

ORGANISED CRIME AND CORRUPTION

Fighting the problem within the NEPAD framework

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Organised crime and corruption pose a massive security challenge in Africa. They indirectly compromise the welfare and integrity of society through unlawful practices that create victims, while at the same time generating benefits only for criminals. They undermine the rule of law and engender lawlessness, thus creating an environment in which governments seem incapable of providing security for their people. Government officials have themselves been found to be complicit in acts of crime and corruption. Failure to curb this problem only serves to chain the continent to deprivation, weak economic performance, bad governance, social disintegration, poverty, apathy and strife. This poses a threat to the achievement of the developmental objectives envisioned in the New Partnership for Africa's Development (NEPAD) Programme – the blueprint document that sketches the path towards Africa's economic growth and development.

It is argued in this commentary that NEPAD, which is sanctioned by the African Union (AU), should create a forum to drive a targeted, holistic, programmatic approach towards containing organised crime and corruption in Africa. This approach should aim at developing national capacities to tackle organised crime and corruption effectively. By doing so, countries will be able to foster a stronger regional and wider global response to the challenge. Without this approach, Africa

will continue to lag behind and remain the weak link in global efforts to control organised crime and corruption, as is the case with other social ills that afflict the continent.

Africa is affected by various kinds of organised crime, including banditry, the diversion of humanitarian aid and crucial food resources, racketeering, the theft and smuggling of mineral resources, motor vehicle theft and smuggling, trafficking in illegal drugs and small arms, poaching and cattle rustling. Human trafficking is also starting to emerge as an area of concern. These crimes affect all African countries. However, differences in the degree to which countries are affected do, in turn, have a bearing on the level of national prioritisation and coordination between countries in efforts to control these criminal activities. Countries often do not have the same priorities, let alone similar capacities to fight organised crime and corruption. This not only has a direct impact on national capacity to fight organised crime and corruption, but also negatively affects international cooperation. The latter takes place more often and effectively at bilateral level and to a lesser extent at regional level. In order to launch an effective struggle against crime and corruption, capacity will need to be enhanced initially at national level.

Numerous political initiatives against organised crime and corruption exist in Africa, mainly in the form of declarations, protocols

and conventions, as listed below:

- the 1996 Political Declaration and Drug Control Action Plan on the Control of Drug Abuse and Illicit Drug Trafficking in Africa, which was reviewed in 2002 at the 38th Ordinary Session of the OAU, at which a revised action plan for 2002–2006 was adopted;
- the Declaration on the Prevention and Control of Organised Transnational Crime and Corruption, adopted on 21 July 1997 in Dakar, Senegal;
- the OAU's 2000 Bamako Declaration on the Common African Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons;
- the Economic Community of West African States (ECOWAS) Political Declaration against Trafficking in Human Beings, and Sub-Regional Plan of Action, Regional Level, adopted on 20–21 December 2001, at the 25th Summit held in Dakar, Senegal;
- the ECOWAS Declaration on the Fight against the Illegal Traffic in Persons and Action Plan for 2002/03;
- the East Africa and the Great Lakes Regions Declaration on the Proliferation of Illicit Small Arms and Light Weapons, signed in Nairobi, Kenya, on 20 and 21 April 2004;
- the 1996 Southern African Development Community (SADC) Regional Protocol on Illicit Drug Trafficking;
- the 2000 SADC Protocol on Corruption;
- the 2002 SADC Protocol on Extradition;
- the 2002 SADC Protocol on Mutual Legal Assistance in Criminal Matters;
- the 1999 OAU Convention on the Prevention and Combating of Terrorism (also known as the Algiers Convention);¹
- the 2003 African Union (AU) Convention on Preventing and Combating Corruption.

These are significant political tools that seek to establish the appropriate environment for fighting organised crime, corruption and related criminal activities effectively. However, implementation has proven a great challenge owing to a lack of capacity, among other things. The minimal practical steps taken against it, despite the relevant political

action, indicate that organised crime is still a largely neglected phenomenon. Even the paucity of publications on organised crime in Africa points to this. As the UN Drug Control Programme (UNDCP) argues, "all in all, however, growing drug trafficking, related [organised] crime and its [destabilising] impact on the young [democratisation], stability and development process in Africa are still neglected phenomena".²

It has been demonstrated that it is much simpler to display political will to fight organised crime and corruption than it is to supplement this with real action. Lack of action is testimony that fighting organised crime and corruption has been approached in a piecemeal manner.

Organised crime is a relatively new concept to most policymakers, legal experts and other key players in Africa, having only emerged as a human security threat here in the latter part of the 1990s. This is in contrast with other regions where the subject has been under discussion since the 1920s.³ African countries will thus have to undergo various stages in the process of developing effective tools against organised crime, corruption and other related criminal activities.

In order to develop these tools African countries have to look beyond their borders for technical assistance from their international counterparts. However, on many occasions such assistance has not been forthcoming, and can even be contrary to the interests of other countries. For instance, with reference to the challenge of curbing the flow of small arms and other light weapons, poor cooperation is often received from countries that supply arms to conflict-ridden countries in Africa.

