



Enablers of Cocaine Trafficking: Evidence of the State-Crime Nexus from Contemporary Honduras

COLLECTION: WHY
THE DRUG WAR
ENDURES: LOCAL AND
TRANSNATIONAL
LINKAGES IN THE
NORTH AND CENTRAL
AMERICA DRUG TRADES

RESEARCH

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ABSTRACT

Honduras has been Central America's focal point for drug trafficking towards the United States for years as the region's main transit country. Recent court cases held in the United States have revealed the symbiotic relationship between state actors, business elites and drug trafficking organisations in contemporary Honduras, uncovering the blurred boundaries between the licit and illicit, the upper and underworld in the country. In this article, a drug-trafficking family – 'Los Cachiros' *transportista* (transport) group – is analysed as a case study with the aim of exploring state actors' involvement in cocaine trafficking.

Drawing on publicly available official judicial documents, this article explores the interpenetrations between formal and informal institutions in the country, arguing that state actors' involvement in the drug trade in Honduras goes far beyond protection, and has evolved into a powerful network of public, private and criminal actors that has been able to capture the state's basic sovereign functions with the aim of protecting and promoting their own private interests. In doing so, this article takes forward the state-crime nexus literature. Building on Hall's (2018) networked approach in the study of illicit economies, this article proposes a conceptual framework to re-theorise the state-crime nexus as a transnationally networked set of relations, which considers the role of external states as actors of power within a country's state-crime nexus. Looking at the unique relationship between Honduras and the United States, I argue that the concept is useful to understand the role of the United States as a transnational actor of power within the Honduran state-crime nexus.

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During the last two decades, Honduras has emerged as a cocaine corridor in the Americas. Positioned between cocaine producer countries in South America and one of the main cocaine destination countries, the United States (hereafter US), Honduras has been a transit hub for the commodity and its precursors (INCSR 2016) since the 1970s (McSweeney et al. 2018). However, since the 2009 coup d'état, Honduras has become a more significant player. Its political instability has made it an attractive base for trafficking organisations to grow their operations transporting northward-bound cocaine. This has exacerbated corruption and fuelled violence within the country, where local family-based criminal organisations that store and move the commodity along the supply chain (Blume 2021) – known as *transportista* groups – have been seeking state actors' involvement and protection to take advantage of the highly lucrative market (Dudley 2016). This has created a set of deeply symbiotic and collusive relationships between state actors, the country's business elites and criminal groups, which has increasingly emerged as an important theme in the literature (Blume 2021; Kupatadze 2012).

The state-crime nexus – that is, the collaboration between state structures and criminal actors – has been widely addressed by scholars, journalists and practitioners, especially in relation to failed states or countries with weak formal institutions (Kupatadze 2010, 2012; Marat 2006). Academics have been developing different models to understand how relationships between legal and illegal actors have established and developed over time (Kupatadze 2010; Lupsha 1996; Schulte-Bockholt 2006). However, most studies on the state-crime nexus, frequently remain mostly country or regionally focused, often taking 'spatially bounded units of territory as their site of analysis' (Hall 2018: 11). In doing so, they neglect to consider external actors – for instance other states – as participant actors in such relationships. This limits our understanding of the state-crime nexus both empirically and theoretically.

In this globalised era, no longer restricted by physical, geographical or political borders, bounded and delimited spaces might not represent the most appropriate unit of analysis (Aas 2007). Scholars from different disciplines, such as Hall (2018) in his account on the economic geography of illicit economies, have been advocating for the need to adopt the concept of networks to understand and reflect the changing nature of today's globalised world and the interactions among distant actors. Given the lack of attention paid to the interplay of processes operating across – and connecting – different spaces in the analysis of the state-crime nexus in previous literatures, this paper relies on Hall's (2018) 'networked approach' in the study of criminal markets. This will be used as a framework to demonstrate the need to incorporate external states as active participants in one nation's state-crime nexus. In fact, given that external states are able to both affect – and be affected by – such nexus, they represent an additional source of power of a country's state-crime nexus which must be taken into account.

By focusing on the case of the *Cachiros*, one of the most powerful *transportista* groups in Honduras, this article contributes to both scholarly research on drug trafficking in Honduras – a highly understudied country – as well as the theories on the state-crime nexus. Drawing on the analysis of publicly available official judicial documents, this article explores the interpenetrations between formal and informal institutions in the country, arguing that state actors' involvement in the drug trade in Honduras goes far beyond protection and single cases of bribery, and has evolved into a powerful network of public, private and criminal actors that has been able to capture the state's basic sovereign functions with the aim of protecting and promoting their own private interests. In this milieu, I argue that the US is recognised in the country as the legitimate authority both formally, through the ratification of the extradition law in 2012, and informally, considering the longstanding and unique subordinate relationship between Honduras and the US. By focusing on the influence of the US in the state-crime nexus in Honduras, this article argues that the state-crime nexus should be re-conceptualised as a *transnationally networked set of relations*.¹ That is, as a set of relationships and interconnections between state(s) and criminal actors across borders, to reflect the need to exceed state borders as the site of analysis of a country's state-crime nexus in today's interdependent and interconnected world.

This article begins by situating the existing state-crime nexus literature within wider formal and informal governance debates, exploring and bridging the contemporary literature on the topics

1 I am indebted to one of the reviewers for helping me clarify this concept.

to highlight the need to re-conceptualise the state-crime nexus as a *transnationally networked set of relations*. This is followed by a brief section on the history of drug trafficking in Honduras in relation to the US to help the reader understand the countries' relationship. After the methods section, the findings will first describe in detail the interactions between state actors and drug traffickers in relation to the *Cachiros* case that emerged in the documents analysed. Secondly, they will focus on the role of the US as an actor of power within the Honduran state-crime nexus to demonstrate the need to re-conceptualise the state-crime nexus as a *transnationally networked set of relations*. The findings are then discussed thoroughly in the discussion and conclusions section.

