquero, Tibbetts, & Blankenship, 2005; Vieratits, Piquero, Piquero, Tibbetts, & Blankship, 2012). However, Kramer and Michalowski (1990) integrated differential association, organizational theory, and political-economic perspective to explain state-corporate crime, which was expanded upon by Kauzlarich and Kramer (1998). By incorporating each theory at a different level of analysis, actors at the individual, corporate, and state level could be recognized.

**State-corporate crime in the DRC.** Relatively little attention has been paid within the criminological literature to the state-corporate crime occurring in the DRC, which has involved international corporations and foreign governments. In doing so, Ward (2005) reviewed the occurrence of state crime in the Congo Free State (1885-1908), and the human rights abuses sponsored by Belgium's King Leopold II. Ward (2005) applied Merton's (1938) anomie theory to the privatized ruling of the Congo Free State. Ward argued that Europeans faced strain when unable to reach rubber and ivory production goals, eventually resolving the situation of strain by resorting to tactics of extreme terror and violence. Using anomie theory in conjunction with differential

association, Ward (2005) indicates that, “economically motivated violence will tend to escalate to seemingly irrational levels” (p. 439). Within organizational violence, subsequent acts of violence become progressively easier to both commit and witness (Ward, 2005, p. 441).

Mullins and Rothe (2008) provided one of the only criminological reviews of the DRC conflict, applying an integrated state-corporate model based upon previous work by Kramer and Michalowski (1990) and Kauzlarich and Kramer (1998), which they further developed (as cited in Mullins & Rothe, 2008). The integrated model utilizes four levels of analysis: international, macro, meso, and micro. These levels of analysis are then used to examine the motivations, opportunities, constraints, and controls of actors at each level. At each level, factors contribute to produce strain for involved parties. Mullins and Rothe (2008) found that at the international level, Rwanda and Uganda were politically and economically motivated to control areas of the DRC for profit and power. Internationally, little could be done with the exception of United Nations tribunal intervention after the conflict occurred. The macro level included the political and economic instability in the region during the post-colonial era. The political instability and ethnic tensions continued, as local militias gained power in isolated areas of the DRC. Mullins and Rothe (2008) used the meso, or organizational, level to focus on the ethnic bias and paramilitary structure of local militias and the economically driven transnational corporations. At the micro level, individuals with power seek economic and political gain while others are motivated by community disorganization to join local militias.

## **Summary and Conclusion**

Like state crime, corporate crime also faces conceptual issues. Many criminologists have attempted to tease out the definitional differences between criminal acts committed by individuals and organizations, while considering the career of the individual and type of organization. Theories, ranging from differential association and techniques of neutralization, to strain theory have been applied to state crime, corporate crime, and white-collar crime. State-corporate crime is part of, and faces, similar conceptual issues.

While the literature on state-corporate crime has multiplied, a lack of proportionate interest continues to exist when looking at the severity of these crimes. Currently, there is little theory-based research on state-corporate crime. A more thorough theoretical application to case studies would benefit current research. Integrated models, such as the one used by Kramer and Michalowski (1990) and Kauzlarich and Kramer (1998) emphasize the theoretical foundation of state-corporate crime while addressing the many actors that contribute to state-corporate crime at varying levels.

Rothe (2009) expands upon this integrated theory by providing an additional level of analysis, the international level, and a category of controls at each level. However, while the model attempts to further identify the actions and causes of state-corporate crime, parsimony is lost. As Lynch, Long, and Stretesky (2012) argue, the nature of this model results in a loss of any attempts at parsimony and therefore cannot be empirically evaluated. While the original integrated model (Kramer & Michalowski, 1990; Kauzlarich & Kramer, 1998) may also be viewed as too complex, it addresses the very complex nature of state-corporate crime as clear-cut as possible.

Additionally, little research has been conducted on the DRC crisis. One of the only articles applying criminological theory to this occurrence of state-corporate crime is Mullins and Rothe (2008). Rather than following their lead and applying the Rothe model to the DRC, I will use the model posited by Kramer, Michalowski, and Kauzlarich, to provide a more parsimonious interpretation of the events resulting in the occurring of state-corporate crime in the DRC.

#### **Chapter Four: Theoretical Approaches to State-Corporate Crime**

Relatively little research has been conducted on state-corporate crime in the criminological literature, especially in relation to traditional forms of criminological research. Kramer and Michalowski posit state-corporate crimes as forms of organizational deviance in which, "...illegal or socially injurious actions that occur when one or more institutions of political governance pursue a goal in direct cooperation with one or more institutions of economic production and distribution" (as cited in Kramer et al., 2002, p. 270). There are two forms state-corporate crime may take, state-initiated corporate crime or state-facilitated corporate crime. State-initiated corporate crime is the result of government-employed corporations taking part in criminal activities with government approval or direction. State-facilitated corporate crime occurs when government regulation is not effective, and corporations take criminal actions, either because of collusion or as a result of the desire to reach shared goals (Kramer et al., 2002). In this case study, the DRC's transitional government knowingly granted AngloGold Ashanti the gold concession in the Ituri province, where government control was minimal or non-existent. By selling the concession to AngloGold Ashanti, the state-run Office of the Gold Mines of Kilo-Moto (OKIMO) participated in state-facilitated corporate crime. OKIMO received the benefits of selling the concession, while AngloGold Ashanti had access to a rich gold mining operation, which was likely to allow rebel forces to profit (Human Rights Watch, 2005).

## **An Integrated Theoretical Model of State-Corporate Crime (Model I)**

Kramer and Michalowski (1990) first suggested an integrated theoretical approach to state-corporate crime, which was later revised by Kauzlarich and Kramer (1998). The integrated theoretical model (Model I) includes three levels: institutional environment (I.1), organizational (I.2), and interaction (I.3). At each level, the theoretical approach is altered to better address the actors at an individual, corporate, and state level. Furthermore, Kramer and Michalowski incorporate *catalysts for action* into the theoretical view. Motivation (A), opportunity structure (B), and operationality of control (C) are considered at every level of analysis. The catalysts for action include subcomponents that vary at each level, and address the factors that promote or deter criminal action. Motivation refers to the ability to achieve goals; opportunity structure is the opportunity and desire to use illegal means; and operationality of control is defined by the lack of social control. The pressures faced at each level are the result of an intersection of the individual level and each catalyst (Kauzlarich & Kramer, 1998). These definitional concepts are described in greater detail below. A summary of the main components of the integrated model (Model I) can be found in Table 1.

**Institutional environment (I.1).** The institutional environment level is a macro view that examines the historical context, culture, politics, and economy related to a given instance of state-corporate crime. In this view, political economic theory addresses the wider context of white-collar crime. Political economy theory places capitalism central to the cause of corporate and state crime, citing the financial incentives capitalism provides that drives organizations such as corporations to attain particular economic

goals. As Barnett (1981) commented, "...the type of offenses committed by the corporation will depend on the relevant market constraints and the severity of the related legal constraint; that is, a corporation will tend to circumvent those constraints

Table 1: An Integrated Theoretical Model of State-Corporate Crime [Model I]

Levels of Analysis	Catalysts for Analysis		
	Motivation [A]	Opportunity Structure [B]	Operationality of Control [C]
Institutional environment (history, political economy, culture) [1]	Culture of competition Economic pressure Organizational goals Performance emphasis	Availability of legal means Obstacles & constraints Blocked goals/strain Availability of illegal means Access to resources	International reactions Political pressure Legal sanctions Media scrutiny Public opinion Social movements
Organizational (structure and process) [2]	Corporate culture Operative goals Subunit goals Managerial pressure	Instrumental rationality Internal constraints Defective SOPs Creation of illegal means Role specialization Task segregation Computer, telecommunication, and networking strategies Normalization of deviance	Culture of compliance Subcultures of resistance Codes of conduct Reward structure Safety & quality control procedures Communication processes
Interaction (face-to-face interaction, individual action) [3]	Socialization Social meaning Individual goals Competitive individualism Material success emphasis	Definition of situation Perceptions of availability & attractiveness of illegal means	Personal morality Rationalizations & techniques of neutralization Separation from consequences Obedience to authority Group think Diffusion of responsibility

Kauzlarich & Kramer (1998, p. 149)

whose violation will yield the greatest expected net change in profits" (p.5). Comparable to organizational theory, political economic theory concentrates on the structural origins

of organizational goals that drive the organization to commit illegal acts. However, political economic theory emphasizes the influence and deterrence provided by the historical and institutional context of society on organizational behavior (Kauzlarich & Kramer, 1998).