In many countries law enforcement issues often take a back seat to issues such as enforcing peace and returning governments to a state of constitutional rule and democratic governance. However, as shown in recent publications, fighting organised crime is crucial to efforts that seek to enforce peace, security and stability in countries affected by armed conflict.⁴ To deal effectively with the law enforcement challenge in these countries, appropriate training in investigative procedures, border control and specialised actions, and upgrading of equipment

and resources are critical. This applies not only to stopping the flow of illegal firearms, but to organised crime and corruption in general.

Technical assistance is required for a number of reasons. First, African countries have inadequate technical expertise in various spheres (including research and development). Second, they have to contend with financial resource deficiencies, poor information and communications technology (ICT) infrastructure and generally weak economic bases that cannot sufficiently support these aspects. Therefore, to address many of the challenges that confront the continent, much needs to be done in the area of building up economies and sustaining stable environments.

Other factors that impede the development of effective responses to organised crime and corruption include: ⁵

- political instability and conflict;
- the inability to make sufficient budgetary allocations in the context of competing national needs;
- the inadequacy of training provided to law enforcement agencies across the continent and the inability to rationalise training methods in order to achieve harmony between countries;
- the absence of effective follow-up, monitoring and mobilisation mechanisms; and
- inadequate institutional capacity at regional and continental level. At continental level, the NEPAD Secretariat and the African Union Commission are the two bodies that are charged with the responsibility of addressing these issues.

Provision has been made under the NEPAD plan to develop the capacity to establish and enforce legal frameworks and to maintain law and order. This is stated clearly in the NEPAD document. Currently it is assumed that the matter will fall under the mandate of the African Peer Review Mechanism (APRM). The APRM is a process through which African countries evaluate one another's performance on a number of governance issues, followed by a process of peer learning whereby governments

advise one another on how to make the necessary improvements. The APRM should be seen as the basis for forming an Africa-wide forum to look specifically into organised crime and corruption issues.

Organised crime and corruption in Africa have not received the attention they deserve. The result has been the steady, yet unabated growth in these activities to varying degrees across the continent. This trend has been recognised by all the member states of the AU. However, owing to inexperience and lack of reliable information, resources and skills, countries fail to meet the challenge satisfactorily.

Much of the response has been in the form of political declarations and multilateral legal instruments such as protocols and conventions. Unfortunately, the momentum gathered through bringing about these significant political and legal tools has not been met with an equal ability to implement them. The prevailing socio-economic conditions have contributed much to this state of affairs. Many parts of Africa have been torn apart by war and conflict, while in much of the landscape the eradication of poverty has been the major issue. This has affected prioritisation by national authorities, thus relegating the fight against corruption, and more so against organised crime, to the sidelines. Sufficient budgetary allocations for the law enforcement component cannot be made. This means that crucial aspects of law enforcement, such as training, skills development, management, logistics, research and the availing of auxiliary tools for the fight against organised crime and corruption, cannot be adequately addressed.

To respond to Africa's developmental and security challenges in a much more effective manner, member states of the AU endorsed NEPAD in 2001. This event was followed by the establishment of the NEPAD Secretariat tasked with running the day-to-day affairs concerning this development plan. In addition, a peer review mechanism was established to provide a forum for countries to assess their own challenges relating to all aspects of governance and thereafter engage in a peer learning process to foster the development of action plans to deal with the challenges.

This process has begun in earnest. However, insufficient attention has been paid to law enforcement issues. Therefore, the situation begs for the establishment of a specific entity to address law enforcement issues. This entity would collate the information gathered from the peer review process and then deal with the challenges facing African countries in a systematic manner and integrate efforts to correspond to global developments. The

enhancing of national capacities should form the basis of developing a stronger regional and wider international response. Addressing organised crime and corruption issues under the NEPAD framework will ensure that African countries take up these challenges in a manner consistent with the objectives of the initiative, which should lead towards sustainable peace, security, stability and development.

Notes

1. C H Powell, and I A Goodman, Reconciling the fight against terrorism and organized crime with Banjul, in Jakkie Cilliers and Kathryn Sturman (eds) *Africa and terrorism, joining the global campaign*, Institute for Security Studies, Monograph no 74, July 2002.
2. "African governments respond to increasing illicit drug trafficking and abuse", United Nations information Service, April 15, 2002, <http://www.unodc.org/unodc/press_release_2002-04-15_1.html>
3. Andre Standing, *Rival views of organised crime*, Monograph no 77, Institute for Security Studies, Pretoria, 2003, p 25.
4. ZIF (Zentrum für Internationale Friedenseinsätze), *Organized Crime as an Obstacle to Successful Peacebuilding - Lessons Learned from the Balkans, Afghanistan and West Africa. A Report from the 7th International Berlin Workshop*, 11 -13 December, 2003.
5. See the review document of the Yaounde Declaration on Illicit drug Trafficking and Drug Abuse in Africa 2002 -2006.