THEORETICAL FRAMEWORK FOR AN UNDERSTANDING OF THE STATE-CRIME NEXUS AS A TRANSNATIONALLY NETWORKED SET OF RELATIONS

STATE-CRIME NEXUS

Organised crime groups (hereafter OCGs) maintain a broad set of complex relations with the state, intended here as 'a set of formally empowered actors, including police as well as elected and appointed officials, that are in the employ of public institutions and that have the authority to set and carry out policy' (Arias 2019: 166). These relations range from confrontation, coercion and negotiation, but also co-optation, that can end up in collusive relationships (Kupatadze 2010). In recent years, scholars have engaged in different methodological and theoretical advancements to describe the way in which the state and criminal actors engage with each other (Barnes 2017; Magaloni et al. 2020). Barnes (2017) has distinguished among four types of state-crime arrangements according to the way in which the actors interact. These vary from confrontation, enforcement-evasion and alliance to integration (Barnes 2017). When the relationship between criminal and state actors is not antithetical (Passas 2002), OCGs and state actors can find a mutual interest in collaborating. State actors usually engage with criminal groups to access financial resources for electoral campaigns and mobilisation of voters in elections (Godson 2001). OCGs, on the other side, usually seek access to state actors to protect their criminal activities, access information and allow illicit markets to emerge and thrive (Allum & Siebert 2003), but also to find an entry point to the licit world (Williams 2002; Williams & Godson 2002) obtaining political support and immunity to influence law enforcement activity and government policies (Lessing 2019) and/or to expand their legal and illegal activities (Marat 2006).

When OCGs try to evade enforcement (Barnes 2017), they usually rely on bribes to obtain state protection, what Snyder and Durán-Martínez (2009: 254) have labelled as *State-sponsored protection rackets*; 'informal institutions through which public officials refrain from enforcing the law or, alternatively, enforce it selectively against the rivals of a criminal organization, in exchange for a share of the profits generated by the organization'. In this case, OCGs can be understood as a separate entity from the state. When corruption is not a case of bribery anymore, and it becomes systemic, it can lead to what has been labelled as state-crime nexus – the collaboration between the upperworld with the criminal underworld (Marat 2006); and often the point where the boundaries between criminal and state actors collapse (Barnes 2017).

The existing literature on the state-crime nexus recalls different models of the link between the upper and the underworld (Lupsha 1996; Passas 2002), focusing mainly on the relationships of power between the public sector and criminal organisations (Chabat 2019; Schulte-Bockholt 2006). In doing so, scholars have tried to explain the nexus at the source of illicit power as a primary focus. Power, defined as 'the ability of a person or group of persons so to affect outcomes that their preferences take precedence over the preferences of others' (Strange 1996: 17), in some cases can be held by legal actors that use OCGs as a 'cash cow' and engage in illicit activities (Lupsha & Pimentel 1997). In weak institutional contexts where state control and presence are weak, however, public actors can become dependent on 'the monopolies and networks of organised crime to sustain themselves' (Lupsha 1996: 32), with OCGs often holding the power. When organised crime is embedded itself in the social, political and economic life of a country, it can supplant the basic qualities of a modern sovereign state (Sullivan 2013), such as the state's control over the means of violence, its legitimacy, but also its ability to enforce sovereignty over the national territory. In some contexts, OCGs represent the authority in the territories they control (Williams 2002). Scholars have been referring to criminal governance to explain the way

in which violent non-state actors are embedded within and hold power in certain territories, participating to the provision of governance through the provision of services and imposition of rules in some communities (Arias 2019; Lessing & Willis 2019; Magaloni et al. 2020).

What is meant by governance is a set of formal and informal mechanisms through which authority is exercised (Rosenau 2004). International relations scholars have recently started paying attention to two distinct phenomena in the study of governance: the role of multiple actors (or sites of authority) in exercising different forms of governance within a country's borders (Arias 2017); and the rise of supranational institutions in global governance (Strange 2012), especially in the light of the contemporary emergence of governance mechanisms in international politics (Duarte et al. 2021). Here, the literature on the state-crime nexus has been widely focusing on new forms of governance generated by the interactions between violent non-state actors such as OCGs and state actors (Duarte et al. 2021). However, although growing attention has been given to the role of non-state actors in domestic and foreign policy in the global governance debate (Baldaro et al. 2019), less has been said about the interactions between state and non-state actors such as criminal groups in such context. The way in which the state-crime nexus – which I come to define as a networked set of relationships between state and criminal actors – can affect, and be affected by, foreign policy and external authorities remains an overlooked aspect of the existing literature. In the following section, building on Hall's (2018) networked approach in the study of illicit economies, I propose a conceptual framework to understand and re-theorise the state-crime nexus as a *transnationally networked set of relations*, which considers the role of external actors, such as external states, as actors of power within a country's state-crime nexus.

TOWARDS A RE-CONCEPTUALISATION OF THE STATE-CRIME NEXUS AS A TRANSNATIONALLY NETWORKED SET OF RELATIONS

One of the prime characteristics of the 21st century is the multiplicity of actors that have some sort of authority on a sovereign territory, which implies a redistribution of power among states, markets and civil society. The debate around state sovereignty, especially in international relations, has relied for decades on a state-centric view 'built on the assumption that states are, by definition, sovereign' (Thomson 1995: 215). One of the difficulties surrounding the conceptualisation of the state as a sovereign territorial entity still concerns the qualities that this should have. For the purpose of the article, I identify state sovereignty as the state's ability to hold the monopoly over legitimate means of violence (Williams 2002), to control actors and activities across its borders (Thomson 1995); and the recognition by internal and external actors of state institutions as legitimate political authorities (Duarte et al. 2021). Recent works have, however, underlined the need to overcome such theories in the light of global interdependencies in governance, technology and economic activity, and of the different actors that can exert forms of authority on a certain territory. Because the state does not exist in isolation – but rather, it exists among other non-state actors and other states (Strange 1989), which are often able to exert different forms of governance on a sovereign territory – localised institutions are undermined, and their importance is reduced (Beck 2000).