*Catalysts for action.* At this level, not only does the historical, cultural, and economic context need to be reviewed, but their influence on individual decisions must also be considered.

*Motivation (I.1.A).* Within the institutional environment, motivating factors include the “culture of competition, economic pressure, organizational goals, and an emphasis on performance” (Kauzlarich & Kramer, 1998, p.149). The drive for increased economic stability and financial gains, for both the government and individuals, and longstanding emphasis on a need to succeed for the welfare of the country may drive the use of illegitimate means to acquire financial resources.

*Opportunity structure (I.1.B).* Opportunity structures at this level are viewed as the “availability of legal means, any impediments or limits, blocked goals or strain, degree of accessibility to illegal options and resources” (Kauzlarich & Kramer, 1998, p.149). Although political economic theory is the primary theory utilized at this level, constraints that emerge when accessing legal options and goal obstructions can also be tied directly to strain or anomie theory in both its structural and individual level versions (Merton, 1938; Cohen, 1955; Cloward and Ohlin, 1960; Agnew, 1992). Strain occurs when an individual attempts to achieve societal goals and is prevented from doing so by the organization of society and the legitimate opportunities for achieving success. Crime may be a response to achieve goals or to relieve negative emotions that result from the

inability to attain socially approved goals. Agnew, Piquero, and Cullen (2009) applied general strain theory to white-collar crime. They argued that white-collar crime occurs as a response to economic strain, which is an, “important cause of white-collar crimes committed for personal gain, such as embezzlement, as well as corporate crimes, such as antitrust violations” (Agnew et al., 2009, p. 36). Although in this instance Agnew, Piquero, and Cullen (2009) applied strain to white-collar criminals, the application may be mirrored to explain criminal actions committed by government officials in state crimes.

*Operationality of control (I.1.C).* At the institutional environment level, controls include, “international reactions, political pressure, legal sanctions, media scrutiny, public opinion, social movements” (Kauzlarich & Kramer, 1998, p.149), which are often enforced by other nations and international organizations.

**Organizational level (I.2).** At this level of analysis, organizational theory is used to explain crime at the corporate level. Organizational theory provides an answer to some of the conceptual issues of white-collar crime. Particularly, this approach suggests that individuals are considered white-collar criminals regardless of their relationship to the organization, or whether that relationship is defined by a connection to the state or corporation. Schragger and Short (1978) state that, “...it is often impossible to determine individual responsibility for illegal actions committed in accordance with the operative goals of organizations” (p.407). Rather than point to individuals, organizational theory views the organization as the perpetrator and attempts to assess the ways in which organizational structures impact the commission of crime.

Anomie theory has previously been studied in conjunction with organizational theory, and this level of analysis accordingly incorporates an anomic perspective (e.g. Passas, 1990; as cited in Kauzlarich & Kramer, 1998). Merton (1938) specifically pinpoints anomie as a result of failing to meet economic goals, rather than other social goals or the occurrence of negative emotions addressed by Agnew's (1992) general strain theory. Within organizational theory, an organization may experience strain in the same way an individual does when goals are not reached. More specifically, this approach suggests that "organizational crime is more likely to occur when illegitimate opportunities for achieving the organization's goals are available to organizational actors" (Braithwaite, 1989, p.338).

***Catalysts for action.*** With respect to this concept in the case of DRC state-corporate crime, particular attention may be focused on the interactions between corporate representatives and rebel forces in the Ituri region. Catalysts for action at this level of analysis look at deviance within the corporate environment, including business goals and a culture of compliance. In addition, catalysts for actions include several components that need to be examined.

***Motivation ( I.2.A).*** At the organizational level, the corporation is reviewed with an emphasis on the, "existing corporate culture, business goals, and issues faced by the managerial unit, such as need to increase company productivity" (Kauzlarich & Kramer, 1998, p.149). The question here is how specific organizational motivation rather than the more general structural motivations influence a state-corporate crime.

***Opportunity structure (I.2.B).*** Opportunities within the corporate environment present themselves as, "instrumental rationality, internal constraints, defective SOPs

[Standard Operating Procedures], creation of illegal means, role specialization, task segregation, computer, telecommunication, and networking technologies, normalization of deviance” (Kauzlarich & Kramer, 1998, p.149). These organizational features can facilitate the occurrence of state-corporate crime, and can interact with organizational motivations in the production of state-corporate crime.

*Operationality of control (I.2.C).* At the organizational level, operationality of control is defined as “culture of compliance, subcultures of resistance, codes of conduct, reward structure, safety and quality control procedures, communication processes” (Kauzlarich & Kramer, 1998, p.149). In this sense, the organizational culture and the tendency for state-corporate crime can be facilitated or restricted by organizational controls evident in each of the involved organizations.

**Interaction level (I.3).** The interaction level of analysis considers how individuals navigate and respond to various structural and organizational contexts. The interaction level may, for example, lead to further review of the actions of the leaders of rebel forces, such as FNI, in order to determine how individuals and organizations interact. Sutherland’s (1940, 1949) theory of differential association is utilized at this level, to address how criminogenic actions are influenced by peer associations. If peers do not view the commission of crime positively, it is nevertheless possible for criminality to develop independently from peer influences. In either case, the individual’s positive attitudes towards crime must be greater than their negative attitudes to result in participation in criminal activity. In particular, Sutherland (1949) noted that differential association may occur in a corporate setting when a business undertakes illegal actions for profit, leading to a competing business to also participate in illegal means for

financial gains. The secondary company may choose illegal practices to maintain or increase their level of competition to that of the first company. Sutherland (1949) emphasized the level of isolation of many businessmen when developing attitudes towards white-collar crime. The media outlets naturally convey crime negatively, but there is often a different emphasis on white-collar crime, if it is mentioned. News outlets may not provide comparable coverage of white-collar crimes because they, "...derive their principal income from advertisements by other business corporations and would be likely to lose a considerable part of this income if they were critical of business practices in general or those of particular corporations...these public agencies of communication themselves participate in white collar crimes" (Sutherland, 1949, p. 247).

***Catalysts for action.***

*Motivation (I.3.A).* At the interaction level, catalysts for action involve "individual socialization, social meaning, individual goals, competitive individualism, material success emphasis" (Kauzlarich & Kramer, 1998, p.149). Catalysts for actions have variety of dimensions.

*Opportunity structure (I.3.B).* Opportunities for individuals to commit illegal acts are dependent upon the, "definition of situation, perception of availability and attractiveness of illegal means" (Kauzlarich & Kramer, 1998, p.149). Individual perceptions of the opportunity structure in an organization may provide motivation for a state-corporate crime, and are an important issue to address when describing state-corporate crimes.

*Operationality of control (I.3.C).* Controls that may inhibit criminal acts at the individual level include, "personal morality, rationalizations and techniques of

neutralization, separation from consequences, obedience to authority, group think, diffusion of responsibility” (Kauzlarich & Kramer, 1998, p.149). These individual levels of assessment can influence the interpretation of organizational structures, and whether those structures produce state-corporate crime. Sykes and Matza (1957) theorized that to justify their criminal acts, individuals use the techniques of neutralization to rationalize their behavior. Referring to them as, “...a crucial component of Sutherland’s ‘definitions favorable to the violation of the law’” (p. 667), techniques of neutralization include the denial of responsibility, injury, the victim, and a condemnation of the condemners.

### **Integrated Theory of International Criminal Law Violations (Model II)**

While the Integrated Theoretical Model of State-Corporate Crime put forth by Kramer and Michalowski (1990) and Kauzlarich and Kramer (1998) will be the primary model applied to this case study, the Rothe model’s previous application to the DRC conflict (Mullins & Rothe, 2008) will provide a comparative look at the benefits of parsimony the Integrated Theoretical Model by Kramer, Michalowski, and Kauzlarich, provides. Like the Integrated Theoretical Model, the Rothe model uses an integrated theoretical approach to address all levels of state crime, highlighting the affect of international actions on these crimes. The Rothe model also offers variations on the catalysts of motivation, opportunity, and controls, with the addition of constraints. While similar, a constraint is, “an inhibitor or barrier that occurs *at the onset of* or *during* an illegal action...a control, on the other hand, is a formal mechanism meant to block in full an illegal action or ideally hold accountable through prosecution, sanctions, or some form of social justice post-criminality” (Rothe, 2009, p.106). A summary of the Rothe model (Model II) can be found in Table 2.