In recent years, scholars from diverse disciplines have relied on the concept of network to understand and reflect the changing nature of today's globalised world (Castells 1996) and the interactions between 'multiple types of actors that either indirectly or directly impact upon global governance' (Strange 2012: 50), what have come to be defined as 'transnational governance networks'. Networks are forms of social interactions or organisation characterised by 'horizontal patterns of communication and exchange' (Keck & Sikkink 2002: 91) and can be intended as a series of nodes (actors) connected through a series of ties (relationships) (Calderoni 2014). A network perspective has also been widely adopted in the analysis of OCGs' structures and forms of organisation (Catino 2019; Hobbs 2001) and in exploring the ways in which OCGs establish relationships with the upperworld. Recent works on illicit economies have advocated for the need to incorporate the concept of networks not only in the analysis of criminal groups' structures, but also towards an understanding of criminal markets (Hall 2010, 2018).

As Hall (2018: 123) argues, while 'the markets associated with organized criminal activities are typically transnational, mobile, and networked', the prevailing accounts of criminal markets are often locational, and thus forget to consider the 'flow'. As accounts on criminal markets often adopt a single scale of analysis remaining mostly country or regionally focused, the

existing accounts of spaces located along criminal networks, and the relationships between these spaces and actors, remain an overlooked aspect in the literature (Hall 2018). For this reason, using a 'networked approach' (Hall 2018) in the analysis of illicit economies, which considers the connections between spaces, can allow to understand the implications that such connections have on the places and actors they link together. In the same way, inasmuch as existing accounts on the state-crime nexus consider the networked nature of the relationships between different actors within a bounded sovereign territory and have paid increasing attention to transnational organised crime – organised crime that is committed in more than one state or in one state but has substantial impact on another (UN 2000) – they have failed to address the networked dimension of the state-crime nexus across spaces.

Most scholars' contributions to the state-crime nexus literature focus in fact on a bounded context in time and space, remaining mostly country and regionally focused (see Snyder & Durán-Martínez 2009; Kupatadze 2010, 2012; Marat 2006), and take a single scale and spatially bounded units of territory as their site of analysis. Up until now, the state-crime nexus has only been studied as a national matter, and not between states. In the era of globalisation, no longer restricted by physical, geographical, or political borders, bounded and delimited spaces might not represent the most appropriate unit of analysis (Aas 2007). A networked approach asks us to avoid thinking about space as a Euclidean phenomenon, and thus in locational terms (Agnew 2005), to embrace a socio-spatial understanding of space where the unit of analysis becomes the interconnections through regions and across borders (Hall 2012), and where space and processes in space are shaped 'not necessarily or exclusively as a result of local conditions but rather through networked interactions with distant places' (Hall 2012: 375). This would allow to understand and analyse the state-crime nexus as a matter between states and is especially true for those countries defined as 'transit countries' for the position they occupy in the drug supply chain, such as Honduras. A transit or transshipment state is a nation where illegal products have to pass through before they reach their final destination (Williams 2002). The transit connects spatially distant locations, as well as spatially distant actors (Hall 2018).

I argue that in today's interdependent and interconnected world, a complete analysis of the state-crime nexus should exceed state borders, and for such the state-crime nexus should be re-theorised as a *transnationally networked set of relations*. Transnationalism, intended as 'the extension of human activities and institutions across nation-state boundaries, which creates (...) dynamics not confined by state borders' (Roniger 2011: preface), can be useful in an understanding of the way in which different actors of power within a state-crime nexus can shape spaces across national borders. The analysis of a transnational dimension of the state-crime nexus can help in understanding the intertwined dynamics that shape and affect the nexus, and that the nexus affects, and the different contextual factors that stand at the basis of such dynamics. By a 'transnationally networked set of relations' in referring to the state-crime nexus I thus mean the set of relationships and interconnections between state(s) and criminal actors across borders, and I wish to highlight the need to avoid taking spatially bounded units of territory as the site of analysis for a country's state-crime nexus.

The Honduran case is particularly exemplificative in the understanding of both the complex relationships that OCGs can maintain with the state, and on the way in which external states can be transnational actors of power within a given territorially bound state-crime nexus. In Honduras, cocaine transit and the country's state-crime nexus extensively affect – and are affected by – the US and by the long-standing relationship between the countries. The following section intends to offer the reader a background on cocaine trafficking in Honduras and on the role of the US in Honduras, which is fundamental to understand today's power dynamics standing at the basis of the countries' relationship.

BACKGROUND: COCAINE TRAFFICKING AND TRANSPORTISTA GROUPS IN HONDURAS

Honduras offers an important example of how external states can be part of a country's state-crime nexus. Ample research has demonstrated that drug trafficking has increased extensively through Central America during the last two decades (Bunck & Fowler 2012). The country's role as a cocaine corridor expanded in the 1980s with the CIA's involvement in the drug smuggling in the isthmus (Argueta 2013), which laid the foundations 'for the deep and ongoing complicity

between Honduran elites and organized crime' (McSweeney et al. 2018: 124), and eventually soared in the mid-2000s as a result of the US-led war on drugs in the region. In favouring punitive intervention against drug-producing and transit nations, US-led counter-narcotics operations elsewhere – especially in Mexico and Colombia – pushed the creation of new transit routes for cocaine in Central America (Bunck & Fowler 2012), a phenomenon known as the 'balloon effect' (Wainwright 2016). On top of this, Honduras has become a more significant player since the 2009 coup d'état, when the country's political instability has made it an attractive base for trafficking organisations to grow their operations transporting northward-bound cocaine. As a result, by 2013 87% of all cocaine smuggling flights leaving South America stopped in the northern coast of Honduras (INCSR 2013). In this context, Colombian and Venezuelan cocaine producers and traffickers started working even more closely with existing Honduran criminal organisations called *transportistas* (transport groups) (Bunck & Fowler 2012).