Table 2: Integrated Theory of International Criminal Law Violation [Model II]

	Motivation [A]	Opportunity [B]	Constraints [C]	Controls [D]
International Level [1]	Political interests Economic interests Resources Ideological interests	International relations Economic supremacy Complementary legal systems	International reaction Political pressure Public opinion social movements NGOs and INGOs Oversight/ Economic institutions	International law International sanctions
Macro Level [2]	Structural transformations Economic pressure or goals Political goals Ethnogeneses Anomie	Availability of illegal means Control of information Propaganda Ideology/ nationalism Military capabilities	Political pressure Media scrutiny Public opinion Social movements Rebellion	Legal sanctions Domestic law
Meso Level [3]	Organizational culture and goals Authoritarian pressures Reward structures	Communication structures Means availability Role specialization	Internal oversight Communication structures Traditional authority structures	Codes of conduct
Micro Level [4]	Strain Socialization Individual goals & ideologies Normalization of deviance Definition of situation	Obedience to authority Group think Diffusion of responsibility Perceived illegal means	Personal morality Socialization Obedience to authority Informal social controls	Legitimacy of law Perception of reality of law application

Rothe (2009, p.102)

**International level (II.1).** This level of analysis specifically examines the international climate surrounding the crime. Rothe (2009) argues that “the institutional

elements and context of a state, its economic, political, cultural, and historical environment, is distinct from and often exhibits forces in contradiction with those elements at the international level” (p. 101).

***Motivation (II.1.A).*** Motivations at an international level include, “political interests, economic interests, resources, and ideological interests” (Rothe, 2009, p. 102).

***Opportunity (II.1.B).*** International level opportunities in the commission of state-corporate crime include “international relations, economic supremacy, military supremacy, and complementary legal systems” (Rothe, 2009, p. 102).

***Constraints (II.1.C).*** Constraints identify factors that limit the occurrence of state-corporate crime. These limitations include, “international reaction, political pressure public opinion social movements, NGOs [Non-Governmental Organizations] and INGO [International Non-Governmental Organization], and oversight/economic institutions” (Rothe, 2009, p. 102).

***Controls (II.1.D).*** Controls are an extension of constraints, but focus on formal social control factors. In addressing controls, particular attention is paid to the influence of laws, especially relevant “international law and international sanctions” (Rothe, 2009, p. 102), such as the Rome Statute, deter crime at this level from occurring or continuing.

**Macro level (II.2).** The macro level examines the state government’s response to perpetrating the crime. Rather than applying other versions of anomie or strain theory, the Rothe model uses Durkheim’s anomie to explain criminality by the state. In this case, rather than referring directly to transformations from a mechanical to organic society Rothe views Durkheim’s (1913, 1951) anomie as the change to a society that occurs after

abrupt decolonization. When this occurs, the society is left with little government regulation and weak institutions that do little to project social control

**Motivation (II.2.A).** Motivations for the state at this level of analysis consist of, “structural transformations, economic pressure or goals, political goals, ethnogenesis, and anomie” (Rothe, 2009, p. 102).

**Opportunity (II.2.B).** Opportunity for state crime may use the “availability of illegal means, control of information, propaganda, ideology/nationalism, and military capabilities” (Rothe, 2009, p. 102).

**Constraints (II.2.C).** There are a number of factors that may constrain the occurrence and development of state-corporate crime. These constraints include “political pressure, media scrutiny, public opinion, social movements, and rebellion” (Rothe, 2009, p. 102), that may dissuade state governments to cease illegal behavior.

**Controls (II.2.D).** Controls differ from constraints. Controls primarily address the effect of law, such as “legal sanctions and domestic law” (Rothe, 2009, p. 102), that may discourage criminal pursuits at this level.

**Meso level (II.3).** The meso level focuses on the organizational structure of the government or military committing the crime. Rothe (2009) argues that while the use of organizational theory at this level in the Integrated Theoretical Model of State-Corporate Crime may address criminogenic factors for western-style organizations, organizational theory cannot be easily applied to militias and paramilitary organizations. Additionally, reward systems within corporations and other organizations may actually foster illegal activities, rather than prevent them.

Instead of organization theory, social disorganization (Shaw & McKay, 1969; Bursik & Grasmick, 1993) factors are included to address military and paramilitary organizational concerns related to state-crime. In this view, social disorganization can contribute to the establishment of militias and paramilitary groups. Social disorganization theory states that as community organization decreases, crime increases. A disorganized community lacks an ability to exhibit social control and low collective efficacy, and military organizations can step in to fill that void.

Differential association, strain theory, and social learning theory may also explain the actions of organizations at this level. As previously mentioned, differential association (Sutherland, 1940) is the transmission of criminal behaviors from peer networks, and strain theory (Merton, 1938) refers to crime as the result of blocked goals that may appear to be accessible through illegal means. Social learning theory (Akers, 1973) applies differential association in conjunction with psychological principles of operant conditioning to explain why individuals commit crime.

***Motivation (II.3.A).*** Motivating factors at the meso level include “organizational culture and goals” (Rothe, 2009, p. 102).

***Opportunity (II.3.B).*** “Communication structures, means availability, and role specialization” (Rothe, 2009, p. 102), provide opportunities for the perpetration of illegal acts by organizations.

***Constraints (II.3.C).*** At this level, “internal oversight, communication structures, and traditional authority structures” (Rothe, 2009, p. 102), hinder the organization from criminality.

**Controls (II.3.D).** The organization's, "codes of conduct" (Rothe, 2009, p. 102), provide restraint in the case of state crime.

**Micro level (II.4).** The micro level is used to examine individual actors that further the commission of state-corporate crime. The Rothe model again utilizes differential association (Sutherland, 1940) and social learning theory (Akers, 1973) to explain that individuals would perpetrate illegal acts as a result of negative peer association and a series of rewards and punishments reinforcing the acceptance of criminal behavior.

**Motivation (II.4.A).** At the micro level, individuals are motivated by, "strain, socialization, individual goals and ideologies, normalization of deviance, and definition of the situation" (Rothe, 2009, p. 102).

**Opportunity (II.4.B).** Opportunities to further perpetrate state crime at this level include, "obedience to authority, group think, diffusion of responsibility, and perceived illegal means" (Rothe, 2009, p. 102).

**Constraints (II.4.C).** "Personal morality, socialization, obedience to authority, and informal social controls" (Rothe, 2009, p. 102), are constraints that may effect whether an individual carries out illegal acts.

**Controls (II.5.D).** The "legitimacy of law and perception of reality of law application" (Rothe, 2009, p. 102), control for criminality at the micro level.

## **Summary and Conclusion**

It is clear that while both models provide a comparable theoretical approach to state-corporate crime, the Rothe model incorporates an excess of theories to explain every nuance of state-corporate crime. The Integrated Theoretical Approach to State-

Corporate Crime already establishes an elaborate theoretical backdrop to explain state-corporate crime, which then becomes limited by an entanglement of theories in the Rothe model.

The Rothe model is limited by data access to measure state crime. As Rothe (2009) states, "...it [Integrated Theoretical Model of State-Corporate Crime, Kramer & Michalowski, 1990; Kauzlarich & Kramer, 1998] is more of a theory that allows illumination of cases, instead of empirical prediction and testing. Having said this, the value of an integrated theory is only such if it is manageable and/or useful for explaining crimes" (p.100). Rather than using the Rothe model to provide empirical testing and prediction, data sources would likely not be available to adequately provide material for the Rothe model. Data related to the micro and meso levels of analysis would be challenging to obtain, as few people would be willing to participate with researchers. Additionally, Rothe emphasizes the meso level's focus on militias and paramilitary groups, both of which would be difficult to gather data on.

## Chapter Five: Methods

### Case Study Approach

The case study approach has been greatly influenced by Richard Yin. Yin (1994) argues that case studies are needed for researchers to preserve all factors of events. The use of a case study in research is determined if the research question asks how or why, if behavior does not need to be controlled, and if a current event is being examined. Often, case studies use “direct observation and systematic interviewing... a full variety of evidence—documents, artifacts, interviews, and observations” (Yin, 1994, p.8) to collect data.

**Use of case study methods.** Case studies have become more commonly used in criminological research. Often, the case study approach is utilized when a researcher is attempting to prevent the omission of crucial details from a subject’s narrative, or when studying a population that is difficult to reach for quantitative data collection. In criminology, case studies have historically, though infrequently, been used to detail offenders and criminogenic situations (e.g. Blok, 1975; Gardiner & Olson, 1968; King & Chambliss, 1984; Shaw, 1930, 1931; Shaw, McKay, McDonald, 1938; Sutherland, 1937).

Case study approaches are frequently used in state-corporate crime. The nature of the crimes usually entails the need for a case study approach using qualitative data. Traditionally, state-corporate crime entails at least two powerful entities acting illegally, making it difficult for researchers to collect data from individuals. Using a case study approach has been the traditional method to examine state-corporate crime, using various

sources to present a whole, cohesive picture of the crime (Kramer, 1990; Matthews & Kauzlarich, 2000; Mullins & Rothe, 2008; Van den Heuvel, 2006; Whyte, 2003).

**Advantages.** Occasionally, research must consider the contextual conditions of an event. The case study research design is often used when background information is key to answering the research question. In examining the DRC conflict, for example, it is crucial to understand the multitude of contextual layers, from colonial history to ethnic violence, that influenced and motivated neighboring countries and individual actors.

Case studies are also necessary when quantitative data is difficult to obtain. The ongoing violence and political upheaval in the DRC make it difficult to acquire statistically relevant information. Moreover, some of the factors that relate to these state-corporate crimes only exist in qualitative form, and preclude the use of quantitative examinations.

**Limitations.** One of the most obvious limitations to the case study research method is the possible lack of generalizability. Although this does not occur in all cases, it may prove challenging when generalizing an individualized, detailed case study to other populations. In this case study, noting the general events of state-corporate crime may allow future occurrences to be recognized before a comparable level of devastation occurs.

### **Extended Case Method**

In this study, a secondary analysis of qualitative data collected by an extended case method was conducted to adequately apply Model I, the Integrated Theoretical Model of State-Corporate Crime, to the DRC conflict. The extended case method is based upon what Burawoy (1998) calls the “reflexive” model of science, which is

dependent upon interaction with the subject, rather than positive science's observation-based approach that attempts to minimize all contact with, and influencing of, subjects. Extended case method "applies reflexive science to ethnography in order to extract the general from the unique, to move from the 'micro' to the 'macro,' and to connect the present to the past in anticipation of the future, all by building on preexisting theory" (Burawoy, 1998, p.5). Burawoy (1998) notes that positivist-based data collection methods, such as surveys, can sometimes violate positive approaches when methodological rules are not followed. Surveys collected in this manner produce interview effects, respondent effects, field effects, and situation effects. Rather than continue in the vein of positive science and attempt to minimize these effects, reflexive science, and through it the extended case method, embraces these extraneous effects to emphasize a dialogue between the researcher and subject. "The principles of this reflexive science can be derived from the context effects that pose as impediments to positive science" (Burawoy, 1998, p.14).

### **Qualitative Data**

When examining recent events in an area that has a history of conflict and which continues to be engulfed in those conflicts and exhibits various levels of violence, such as the DRC and the Ituri region, qualitative methods are one of the only ways to effectively collect data.

**Sources.** This study uses secondary qualitative data analysis and draws heavily from the Human Rights Watch (2005) report, "The Curse of Gold: Democratic Republic of Congo," and the United Nations (2003) document, "Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the

Democratic Republic of the Congo.” Both of these sources largely use qualitative data to obtain results.

The Human Rights Watch (2005) interviewed over 150 individuals in the DRC area, including “victims, witnesses, gold miners, gold traders, gold exporters, customs officials, OKIMO officials, civil society members and union representatives” (p.7). Human Rights Watch interviewers also met with “Ituri armed group leaders, Ugandan army officials, DRC and Ugandan government representatives as well as with U.N. [United Nations] officials, international diplomats and officials of international financial institutions...also engaged in written correspondence with Metalor Technologies and met with the company representatives in Switzerland to discuss concerns” (2005, p.7). These interviews occurred over the course of five visits to the DRC and Uganda between February and October 2004, and one visit to Europe in January and April 2005. While in the DRC, Human Rights Watch researchers also visited five local gold mines, including the mine in Mongbwalu.

The United Nations (2003) used a variety of sources including primary, secondary, and interview sources. Primary data included official documents from various ministries, while secondary sources were reports, and published and unpublished literature. However, the United Nations (2003) states that most data was from countries involved in the conflict, including the DRC, Angola, Burundi, Namibia, Rwanda, Uganda, Zimbabwe, RCD-Goma, and the Uganda-backed RCD-ML. Third party sources included documents from various countries, United Nations agencies, international organizations including the International Monetary Fund, World Bank, World Trade Organization, and the Organization for Economic Cooperation and Development.

Production and export information was also utilized, from the 1995-2000 period, which was “systematically analysed [sic] separately and then compared with on another. Comparative analysis thus contributed to the Panel’s ability to develop a good understanding of the issues” (para. 11).

**Assessing the models.** In attempts to provide an equivalent presentation of both state-corporate crime models, similar data sources were used when applying Model I to the DRC conflict. The Rothe model draws much information from non-governmental organizations, including the Human Rights Watch, and international organizations such as the United Nations, including the “Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo” (2003). Mullins and Rothe (2008) use the Human Rights Watch document, “Ituri: ‘Covered in Blood’: Ethnically Targeted Violence in Northeastern DR Congo” (2003), which used similar methods and information gathered earlier in the process of researching the DRC conflict.

**Advantages.** As Yin (2011) states, “qualitative research offers greater latitude in selecting topics of interest because other research methods are likely constrained by...the unavailability of sufficient variables...the difficulty in drawing an adequate sample of respondents and obtaining a sufficiently high response rate” (p.6). When studying an area with an ineffective government that is embroiled in civil war and victim of human rights abuses, response rates reflective of the population would likely be inaccurate.

**Limitations.** While some research using qualitative data may be generalizable to other populations and circumstances, the use of quantitative data in experiments, quasi-experiments, and surveys can provide specific descriptions of the relationships between

particular factors. In these research designs, specific variables may be tested to determine their effect, to measure casual relationships, in ways that are occasionally unavailable when using qualitative data. As Shadish, Cook, and Campbell (2002) note, “to our way of thinking, case studies are very relevant when causation is at most a minor issue; but in most other cases when substantial uncertainty reduction about causation is required, we value qualitative methods within experiments rather than as alternatives to them...” (p.501).

## **Chapter Six: Case Study**

The DRC nationalized the mining sector in 1967, and has since heavily relied on it for income (Kennes, 2005). During the First Congo War, when he led a rebel-controlled portion of the country, Kabila was able to secure mining investments from international corporations (United Nations, 2003) including De Beers and the Anglo-American Corporation, of which AngloGold Ashanti Ltd. was once a subsidiary (Anglo American, 2009; AngloGold Ashanti, 2007; Renner, 2002).

Securing the aforementioned mining investments was the beginning of questionable practices in the mining sector under Kabila's regime. Little or no oversight protected the DRC's resources from being mined by corporations cooperating with militia demands. Later, these militias would use the received monetary demands to fund their continued human rights abuses. I will be reviewing relationships between the DRC government, international corporations such as AngloGold Ashanti, and regional militias including FNI, and their intertwined roles in committing state-corporate crime. To provide a clear picture of the differences between the Integrated Theoretical Model of State-Corporate Crime (Model I) and the Integrated Theory of International Criminal Law Violations (Model II) at each level within both models I apply the appropriate catalysts of action to the DRC conflict.