Transportista groups are family based OCGs that facilitate the transit of drugs within the country (Bosworth 2010). Described as 'networks of suppliers, transporters and receivers' (UNODC 2012: 21) these groups are 'loose networks that lack monopolistic territorial control' (Blume 2021: 3), but work closely with wholesale sellers and purchasers, and with other transport networks in the region. The two Rivera Maradiaga brothers, also known as the *Cachiros*, were one of the most powerful and prominent *transportista* groups in the country. Starting off as cattle rustlers in the eastern Department of Colón, the *Cachiros* established a trafficking network that made use of the country's coasts and illegal airstrips in eastern Honduras to receive and store the cocaine (Dudley 2016). From about 2004 to 2014, the criminal organisation was receiving large loads of cocaine sent to Honduras from Venezuela and Colombia via air and maritime routes and transporting the cocaine westwards towards the border with Guatemala and eventually to the US on behalf of Mexican drug traffickers. To do so, they were working in concert with politicians, law enforcement officials, and military personnel (USA v. Lobo 2017). In 2015, the Maradiaga brothers – fearing for their own lives in the country – turned themselves in in the US and decided to collaborate with the Drug Enforcement Authority (DEA) (Moreno 2015). Their testimony brought down many important figures of the country, including police officers, business elites, local politicians, and judicial authorities (Estrada 2021), some of whom were then processed and sentenced in the US.

Up until 2012, drug transit via Honduras was predominantly fought throughout the presence of numerous US military bases in the country and with the direct involvement of the DEA in the coordination of countering operations with the Honduran government and intelligence sharing (CRS 2018). However, when the involvement of state actors in drug trafficking became clear, the US put extensive pressure on the then President of Honduras, Porfirio Lobo (2009–2012), to change the Honduran constitution and approve extradition in 2012. The ratification of the extradition law, and thus the outsourcing of judicial proceedings to the US, represents yet another example of the exceptional influence of the US over Honduras, and of the dynamics of power between the countries. Described as a 'captive nation' (Frank 2018), since the end of the 19th century Honduras has in fact remained under rigid political and economic control of the US. The country has a long history as an enclave economy dominated by multiple foreign owned companies, mostly from the US (Leonard 2011), that throughout the decades diversified and gained 'enormous domestic political influence in the process – as did their patron, the US government' (McDonald 1990: 188). On top of this, the role of Honduras as the 'lynchpin for U.S. policy in Central America' (Meyer 2020: 12) during the US-led raids directed against the leftist regimes in neighbouring countries in the 1980s (Ungar 2011), combined with the significant amount of assistance provided by the US as part and parcel of this lynchpin status, are vital to understand the nature of today's relationship between the countries. Although an historical reconstruction of the countries' relationship goes beyond the scope of the article, this background information is in fact fundamental to understand both drug trafficking and the ongoing state-crime nexus in Honduras, as well as today's power dynamics between the countries and the role of the US as an external actor of power within the Honduran state-crime nexus.

METHODS

Honduras has some of the highest rates of corruption in the world. Numbers suggest that corruption has soared in the country especially in the last decade, reaching a new peak in 2020 and 2021 (Transparency International 2021). In the 2021 Corruption Perceptions Index redacted

every year by Transparency International, on a scale of 0 to 100, with 0 being highly corrupt and 100 being highly transparent, the country received a score of 23 out of 100, the lowest since 2012; and placed 157th in the world out of 180 countries surveyed (Transparency International 2021). Although Honduras is well known for its high levels of violence and rampant corruption, the nexus between state actors and criminal groups in the country has received little academic attention. Only recently, a series of trials held in the US have seen prominent Hondurans implicated in the country's drug trade, shedding light on the tight relationship between local drug trafficking groups and the country's state actors. The Honduran case thus represents a truly interesting case in the understanding of the complex relationships that OCGs can maintain with the state, while, at the same time, offering an insightful take on the implications that the outsourcing of judicial proceedings to the US, and more in general the US' exceptional influence in Honduras, has on the state-crime nexus operating in the country. The choices of methods employed in this article reflect the need to discern and explore the tight state-crime nexus which has formed in Honduras, while also considering the country's long-standing subordinate relationship with the US. The methodological choice thus embraces the theoretical framework in which the research has been placed, reflecting the need to overcome the national borders as a unit of analysis by considering the country's state-crime nexus in networked terms (Hall 2018).

The article is based on a thorough analysis of publicly available official judicial documents of the United States District Court – Southern District of New York and Southern District of Florida, retrieved from the United States Department of Justice website, that are available for public consultation; as well as from online sources such as the InSight Crime foundation – a non-profit journalism and investigative organisation specialised in organised crime in Latin America and the Caribbean – and also Docketbird and Scribd – large repositories of federal court cases and documents. These documents concern the alleged involvement of Honduran politicians, congressmen, businessmen and police officers in the traffic of the commodity and address their active and/or passive role within the trade and their relationships with the Cachiros cartel.² Despite being one of the many family-based *transportista* groups present in the country, the case of the Cachiros is illuminating in the understanding of the relationships between the upper and the underworld in Honduras, and their testimony in court represents an extremely insightful source to reconstruct such relationships from an internal point of view.

Among the publicly available documents analysed, there are indictments, sentences, sentencing memorandums, the government's motions in limine and court testimonies. The documents were selected based on their relevance to the Cachiros' case analysed, and some were discarded as they concerned prominent Honduran figures who had not been convicted at the time of the case selection, and thus were not used. In total, 39 court documents were gathered, of which 25 were used and 14 rejected. The 25 documents that were used amounted to a total of 629 pages. The full names disclosed pertain to prominent politicians in the country and were only used as they were cited in the documents analysed which are publicly available and accessible. After the selection process, both thematic analysis – broadly intended as the 'method to identifying, analysing and reporting patterns (themes) within data' (Braun & Clarke 2006: 79) – and discourse analysis were used to analyse the documents. In doing so, a socio-legal approach was taken in a consideration of the underpinning contextual conditions in which the processes were held (Menkel-Meadow 2019).

The official documents analysed represent an original point of view on the Honduran case, offering a depiction and understanding of the drug trade and of the state-crime nexus in Honduras from the point of view of the US' judicial power. The choice of a qualitative approach was led by the intent to discern reality in its different facets and to reflect the way in which such nexus is perceived and understood also by the eyes of judges or defence lawyers in the US. In fact, while the court documents analysed offer an innovative account of the Honduran drug trade, it is necessary to remember that judicial sources and narratives can offer a partial account of reality. Especially in this case, inasmuch as the documents also include testimonies of Honduran nationals, such narratives could be influenced by contextual factors such as the

² There are a few names mentioned in the article that refer to public persons, such as politicians, who have already been sentenced in the US. The court documents of their judicial processes are publicly accessible and available for public consultation. The author acknowledges that someone's inclusion in a penal process does not make this person guilty, and this is mostly true for a person's homonyms to them and for their relatives and families.

setting and power dynamics between the countries. Inasmuch as these documents offer a great source of knowledge on the Honduran state-crime nexus and on the position of power of the US in relation to the country, these limitations must be acknowledged.

FINDINGS

In addressing the need to re-conceptualise the state-crime nexus as a *transnationally networked set of relations*, the first two sections of the Findings first explore and paint a detailed picture of the symbiotic relationships between drug traffickers and state actors in the country. In doing so, they outline the different forms of interaction between state actors and drug traffickers in the country in relation to the *Cachiros* case, showing the extent to which the lines between state and criminal actors and private and public interests are blurred in the country. The depiction of such interactions will then be useful to understand the ways in which such tight state-crime nexus does not solely have implications at the domestic level, but rather it affects, and is affected by, external states such as the US. Building on this, the last section of the findings will focus on the role of the US as an actor of power within the Honduran state-crime nexus to demonstrate the need to re-conceptualise the state-crime nexus as a *transnationally networked set of relations*.

BLURRING BOUNDARIES BETWEEN STATE AND CRIMINAL ACTORS: TOWARDS A PRIVATISATION OF THE STATE'S MONOPOLY OF FORCE

As widely addressed in the state-crime nexus literature, OCGs usually seek access to state actors to protect their criminal activities, access information to obtain political support and immunity (Lessing 2019) and allow illicit markets to thrive (Allum & Siebert 2003). The US court documents analysed show that the *Cachiros* were relying extensively on the help of public officials to gain protection. The documents that incriminate some members of the *Policía Nacional de Honduras*, show that public officials were providing the *Cachiros* with information about ongoing investigations, military and law-enforcement checkpoints, and also on planned narcotics interdictions (USA v. Lobo 2018).³ On top of this, the *Cachiros* were also relying on prominent Honduran politicians to protect their illicit activities, their proceeds, and their own lives. In his testimony during the USA v. Lobo hearing (2017),⁴ Devis Leonel Rivera Maradiaga, one of the *Cachiros'* leaders, claimed that the now sentenced Fabio Lobo, son of the country's former president, was using his political access to protect the drug traffickers from prosecution and extradition, preventing interference with the drug trafficking operations while also assisting drug traffickers in recovering their seized assets. In exchange, the *Cachiros* were allegedly supporting the election of Fabio Lobo's father with regular bribes while introducing him to their drug trafficking connections (Estrada 2021; USA v. Lobo 2017).⁵

Despite relying on 'protection from the state itself' (Snyder & Durán-Martínez 2009: 255), the involvement of politicians and public officials with the *Cachiros* encompassed a much higher degree of participation, that seems to go far beyond the institution of protection by the state (Snyder & Durán-Martínez 2009). As argued by Barnes (2017: 976), when criminal groups and state actors 'make more than common cause and become intimately intertwined', these actors integrate. *Integration*, in Barnes' (2017) understanding, represents the highest collusive relationships that these actors can establish, which usually sees the involvement of state actors from political parties and/or the public security apparatus.

As emerges from The Government's Proposed Findings of Fact and Conclusions of Law Relating to Defendant Fabio Porfirio Lobo (2017), in the Honduran case police and military officers were actively participating in the smuggling of the commodity, transporting it, or escorting the large trucks used by the *Cachiros* to move the drugs within the country with security vehicles (USA v. Lobo 2017). Although law enforcement officials are often targeted by OCGs seeking protection through information sharing (Allum & Siebert 2003), in some cases they play a more active role in

3 United States of America v. Lobo. Case 1:15-cr-00174-LGS. 2018. <https://www.docketbird.com/court-documents/USA-v-Lobo/Exhibit-A-DEA-Interview-of-the-Defendant/nysd-1:2015-cr-00174-439818-00348-001>.

4 United States of America v. Lobo. Case 1:15-cr-00174-LGS. 2017. <https://it.scribd.com/document/342490176/Fabio-Lobo-March-16-Transcript>.