### **An Integrated Theoretical Model of State-Corporate Crime (Model I)**

As noted previously, state-corporate crime research has explored a number of specific instances of state-corporate crime. The present study applies this approach to the

DRC. The Integrated Theoretical Model of State-Corporate Crime by Kramer, Michalowski, and Kauzlarich (or the KMK model) has not yet been applied to a case study of the DRC. To do so, I review the DRC case using the theoretical components of the KMK model reviewed earlier. At the institutional environment level, it can be illustrated that the DRC's weak political and economic institutions enabled resource exploitation by Rwanda and Uganda. At the organizational level, the DRC allowed corporations to access mineral concessions in war torn regions where known human rights abuses were occurring. AngloGold Ashanti was one of the most documented companies involved in these activities. At the interaction level, local militia received various forms of bribes from AngloGold Ashanti, and its members likely furthered the state-corporate crime as a result of socialization and desire to reach material goals.

**Institutional environment (I.1).** At the institutional environment level, state-corporate crime examines social institutions through political economic theory, which suggests that capitalism drives the perpetration of state-corporate crime. During the study period, the DRC faced a history of colonialism and war, a wartime economy, and extreme ethnic conflict within the DRC and neighboring countries, including the genocide in Rwanda. Additionally, the mining sector was uncontrolled under Kabila's regime, which would allow for rampant corruption in the mining sector that benefitted regional militias and foreign militaries. Politically and economically the DRC was unstable and volatile (Prunier, 2009).

A serious problem related to monopolization of mining and the control of mining by colonial mining companies existed. Attempts to address colonial monopolization led the government to award mining concessions to a number of smaller, unreliable

companies. One consequence of this solution was the withdrawal of larger companies from the DRC mining sector (Kennes, 2005). In search of revenue, the Zimbabwean military was granted a diamond concession. To effectively control their concession, military control was established to maintain their presence in the mining sector (Kennes, 2005).

While Kabila was fighting to end riots protesting his regime during the second war, Rwandan and Ugandan forces also conducted widespread looting of the DRC's mineral resources and redirected those resources into their national exports of raw materials. Rwanda and Uganda both exported gold and diamond resources in excess of their productive capacity, which indicated that there were additional sources for those exports (Renner, 2002). In investigating this issue, the United Nations (2003) reported that:

The Central Bank of Uganda has reportedly acknowledged to IMF [International Monetary Fund] officials that the volume of Ugandan gold exports does not reflect this country's production levels, but rather that some exports might be "leaking over the borders" from the Democratic Republic of the Congo. The central bank reported that, by September 1997, Uganda had exported gold valued at \$105 million, compared with \$60 million in 1996 and \$23 million in 1995.

(para. 98)

Additionally, the United Nations (2003) found that while Uganda has exported diamonds from 2000 to 2003, the country does not have diamond production capabilities. Similarly, the same report notes that Rwanda has exported diamonds without diamond production. This pillaging of mining fields by corporations and neighboring countries

only fed the violence as the funds received by Kabila's government and rebel forces were used to supply weapons and perpetuate the conflict (Renner, 2002; Ezekiel, 2007).

The previously mentioned instances indicate that the DRC government possessed little control over the mineral sector, as they were unable to prevent or halt the looting of resources by the Ugandan and Rwandan militaries. The Ugandan and Rwandan governments acquired mineral resources through illegal means with little intervention by the DRC government. The DRC government also facilitated state-corporate crime when it contributed to undermining the mineral sector in poor attempts to prevent monopolization by signing dubious contracts with smaller companies, eventually failing to prevent the involvement of corporations in militia activity.

***Motivation (I.I.A).*** At this level, catalysts for action present themselves as motivation, in the form of economic need and greed of the DRC and its neighboring countries. The DRC, Rwanda, and Uganda faced a number of economic pressures related to fighting in the DRC conflict. The Second Congo War created increased external debt for the DRC, as military expenses increased while national outputs and government revenue declined (Central Intelligence Agency, 2013). In the DRC this economic pressure was reflected in the weak and disorganized contract standards that allowed the questionable concession of resource grants to various companies. The DRC depended upon these mineral resources to fund the Second Congo War (United Nations, 2003), which provides ample motivation to grant questionable mineral concessions. The DRC government's inability to monitor and control its recourses is further exemplified as Rwanda and Uganda illegally transported gold resources into their respective countries to later be sold as exports, using the revenues to support their militaries (United Nations,

2003), eventually resulting in an estimated \$60 million in gold being looted by Uganda by 2003 to then be sold as Ugandan exports (Human Rights Watch, 2005).

***Opportunity structure (I.1.B).*** As mentioned when detailing this catalyst for action in Chapter Four, opportunity structure includes the availability of illegal methods and blocked goals or strain, indicative of anomie. The poor government oversight of the mining sector and inability for the government to effectively control the geographic region of the northeast, in addition to the heavy concentration of mineral resources in the DRC are all factors that allowed the government, particularly the state-run Office of the Gold Mines of Kilo-Moto (OKIMO), to facilitate state-corporate crime. Because Kabila's regime was unable to exert control over the mining sector, few repercussions existed for illegal mining operations the government was facilitating.

***Operationality of control (I.1.C).*** Operationality of control is reflected in the lax intervention by outside agencies designed to end resource exploitation and human rights abuses, and lack of global awareness of these problems during the time of occurrence. The United Nations investigated the resource exploitation that had occurred in the DRC and published its findings (United Nations, 2003). However, while the United Nations, along with several other countries "acknowledged that resource exploitation played a role in exacerbating and prolonging the conflict in the DRC...few efforts were made to deal with the issue" (Human Rights Watch, 2005, p. 118). In this way, the failure of existing international control structures to respond to the situation in DRC perpetuated the forms of state-corporate crime that were occurring there.

***Organizational level (I.2).*** At this level, organizational theory is used to identify and explain organizational perpetrators of state-corporate crime. Previous use of

organizational theory looks to anomie. As corporations are in pursuit of organizational goals, they may be inclined to use illegal means when they are available. Throughout the DRC conflict, various state actors interacted with organizations to achieve illegally gained goals. Prior to 2003, several transportation companies were also involved with the smuggling of resources from the DRC to Uganda or Rwanda, including Sabena Cargo, which reportedly transported illegal coltan from the DRC to Europe (United Nations, 2003). Coltan is a mineral employed in the construction of portable electronic devices that is largely found in the DRC (Global Witness, 2009). The demand and price of coltan peaked in 2000, two years after the Second Congo War began, but it subsequently dropped a year later. In 2007, 428.4 tons of coltan were exported, from which 116 tons of tantalum could have been extracted, competitive with other countries that produce it. Brazil, a top producer of tantalum, produced 180 tons in 2007 (as cited in Global Witness, 2009, p. 20).

When the transitional government was installed in 2003, interest in mining concessions was sparked again. Several corporations sought a particularly large concession in northeast DRC. These corporations appear to have little concern that the transitional government had little to no control over the Ituri region, as contracts were signed by the state gold company, OKIMO. By September 2004, eleven companies were granted mining concessions in northeastern Congo (Human Rights Watch, 2005). The apparent lack of concern these corporations had regarding the level of governmental control in the region reflects organizational anomie, as these corporations pursued organizational goals to reach economic success by disregarding ongoing regional violence. In an act of negligence, the DRC government again facilitated faulty practices

in the mining sector for their own economic gain. These actions in themselves are not acts of state-corporate crime, but would lead to AngloGold Ashanti's dubious practices that would perpetuate state-corporate crime in the DRC.

AngloGold Ashanti began exploration activities in Mongbwalu, while the Ugandan army and FNI held areas outside of the town. The FNI employed tactic that led to severe and ongoing human rights abuses perpetuated in the area to facilitate mining. By 2003, the mines in the Ituri region, now owned by AngloGold Ashanti, were in control of the FNI. It was at the suggestion of the DRC transitional government's vice president of economy and finance, Jean-Pierre Bemba, that AngloGold Ashanti enter an arrangement with FNI (Human Rights Watch, 2005). Entering into a relationship with FNI, AngloGold Ashanti violated international conventions that were established to protect human rights such as the Universal Declaration of Human Rights and the Fundamental Rights Convention of the International Labour Organization, and the Organization for Economic Co-operation and Development (OECD) (Human Rights Watch, 2005).