5 United States of America v. Lobo. Case 1:15-cr-00174-LGS. 2017. [online access at <https://it.scribd.com/document/342490176/Fabio-Lobo-March-16-Transcript> last accessed 11 February 2021].

illicit markets as well – for instance organising and managing criminal activities (Chambliss 1999) – often becoming criminal actors themselves. The US court documents analysed for the Lobo case also provide evidence that the Cachiros established an enduring collaboration with security institutions. In fact, they show that police officers acted, in a way, as members of the drug cartel, since they were in charge of recruiting other police officers that could be involved in the smuggling, thus acting as intermediaries (USA v. Lobo 2018). They were also – in a sense – acting as private security for the drug trafficking organisation, providing information on the location of people the Cachiros wanted to find, while also taking advantage of their monopoly of force by engaging in violence and kidnappings on behalf of the criminal group (USA v. Lobo 2018).⁶

Besides protecting the illegal operations of the Cachiros and offering direct support in the smuggling, the court documents analysed suggest that state actors connected to the country's political parties (Barnes 2017) often acted as members of the drug trafficking organisation. In the Prosecution's Proposed Finding of Fact and Conclusions of the *USA v. Lobo case*,⁷ the US prosecutor alleges that Fabio Lobo had been a member of the Cachiros since 2010, as he was managing security and logistics operations of the *transportista* group, while planning cocaine shipments and escorting trucks loaded with the commodity westwards. Such direct involvement encompassed Lobo's network of acquaintances as well. These include, among others, police and military officers, congressmen and, allegedly, Fabio's father Porfirio Lobo, then the president of the country (USA v. Lobo 2017), who has however not been convicted nor proven to be guilty.

The involvement of public officials underlined in the US court documents analysed highlights how the Cachiros were able to establish strong and long-lasting ties with public actors that went beyond single cases of bribery (Snyder & Durán-Martínez 2009), effectively blurring the lines between criminal and state actors (Barnes 2017). This allowed the drug trafficking organisation to penetrate the public life of the country through the formation of a powerful state-crime nexus and permitted state actors to accumulate wealth and power for their private interests. What becomes mostly important in this case, besides the blurring of boundaries between legal and illegal actors (Barahona 2018), is the extent to which this network has been able to supplant some of the basic characteristics of the modern sovereign state, such as 'the exclusive authority to intervene coercively in activities within its territory' (Thomson 1995: 219), and to subjugate them to the private interests of a network of criminal actors (which sees both state and criminal actors integrated). This implies that this collusive network goes far beyond the challenge that OCGs can represent to the monopoly of force of the state (Williams 2002), as here we witness a privatisation of state functions or public goods, such as public security, to the collusive state-crime nexus favour.

LEGITIMISATION OF MONEY AND POWER

The way in which such collusive networks place state functions at the service of private interests can also be observed in the DTO's attempt to legitimise its assets and presence in the country. Especially in illicit economies such as drug trafficking, criminal organisations usually invest money in legal activities to legitimise their assets and illicit proceeds (Williams 2002). Traffickers use high-level political support to launder illegal proceeds and absorb illegal funds into the legal economy, but also to channel public funds to themselves (Lee & Thoumi 1999). The Cachiros were the owners of numerous legitimate companies, many of which were used – or simply set up – to launder their illicit proceeds with the help of prominent Honduran businessmen and politicians. The US Justice Department has stated in numerous court documents that the drug trafficking organisation was paying regular bribes to Honduran state actors who in exchange were facilitating the Cachiros' money laundering operations by supporting their front companies. This was done, among other things, through the issuance of government contracts, in exchange for kickbacks (USA v. Lobo 2017). The legitimisation of the Cachiros' illegal assets did not, however, have an effect solely within national borders. Connecting the two distant spaces and jurisdictions, some of the illicit proceeds would end up in the US as a result of their involvement with Yani Rosenthal, a former Honduran congressman,

6 *United States of America v. Lobo*. Case 1:15-cr-00174-LGS. 2018. <https://www.docketbird.com/court-documents/USA-v-Lobo/Exhibit-A-DEA-Interview-of-the-Defendant/nysd-1:2015-cr-00174-439818-00348-001>.

7 The government's proposed findings of fact and conclusions of law relating to defendant Fabio Porfirio Lobo. *United States v. Fabio Porfirio Lobo*, 15 Cr. 174 (LGS). 2017. <https://www.docketbird.com/court-documents/USA-v-Lobo/FILING-ERROR-WRONG-EVENT-TYPE-SELECTED-FROM-MENU-SENTENCING-SUBMISSION-by-USA-as-to-Fabio-Porfirio-Lobo/nysd-1:2015-cr-00174-439819-00140>.

candidate for president and businessmen. A member of a prominent elite family, operating mainly in the banking sector, he was convicted in 2017 as he pled guilty for money laundering in connection to the Cachiros' drug trafficking operations (USA v. Yani Rosenthal 2017). After his return to Honduras, Yani Rosenthal also ran for president in the country's 2021 Presidential Campaign, further demonstrating how blurred the lines between business elites, politicians and criminal groups are in the country.