***Motivation (I.2.A).*** The motivational catalyst involves business goals related to profit making. For capitalist driven corporations, a pervasive desire to increase profits is incorporated into business goals and corporate culture. Given the conditions in the DRC, corporations attempted to capitalize on the DRC's increasingly privatized mining industry, or were disinclined to leave preexisting mining operations due to profitability (Nest, 2006). The financial gain that mining operations would net provides ample motivation for corporations to seek illegal mining opportunities. Corporate culture values likely further emphasized the benefits of illegal acts for the smuggling of resources by

various companies. As Human Rights Watch (2005) detailed, “The FNI armed group was also approached by multinational companies eager to gain access to the significant gold reserves in the area. The FNI Commissioner of Mines explained to Human Rights Watch that they had been approached by a number of different companies but that officially AngloGold Ashanti had the concession in the Mongbwalu area and that they were in contact with them” (p.57). In this way, the interests of corporations in profits and the interests of the DRC aligned, creating conditions for state-corporate crime to emerge. The DRC government, weak and ineffective as displayed by the ongoing looting by Rwandan and Ugandan militaries, facilitated state-corporate crime by promoting questionable contracts in the mining sector. These contracts included land in the violently unstable, militia held Ituri region. Corporations, particularly AngloGold Ashanti, entered the state-corporate crime by actively pursuing their contracted mineral resources, which led them to enter an illegal business partnership with FNI, a militia that was actively committing human rights abuses. This partnership violated several international standards by non-governmental agencies including principles of the United Nations Global Compact (Human Rights Watch, 2005).

***Opportunity structure (I.2.B).*** Opportunity structure at this level may include the extent of violence and plundering of mineral sources. Under prevailing conditions, these opportunities also created a normalization of deviance. This normalization of deviance would largely be a result of the extremely violent acts committed by FNI that became commonplace, and corporate mining practices that included “...offering monopolies in exchange for kickbacks, embezzling money from state-run companies, creating joint

ventures in which politicians were shareholders, and accepting unfavorable contract terms for the state in exchange for kickbacks” (as cited in Chêne, 2010, p. 3).

Illegal means were further created as AngloGold Ashanti “delivered material benefits and prestige to the FNI” (Human Rights Watch, 2005, p.65). Benefits provided to FNI entailed monetary payments. Human Rights Watch (2005) found AngloGold Ashanti was paying FNI leader Floribert Njabu. One source stated that AngloGold Ashanti was giving Njabu a few hundred dollars to “feel included,” while another source agreed payments were being made to FNI, but payments were higher than a few hundred dollars (p. 72). FNI also controlled the local airport, where it charged AngloGold “six US cents per kilogram of cargo,” although AngloGold Ashanti stated that in September 2004 it desisted what was a “‘common practice’ ...when it came to the attention of company officials in Kinshasa and in light of ‘the fact that it contravened the provisions of the U.N. resolution...’” (Human Rights Watch, 2005, p. 73). However, a year earlier AngloGold Ashanti denied its involvement when the United Nations included the company in its report on exploitation of natural resources in the DRC. This discrepancy may indicate a breakdown in the corporation’s communication process, which is a factor of the organizational level’s opportunity structure. Interacting with the FNI in such a way may have violated the United Nations arms embargo placed on the Northeastern region of the DRC in 2003 that prohibited any “...direct or indirect assistance, especially military or financial assistance...given to the movements and armed groups present in the DRC...” (as cited in Human Rights Watch, 2005, p.67).

***Operationality of control (I.2.C).*** The culture of compliance and reward structure are likely the two factors most responsible for the operationality of control at this level.

AngloGold Ashanti clearly had interest in protecting their operations in Mongbwalu. Prior to the end of the war in the Ituri region, a representative from Ashanti Goldfields, the predecessor of AngloGold Ashanti, was sent to “assess the situation,” and subsequently met with the UPC, the militia controlling Mongbwalu before FNI, to discuss mining ventures (Human Rights Watch, 2005, p. 65). The UPC leader, interested in contracting the mine to Ashanti Goldfields after UPC controlled Mongbwalu, contacted OKIMO to make the necessary arrangements. Eventually, FNI would take control of Mongbwalu; however the collaboration of the state controlled OKIMO, corporation Ashanti Goldfields, and militia UPC demonstrates the relationships between actors in this instance of state-corporate crime. In 2003, the Ituri Interim Assembly referred to the dangerous situation in Mongbwalu, where the FNI was continuing human rights abuses, when meeting with AngloGold Ashanti’s office representative for Uganda and the DRC, the project manager for Mongbwalu, and an AngloGold Ashanti consultant. Amidst these safety concerns, company officials visited Mongbwalu months later with FNI members (Human Rights Watch, 2005). These repeated meetings and visitations with the FNI militia resulted in what appears to be a business partnership, as FNI allowed for AngloGold Ashanti employees to conduct business at their mineral concession in Mongbwalu, while Anglogold Ashanti subsequently provided monetary payments to FNI and Njabu. These payments likely secured AngloGold Ashanti with access to their mining production, facilitating state-corporate crime as AngloGold Ashanti not break the United Nations embargo, but also indirectly funding FNI’s ethnically motivated human rights abuses, including the brutal torture and murder of its opponents. The repeated meetings indicate a culture of compliance as representatives

and heads of office from the region were aware of safety concerns and FNI activity in the Mongbwalu area where the concession was located, and employees did not raise concerns. This culture of compliance, where employees and supervisors were aware of but did not report possible illegitimate activities, displays an accommodation for illegal means if it results in beneficial corporate outcomes, or reaches profitable goals.

**Interaction level (I.3).** AngloGold Ashanti began exploration activities in Mongbwalu, while the Ugandan army and FNI held areas outside of the town. Presence of the FNI was noted by severe and ongoing human rights abuses perpetuated in the area. By 2003, the mines in the Ituri region, now owned by AngloGold Ashanti, were in control of the FNI.

At the interaction level, individual actions and socialization is reflected in the dealings of company representatives with FNI president, Floribert Njabu. Between 2003 and 2005, AngloGold Ashanti entered into a relationship with FNI in which AngloGold Ashanti provided FNI with bribes in return for access to the gold mines. Reportedly, monetary payments and transportation using AngloGold Ashanti company vehicles and hired planes were provided for FNI use (Human Rights Watch, 2005). At this time the FNI continued human rights abuses, including massacres of the Hema ethnic minority, forced labor, and torture; all of which could have been furthered by materials supplied by AngloGold Ashanti. By dealing with the FNI, AngloGold Ashanti may have also violated the 2003 UN arms embargo on eastern DRC (Human Rights Watch, 2005).

**Motivation (I.3.A).** AngloGold Ashanti's bribery reflects FNI's motivation for material success. Additionally, the Ituri region was suffering from severe human rights abuses, and individual members of the militia likely experienced the effect of differential

association that furthered criminogenic actions and assisted in the perpetration of state-corporate crimes.

***Opportunity structure (I.3.B).*** Opportunity structure at this level involves the prevalence of criminal activity in the region, as the FNI and AngloGold Ashanti, and likely other corporations, view illegal options as viable and attractive choices. The war-torn region of northeastern DRC would also contribute to the perception of available illegal means, with little government enforcement preventing local abuses.

***Operationality of control (I.3.C).*** Operationality of control includes the, “personal morality, rationalization and techniques of neutralization, separation from consequences, obedience to authority, group think, and diffusion of responsibility” (Kramer et al., 2002), all of which were likely to have occurred within both parties, FNI and AngloGold Ashanti, as a result of the surrounding violence in the Ituri region.

**Summary.** This model examined the actions of the DRC government, AngloGold Ashanti, and militia group FNI. The DRC, in seeking economic support to recover from the costly war, facilitated state-corporate crime through negligence and ineffective control of the mining sector and northeastern region of the country. As a corporation that sought financial gains to achieve business goals in a uncontrolled and violent environment, AngloGold Ashanti furthered the state-corporate crime by pursuing their mining contract and providing benefits for FNI, a militia that continued to commit abhorrent human rights abuses.

In the following section, I will examine an alternative explanation for state-corporate crime in the DRC, by referring to Mullins and Rothe (2008) and their use of the Integrated Theory of International Criminal Law. To assess both models on an

equivalent level, sources used in the application of Model I were comparable to those used by Mullins and Rothe (2008).