Although investing in legal companies represents one of the safest and easiest ways to obtain an entry point into the licit world for criminal organisations (Williams & Godson 2002), OCGs also seek legitimacy to appropriate state functions and the monopoly of the economic resources of the state (Armao 2003) for themselves. They do so through high-level political corruption (Lee & Thoumi 1999) since political support is widely sought after as a way to influence law enforcement activity and government policies. The Cachiros were paying bribes 'sometimes styled as "campaign contributions" – to Honduran politicians holding or running for office, on the understanding that the politicians would support trafficker-friendly policies regarding matters such as investigative priorities and extradition policy' (USA v. Lobo 2017), both as a way to avoid the law being passed and to ensure that even if it was, it would not target them. Even when the extradition law was eventually passed in 2012, as the US prosecutor states in The Government's Proposed Findings of Fact and Conclusions of Law Relating to Defendant Fabio Porfirio Lobo 'taking steps to target other drug traffickers is entirely consistent with the 2010 promise of the defendant and Lobo Sosa to protect the Cachiros. So too is the promulgation of a so-called "extradition policy" without causing the government to actually extradite Honduran citizens based on drug-trafficking charges'. The Cachiros' symbiotic relationships with high-level politicians allowed them to obtain protection, at least temporarily, from prosecution for their drug-trafficking offences both within the domestic territory and outside of it. Indeed, they were able to avoid extradition to the US for years.

OCGs usually aim to obtain political support and immunity to influence law enforcement activity and government policies (Lessing 2019) and/or to expand their own legal and illegal activities (Marat 2006). However, what becomes most important in this case is, once again, the blurring of boundaries and the integration of legal and illegal actors, activities, and economies (Barnes 2017). The negotiation around the extradition treaty represents yet another example of the way in which the relationship established between the Cachiros and Honduran state actors went far beyond state-sponsored protection, evolving into a much more intricate and collusive relationship that allowed 'the manipulation of laws and institutions' (Salomón 2018: 2). At the same time, it is indicative of the way in which the collusive network of private, public, and criminal actors (Chayes 2017) was able to work closely together to place state functions at the service of private interests (Sosa 2017) in a culmination of wealth-accumulation.

THE HONDURAN STATE-CRIME NEXUS AS A TRANSNATIONALLY NETWORKED SET OF RELATIONS: THE ROLE OF THE US AN ACTOR OF THE NETWORK

As demonstrated above, the development of such collusive relationships, and their implications, do not, however, have an effect solely within national borders. Crimes that are usually transnational in their nature – like drug trafficking and, often, money laundering – are especially useful to understand how the relations between state and criminal actors can exceed the territorial boundaries of a country. The tight network of power that has formed in Honduras, in which public, private and criminal sectors overlap, has created a space where formal and informal institutions collude, and where government institutions are bent to serve such collusive network purposes (Chayes 2017). Within national borders, such a network has the ability to employ and at the same time exclude the sovereign, regulatory and legitimate characters of the state (Williams 2002). However, the transnational nature of drug trafficking, and the increasing interdependencies among different nations, indicate that such state-crime nexus also has an impact on other states. In fact, as shown above, drug trafficking and money laundering in Honduras extensively affects, and is affected by, the US.

Since the end of the 19th century, Honduras has remained under rigid control of the US. As Villacorta (2018: 19) claims, the 'asymmetry and dependence of Honduras on the US constitute a historical burden dragged from the very origin of the Central American nation', which is fundamental in understanding the power dynamics that shaped the countries' relations up until now; as well as on the way in which the US has been – and still is – able to influence

the Honduran state-crime nexus. As an enclave economy, Honduras became especially dependant on US capital after the US-based banana companies became active in the country between the end of the 19th century and the beginning of the 20th. Foreign capital 'favoured the penetration of external interests into the domestic affair of the country' (Sieder 1995), and American companies started building roads and cultivating the land, often securing their right to do so by bribing government officials (LaFeber 1993). Although the literature on the country as an enclave economy is vast and a thorough description of it would exceed the scope of the article, two important implications can be useful to the understanding of the need to include the US as an actor of power in contemporary Honduran state-crime relations. First, the patron-client relations between foreign companies and the local ruling class have often been referred to as one of the main factors that made the politics of favours become a defining and intrinsic feature of the Honduran political system (Sieder 1995), which are still extremely important to understand today's relationships between politicians and criminal networks within the country's territorial borders too (Argueta 2013). Second, the influence of the US on the Honduran development as a sovereign nation since the 19th century can be useful to understand the origin of today's power imbalances between the countries, which are reflected in the role of Honduras as the 'lynchpin for U.S. policy in Central America' (Meyer 2020: 12), and in more recent drug policies such as the ratification of the extradition treaty in 2012.

According to the testimony of one of the leaders of the Cachiros – Devis Leonel Rivera Maradiaga – during the Fabio Lobo hearing, the ex-president of Honduras Porfirio Lobo had allegedly received bribes from the Cachiros even before becoming president of the country to help him win the election, so that he could offer them protection both in the country and with regards to the extradition law (USA v. Fabio Lobo 2017). After Porfirio Lobo won the elections, Honduras amended its constitution to permit extraditions in 2012 based on diplomatic pressure from the US (USA v. Nájera Montoya 2020).⁸ Despite this, according to Devis Leonel Rivera Maradiaga, the then president allegedly told them 'not to worry because during his four-year term nobody would get extradited' (USA v. Fabio Lobo 2017). In the Devis Leonel Rivera Maradiaga's testimony the theme of the extradition is particularly recurrent: the Cachiros were allegedly bribing Fabio Lobo and his father both prior and during the presidency of the latter, and were particularly concerned about it. In fact, they allegedly often reminded the then president and his son about what they referred to as 'the promise' (USA v. Fabio Lobo 2017).

In this light, the US can be seen, by both Honduran state and criminal actors, as one of, if not the main, legitimate authority they must evade enforcement from. Something achieved by bribing Honduran state actors to obtain protection. Even before the US was allowed to administer justice in Honduras with regards to citizens facing drug trafficking, money laundering and terrorism charges, the *transportista* group was bribing important figures in Honduras to evade enforcement (Barnes 2017) outside the boundaries of the Honduran territory, thereby excluding the regulatory characters of a state (Williams 2002) which was not their own. This antithetical relationship (Passas 2002) which has formed between Honduran state and criminal actors and the US, helps us understand further the state-crime nexus as a *transnationally networked set of relations*, as the interconnections between state(s) and criminal actors exceed the country's borders.

The recognition of the US as legitimate political authority (Duarte et al. 2021) reflects the Honduran state's limited capacity to carry out state functions and maintain its legitimacy and sovereignty. Scholars and practitioners have often argued that the ratification of the extradition law signals a recognition of the structural impunity of the Honduran judiciary system (Romero 2016). The outsourcing of judicial proceedings to the US, however, highlights more than the weakness of Honduras' formal institutions. It demonstrates once again the exceptional influence that the US has in Honduras, which stands as the basis of today's power dynamics between the two countries.

This adds a layer to the state-crime nexus, which sees an external state acting as a regulator in a country where the state functions have been captured by a coalition of public, private and criminal actors. Drug traffickers and state actors that had established these symbiotic relationships in Honduras ended up negotiating their own freedom with another state entity. Understanding the state-crime nexus as a transnationally networked set of relations allows

8 USA v. Fredy Renan Nájera Montoya. Case 1:15-cr-00378-PGG. 2020. The Government's sentencing memorandum. [online access at <https://www.insightcrime.org/wp-content/uploads/2021/01/memorandum-para-sentencia-de-fredy-najera-23-de-diciembre-de-2020.-1.pdf> last accessed 11 February 2021].

scholars and practitioners to see the connection between spaces that might be distant from one another, and – in some cases – treat the issue as a shared problem between the countries in question. On this matter, the US court documents analysed fail to address the US' role in the collusive relationships that have developed between the OCG and political and business elites in Honduras. This is especially true of the role the US has had in expanding the importance of Central America as a cocaine corridor. In fact, this, together with the demand for the commodity from the US (Arnson & Olson 2011), which is one of the world's main destination countries for cocaine trafficking (UNODC 2020), highlight the importance of including external states as transnational actors of a given territorially bound state-crime nexus.

DISCUSSION AND CONCLUSIONS

In Honduras, criminal organisations with transnational ties have corrupted government institutions at various levels, finding little resistance from public officials (Lasusa 2017). The Cachiros case analysed in this article clarifies the profound involvement of the country's high-level politicians and business elites in cocaine smuggling, but also sheds light on the need to rethink the state-crime nexus as a transnationally networked set of relations.

The US court documents, when analysed together, paint a detailed picture of the symbiotic relationships between drug traffickers and public actors. From the analyses of such documents, this article has shown that the involvement of public and private actors in the Honduran drug trade goes far beyond protection (Snyder & Durán-Martínez 2009) but encompasses their active participation in almost all the steps of the smuggling. Most importantly, public and private actors involved in the illicit economy have been establishing and developing relationships with criminal groups to pursue their private financial and individual interests. This tight network of powerful actors has created a space where the public, private and criminal sectors overlap and blur, and where structural impunity and corruption are the operating system (Chayes 2017; Romero 2016). In this context, such collusive state-crime nexus has been able to supplant the basic qualities of the modern sovereign state in a privatisation of public goods directed to the accumulation of wealth.

According to Thomson (1995: 219), 'sovereignty is the recognition by internal and external actors that the state has the exclusive authority to intervene coercively in activities within its territory'. In Honduras, such function has been supplanted by both internal actors integrated within the state-crime nexus and by external actors, in the form of the US. In analysing the influence of the US in the Honduran state-crime nexus, this article also highlights the need to include external actors in the analysis of a given territorially bound state-crime nexus – which up until now has only been studied as a national phenomenon. The long-standing subordinate relationship of Honduras with the US has set the basis for the patron-client relations that shape today's power dynamics between the two countries. These power dynamics are also reflected in the court documents analysed, where the US is seen by Honduran state and criminal actors as the legitimate political authority whose enforcement must be evaded. This was the case before and after the extradition law was passed.

In fact, the long-standing subordinate relationship Honduras has had in relation to the US led the country to ratify the extradition law in 2012, conferring jurisdictional power to the US. This has added an important transnational source of power within the Honduran state-crime nexus, as drug traffickers and state actors involved in cocaine smuggling had to confront and negotiate directly with the authority of the US. In Honduras, this led to a new distribution of power among legal and illegal actors, which can lead us to understand the US as a 'transnational actor of power' in the state-crime nexus of Honduras. The collaboration and negotiation of traffickers and sentenced state actors with the US authority therefore implies an antithetical relationship (Passas 2002) between them.

To conclude, I argue that understanding and re-conceptualising the state-crime nexus as a *transnationally networked set of relations* can allow scholars to consider the role of other countries within the nexus, thus helping understand how power is distributed among the different actors. This means that the state-crime nexus can be studied both by considering its embeddedness within the territory it develops in, as well as by addressing its global character, allowing researchers to explore 'both the nature of its embedding within the spaces through which it passes and the effects and reciprocities between this mobility and these spaces' (Hall 2018: 150). This can help in understanding the deeply rooted historical factors underpinning

different nations' relations and comprehend how they affect, and are affected by, the state-crime nexus, reflecting the need to exceed state borders as the site of analysis of a country's state-crime nexus in today's interconnected world. More generally, this highlights the need for an international (global) coordination and regulation that goes beyond national borders, but still considers local dynamics in the analysis.

Although case study results are hardly generalizable, this article's findings do provide a lens through which it is possible to take into account the role of other states as participants in a country's state-crime nexus, and thus considering the way in which US-Western and colonial relations can be understood as ongoing weights within the state-crime nexus, especially in today's interdependent world, as power can be exercised from sites that vary in their geographical reach. Understanding the state-crime nexus as a transnationally networked set of relations may also suggest opportunities to adjust drug policies at an international scale, treating the issue as a shared problem from the countries in question.

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