## **A Comparative Look at the Integrated Theory of International Criminal Law Violations (Model II)**

In “Gold, Diamonds and Blood: International State-Corporate Crime in the Democratic Republic of the Congo,” Mullins and Rothe (2008) apply the Rothe model to the DRC conflict. At the international level, actions by Rwanda and Uganda and inactions by the United Nations are detailed. The macro level reviews the DRC’s government and economic structure, while the meso level looks at the local actions of the corporations and militias. The micro level expresses the involvement of military leaders and militia members in this state-corporate crime.

**International level (II.1).** At the international level, Mullins & Rothe (2008) identified the DRC’s neighboring countries, Rwanda and Uganda, and several international corporations as influential actors that assisted in the perpetuation of state-corporate crime in the DRC, as they failed to follow international standards. Unless trade negotiations occurred, which they did not, then “involvement in this sort of trade violates human rights laws when the nature of mining and export operations fails to follow existing international guidelines” (Mullins & Rothe, 2008). Additionally, the United Nations Security Council enabled international actors to participate in this occurrence of state-corporate crime by fostering an environment lacking controls.

**Motivation (II.1.A).** While the DRC was facing widespread social unrest, Rwanda and Uganda began exporting mineral resources illegally obtained from the DRC. Both countries were financially motivated, using revenue from these exports to fund their

militaries. The International Monetary Fund and World Bank also granted Rwanda and Uganda increased financial status and economic health indicators, and the credit line of both countries was raised (Mullins & Rothe, 2008).

***Opportunity (II.1.B).*** Regionally, the DRC's political and social upheaval allowed Rwanda and Uganda to easily obtain the mineral resources they illegally claimed as their own. As Mullins and Rothe (2008) note, "the WB [World Bank] knew exactly where those additional monies were coming from. This is not the first time that the criminogenic influences of international financial policies have been noted...nor is it the first time that the WB has ignored criminal sources of monies (during the 1980s it ignored Cambodia's illegal exploitation of its neighbours' timber resources)" (p.94). This indicates that within the opportunities at this level, the state of international relations was lax enough to allow for the perpetration of dramatic looting of mineral resources with little consequence.

***Constraints (II.1.C).*** Constraints at this level include international reaction and political pressure, both of which were largely absent from this state-corporate crime. Mullins and Rothe (2008) cite the lack of involvement by the United Nation's Security Council in Africa since the 1990s. With previous mission failings in the 1960s, followed by the advent of the Cold War, Western nations in the Security Council sought independent approaches for Africa (Mullins & Rothe, 2008). This created a lack of appropriate action by international powers during the DRC conflict, and subsequently little media coverage that could have sparked public interest and social movements.

***Controls (II.1.D).*** Mullins and Rothe (2008) refer to a general lack of constraints in this case, as internal laws were not applied, and sanctions did not occur. The only

constraint would be the chance to prosecute the responsible parties after the crime occurred through the “Security Council creating an international criminal tribunal” (p. 95), which did not deter local warlords.

**Macro level (II.2).** At the macro level, Mullins and Rothe (2008) emphasize the weak governmental and economic structure of the DRC, which was a result of postcolonial societal changes. Like other postcolonial countries, after DRC gained independence from Belgium they had to rebuild social institutions with little guidance. As Mullins and Rothe (2008) note, many of these countries rebuild institutions in reflection of previous colonial institutions while lacking the “historical-cultural tradition of such forms of governance” (p. 95), or traditional knowledge and experience of forming and participating in these forms governments and economies.

**Motivation (II.2.A).** Many of the motivating factors driving the DRC’s national government to undertake state-corporate crime are the result of Belgium’s departure during the decolonization process. As with many other African nations during the postcolonial era, the DRC had to rebuild basic economic and political institutions with little prior experience to guide them. The political instability and economic confusion presented international corporations with a prime opportunity to establish a means for personal gain (Mullins & Rothe, 2008). These structural transformations occur in conjunction with societal anomie that takes place when former colonies gain independence. Ethnogenesis in the DRC is also reflected as differing ethnic groups were forced together by political boundaries, occasionally resulting in conflict.

**Opportunity (II.2.B).** The Rothe model expresses opportunity at the macro level as including the availability of illegal means and military capabilities. As a postcolonial

nation, the DRC faced disorganized economic and political situations and "...the amplified nature of these forces within postcolonial nations produces a similarly amplified criminogenic push" (Mullins & Rothe, 2008). This social disorganization providing an opportunity for crime is most exemplified by the little governmental control exerted on the mining sector, including the actions of Kabila himself. Often, to accommodate his changing interests, Kabila would renegotiate mining contracts, which would lead to confusion among the companies. AngloGold Ashanti even lost its mining concession contract in 1997, until it regained the rights a year later (Human Rights Watch, 2005).

***Constraints (II.2.C).*** Constraints at this level typically include political pressure, media scrutiny, and social pressures that manifest through public opinion, social movements and rebellion. In the DRC case study, such constraints include local fighting between Hema and Lendu ethnic groups that occurred to determine control of the mineral resources. There are few constraints presented by Mullins and Rothe (2008) that took place in the DRC, as local media attention supported the ongoing violence and international media provided very little coverage of the DRC conflict

***Controls (II.2.D).*** Legal sanctions and domestic law provided little assistance in preventing this occurrence of state-corporate crime. The DRC's federal government had jurisdiction of militia dominated areas in name only, and therefore was unable to effectively enforce the law, let alone impose sanctions on militia members. Additionally, social institutions also faced few controls that would have prevented illegal acts.

**Meso level (II.3).** The meso level of the Rothe Model in the DRC case study focuses on the actions of the militias and local branches of the corporations involved in

illegal means of acquiring mineral resources. The FNI is the primary actor at this level, in addition to the local company representatives that worked alongside FNI in Mongbwalu. This is best illustrated by FNI's allowance for mining activities to be conducted by AngloGold Ashanti, while the AngloGold provided monetary payments to satisfy FNI (Human Rights Watch, 2005).

**Motivation (II.3.A).** Ultimately, corporations are seeking profits, a goal which is the result of "cultures of corporate accumulation" (Mullins & Rothe, 2008, p.96). While corporations desire profit, militias are largely driven by "strong ethnic biases that form the core of membership identities within these groups" (Mullins & Rothe, 2008, p.96). These ethnic biases were the primary motivation for FNI's formation, as the Lendu group targeted Hema individuals in their perpetration of human rights abuses and massacres (Human Rights Watch, 2005).

**Opportunity (II.3.B).** Opportunities for illegal acts arise when little communication occurs between the subunit and the corporation. As previously mentioned in Model I's organizational level (I.2.B), Human Rights Watch (2005) found that a year after payments had been made to FNI, AngloGold Ashanti denied involvement in mineral resources exploitation as alleged by the United Nations. Additionally, when company representatives in the DRC capital Kinshasa discovered a cargo tax was being paid to FNI, they acknowledged it as illegal and subsequently ended payments. Both of these occurrences indicate a breakdown in communications at various levels between upper and middle management and company representatives on site in Mongbwalu. Mullins and Rothe (2008) simply identify the strong likelihood of the development of criminal cultures as criminal values are reinforced. Corporations may also be provided

the opportunity to use illegal means to acquire resources as a result of uncontrolled resource transfers, and freeports used in international trade agreements.

*Constraints (II.3.C).* Within their research on the DRC and state-corporate crime, Mullins and Rothe (2008) do not identify particular constraints. The Rothe model, though, also views communication structure as an opportunity and possible control or constraint, in addition to internal oversight and authority structures. As earlier mentioned, the lack of effective communication between AngloGold Ashanti's representatives on site Mongbwalu, those in Kinshasa and regional locations, and the corporate headquarters was evidenced by various statements that state involvement in financial contributions to FNI that it desisted, followed by a statement denying participation.

*Controls (II.3.D).* Codes of conduct provide the only source of control at the meso level, and are likely close to nonexistent for many militias. Corporations may have internally established codes of conduct, however if there is a breakdown in communication then enforcement of these codes may be minimal. In this case, one of the most evident sources of codes of conduct would be international regulation of trade as detailed in the previous model. The United Nations embargo, for example, prohibited working with or providing assistance to militia groups in the northeastern region of the DRC. However, subsequent sanctions were not provided, allowing corporations such as AngloGold Ashanti to continue unimpeded. Mullins and Rothe (2008) do not refer to meso level controls for the DRC case study.

**Micro level (II.4).** Mullins and Rothe (2008) identify military leaders and militia members perpetuating the state-corporate crime at this level within the DRC case.

Njabu, as the leader of FNI, directly received payment from AngloGold Ashanti, as mentioned in the previous model, in addition to leading the militia in conducting human rights abuses against the Hema population in Mongbwalu and its surrounding areas.

***Motivation (II.3.A).*** At the micro level, individual goals are personal gain and empowerment. Njabu received power as he led the FNI and controlled the FNI-ruled town of Mongbwalu, and was given financial compensation by AngloGold Ashanti.

Community disorganization results in men who have little or no other opportunities for financial gain may turn to the militia for employment. Within the militia, ethnic bias further motivates members (Mullins & Rothe, 2008).

***Opportunity (II.4.B).*** In this case study, opportunities at the micro level are not detailed by Mullins and Rothe (2008), but in the Rothe model do include “an obedience to authority, group think, diffusion of responsibility, and perceived illegal means” (Rothe, 2009, p.102). As the FNI militia was effectively controlling the local area, government intervention did not reach into the Ituri region and therefore FNI did not face government sanctions for its human rights abuses and bribery-based relationship with AngloGold Ashanti. Without an outside influence impeding FNI’s violence, FNI was the local law which would have prevented many militia members from perceiving their actions as illegal.

***Constraints (II.4.C).*** Mullins and Rothe (2008) do not refer to clear constraints; however, they do state, “...militias become the only stable and empowered social grouping in a community” (p. 97). This implies effective individual constraints may only come from within the militia. Within the model, constraints at this level include personal morality, which cannot be effectively measured with the given sources, and

“socialization, obedience to authority, and informal social controls” (Rothe, 2009, p.102). These constraints were probably not enforced at this level, as the militia was the authority figure in Mongbwalu. As the violence spread individuals were likely socialized to act violently as well.

For individuals in the government that allowed lax regulation and questionable practices to occur in the mining sector, there was also little authoritative presence to obey that condoned legal actions. The corruption was prevalent in all levels of the government, including the presidential office as Kabila frequently renegotiated contracts, promoting confusion and uncertainty for companies in the mining sector.

***Controls (II.4.D).*** According to Mullins and Rothe (2008), the micro level controls are legitimacy of law and the perception of the reality of law’s application. Mullins and Rothe (2008) suggest that the International Criminal Court could prosecute individuals involved in transnational crimes, with a certainty that does not exist when specialized courts are utilized. Additionally, at the micro level the individuals both within the militias, military, and corporations most likely did not perceive the threat of legal sanctions as a legitimate cause for concern. The DRC’s social institutions were unstable and unable to govern areas of the country, creating a reality where enforcement of the law was minimal to non-existent.

## **Summary and Conclusion**

When comparing the application of the Integrated Theoretical Model of State-Corporate Crime (Model I) of the DRC conflict to the Rothe model (Model II), few differences exist. Model I identifies the weak government of the DRC, and its desire for increased financing, as perpetrators at the institutional environment level. The fragile

government structure and economy are reflected by the exploitative actions of Uganda and Rwanda. At the organizational level, corporations such as AngloGold Ashanti are driven by profit and poor governmental enforcement to pursue mining of the Mongbwalu mines, disregarding FNI's human rights abuses. At the interaction level, local FNI leaders and militia members are responsible for perpetrating human rights abuses, while accepting bribes from AngloGold Ashanti. Accepting these bribes furthers the state-corporate crime.

Model II declares Uganda and Rwanda as perpetrators at the international level, while the DRC government is responsible at the macro level. The meso level identifies local militias and corporations, while military leaders and militia members are examined at the micro level.

The glaring differences between the models are the addition of an international level and the measure of constraints. However, Model I provides an explanation of international influences at the institutional environment level without adding another level of examination. Likewise, constraints and controls in Model II are incorporated into one category of operationality of control in Model I. In application, the actions of Uganda and Rwanda reflect the DRC's weak social institutions, while the inactions of international bodies enabled the state-corporate crimes to progress.

## **Chapter Seven: Conclusion**

The DRC has faced years of political upheaval, internal and external violence, and exploitation. Through the actions of its own government, neighboring countries, and international corporations, the DRC has become a web of state-corporate crime. Using Model I, the Integrated Theoretical Model of State-Corporate Crime, as theorized by Kramer and Michalowski (1990) and revised by Kauzlarich and Kramer (1998), to explain the state-corporate crime in the DRC provides a more parsimonious theoretical explanation than the use of Model II by Mullins and Rothe (2008). While the interest in and use of theory in the field of state-corporate crime is applauded, Model II, the Integrated Theory of International Criminal Law Violations, creates an overreaching version of Model I. The parsimonious results of Model I potentially allow for additional application of theory to explain future occurrences of state-corporate and allow criminologists to address past conflicts and to prevent future abuses.

### **Corruption in the DRC**

The DRC continues to face many obstacles before achieving a more stable social and economic environment. Joseph Kabila took power in 2001 after his father was assassinated. In 2006, previously banned multiparty elections were held, in which Joseph Kabila was elected into office. While the war has ended, violent outbreaks and corruption has continued. Corruption within all levels of the DRC government initially enabled state-corporate crime to take root in the country. As Chêne (2010) states,

“...country reports indicate persistent, widespread and endemic forms of corruption in the DRC, permeating all levels of society” (p. 2).

However, Kabila has continued to address the issue since taking office. In 2005, the DRC enacted an anti-corruption law that included terms of the United Nations Convention Against Corruption and African Union Convention on Preventing and Combating Corruption (as cited in Chêne, 2010). Although this law addresses the extensive corruption, many government officials continue to overlook corrupt practices. In 2009, Kabila approached corruption with a “zero-tolerance” campaign, which entailed the creation of the DRC Financial Intelligence Unit to “combat money laundering and misappropriation of public funds” (Chêne, 2010, p. 6).

To continue earnestly fight corruption, the DRC population must be informed of basic legalities. Accountability is poor and exacerbated by the population’s legal unawareness. As Chêne (2010) cites, “.... information dissemination is poorly developed, and many citizens don’t know the laws and regulations that affect their lives and remain largely unaware of their rights and obligations” (p.6).

### **Implications and Limitations**

Results of this case study suggest that while Model II provides an admirable effort to explain state-corporate crime, the expansion of the previously suitable Model I was unnecessary. Due to its integrative nature, Model I already presents a complex approach to explain the multiple levels involved in state-corporate crime.

A few factors limited this study, including the lack of methodological explanation in state-corporate crime case studies, and minimal theoretical application when presenting case studies on state-corporate crime. Case studies are commonly used as the

research method used to review state-corporate crime. However, most state-corporate crime research does not detail the author's use of the case study methodology.

Additionally, this study was hampered by the little research criminologists have previously conducted in creating and applying theory aimed at specifically explaining state-corporate crime.

### **Directions for Future Research**

Criminological research would benefit from continued study of the DRC conflict. The unfortunate abundance of illegal acts, including human rights abuses and state-corporate crime, should be addressed within the context of colonization and subsequent decolonization. The criminogenic environment, as evidenced by Model I and Model II, is contextually rooted in the effects of colonization. In this case study, the artificial boundaries created by Leopold II when establishing his colony, followed by the harsh laws in northeastern DRC, exacerbated pre-existing ethnic conflict. In addition to the abrupt decolonization process that poorly prepared the DRC for independence, it is little wonder that the regional environment produced such extreme criminogenic actions. In depth research on the effects of colonization and delonization on countries that produce state crime has yet to be conducted, and would benefit theoretical and practical applications of criminology.

Further research must be conducted on state-corporate crimes. As the field of criminology expands, so must research on state-corporate crime and its perpetration by actors at every level of the crime. Not only do cases of state-corporate crime contribute to theoretical understanding in criminology, but the increased understanding of why these crimes occur may allow researchers to promote actions that may limit the scale of future

occurrences. Instances of large-scale crimes like state-corporate crime affect many people. Unfortunately, current focus on state-corporate crime does not reflect the proportionality of victims in each state-corporate crime offense. There are a number of unexplored opportunities in criminological research to address the inadequate focus on state-corporate crime, and criminologists must continue to bring to light these crimes.

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