



Institute for Security Studies

# PAPER

## The evolution of organised crime in Africa

Towards a new response

### SUMMARY OF KEY FINDINGS

This paper attempts to better understand the drivers behind the growth of organised crime in Africa by examining its evolution over time. It finds that organised crime is inextricably linked to the development and changing nature of the African state itself and has been facilitated by the increasing connections between Africa and the global economy.

Three phases of organised crime were identified, which occurred around tangible shifts in the prevailing social, political and economic environment. The **first phase** is a foundation period, which began in the 1970s with decolonisation. While organised criminal activity was initially largely concentrated in two subregions – South Africa's Western Cape and south-eastern Nigeria – across the continent a combination of wider political and economic trends established the conditions for the growth and spread of criminal networks. Structural adjustment and contracting economies created both political and business elites that would later seek out, or were vulnerable to, criminal networks in the same period that large scale cocaine trafficking was being introduced to the continent.

The **second phase** began with the end of the Cold War in the early 1990s, when brutal, protracted conflicts in West and Central Africa created armed groups that sought alliances with foreign criminal networks to fund conflict. The continent also achieved closer economic integration, partly through the development of stronger cross-border linkages. Greater openness in the post-apartheid period ironically made Southern Africa more vulnerable to cross-border criminal activity, creating a parasitic relationship between weak states and urban hubs that attracted international criminal actors, facilitated the rapid

growth of natural resource crimes and increasingly linked crime to conflict. The weakening of some states created a series of criminal networks and connections within fragile or corrupted state institutions, which served as a foundation for the rapid growth of organised crime in the next phase. Organised criminal groups linked to narcotics trafficking also found havens in fragile states in West Africa, using illicit funds to buy unprecedented collusion at the highest levels.

The **third phase**, which began around the start of the new millennium, saw the dramatic and devastating impact of illicit trafficking. The resourcing of increasingly powerful criminal networks with strong state connections that proactively drive organised criminal activities has exploited developments in communications technology and has benefited from the closer integration of Africa into the licit and illicit global economy. Armed groups become driven more by profit than ideology, and there is evidence of African criminal groups' greater involvement in both drug trafficking and new forms of crimes. Most critical here is the situation in West Africa, where the introduction of cocaine trafficking, which brings unprecedented volumes of illicit funds, is distorting political processes and has introduced a new round of political instability and fragility across the subregion and into the Sahel.

The story of organised crime's evolution in Africa demonstrates in part that it is precisely as states transition towards a more sustainable state-building path that they are most vulnerable to infiltration by organised criminal groups. Weak capacity for governance in state institutions and their inability to provide stable regulatory frameworks and deliver services to marginalised populations mean that Africa's economic growth in the last decade has often

occurred despite the state. State-building and economic stabilisation have been the main concerns, with insufficient or no attention paid to the nascent role of criminal actors and their impact on governance, the rule of law and development. This has meant that the increasing stability and economic growth and stronger infrastructure in many states in sub-Saharan Africa, including in the emerging democracies, have also facilitated the growth of transnational organised crime networks.

In a comparatively short period Africa has developed a significant and worsening organised crime problem. But despite the growth of illicit activity on the continent, the past decade has seen surprisingly little literature on organised or serious crime and illicit trafficking in the African context, and none that has looked at the issue holistically across the continent. A number of interlinked reasons could explain this:

- **Definition:** There has been a generally held view that the phenomenon of ‘organised crime’ did not apply to the continent, except for two countries – Nigeria and South Africa (where state action itself had a decisive role in shaping the nature of criminal networks/groups). While obviously engaged in criminal activities, groups were labelled as ‘warlords’, ‘syndicates’ or ‘violent entrepreneurs’ rather than as perpetrators of organised crime.
- **Perspective:** Research and analysis have taken an almost exclusively national perspective and typically within a law enforcement or crime paradigm. This has underplayed the wider impacts of criminal activity on security, governance and development, and also failed to account for the fact that organised crime is a transnational phenomenon and thus has implications beyond the borders of individual states.
- **Priorities:** Organised crime was allowed to flourish in a period when the need to stabilise conflicts, rebuild fragile states and demobilise armed groups took precedence over addressing the presence of criminal actors.
- **Pace:** The growth in criminal activity on the continent has been so rapid that policymakers and analysts have been slow to recognise its impact, and even slower to include it in the ongoing discourses on stability, security and development.

A final reason for the lack of evidence-based research on organised crime is the challenge of assessing its scale. There is no globally agreed metric to measure the scale or impact of organised crime. Where seizure data was once an indicator of the amount of illicit trade that was flowing through a region, the extensive corruption that now facilitates and protects the criminal economies in many

regions – most notably West Africa – has made this measure considerably less effective.

This study draws on Global Financial Integrity’s seminal 2011 report, which uses accepted economic trade models from the World Bank and the International Monetary Fund (IMF) to estimate illicit financial flows, and has used this as a proxy measure for the scale of organised criminal activity. This is not a perfect indicator because it does not capture revenues accrued from organised criminal activity and is therefore likely to under-represent the scale of illicit flows in Africa.<sup>1</sup>

Figure 2 (page 9) provides a timeline from 1970 to the present day, charting the main events that had a role in the evolution of organised crime in Africa. The metric of illicit financial flows is used as a proxy to demonstrate the spurts of growth that broadly coincide with the three phases identified. What the diagram demonstrates is the exponential growth of organised criminal activity in the third phase. Earlier phases laid the groundwork for the rapid growth of criminal activity at the turn of the millennium. From this retrospective, a number of current trends become apparent:

- A preoccupation with fragile states has turned into the more pressing challenges of state capture and the compromising of key institutions across the continent.
- Institutionalised corruption with close links to illegal trafficking has become widespread, particularly in West Africa, but also across the subcontinent, consolidating influence at the highest levels. Criminal networks are closely associated with the state and private enterprise, and there is a blurring between licit and illicit activities.
- There is an interaction between very weak or failing states as the hosts or points of transit for criminal activity – such as Guinea-Bissau – and the role of neighbouring stronger states as places of investment for criminal profits. This arrangement began early, occurs across the continent, and has severe consequences for both the urban hub city and the peripheral source country. An increasing number of urban hubs are implicated: Johannesburg, Nairobi and Lagos form the core triangle, but other cities like Cape Town, Dakar, Kinshasa and Addis Ababa also play distinctive roles.
- There are increasing levels of proactivity among African criminal groups engaging in transnational organised crime, new and emerging forms of crime.

Given the current environment, there has not been enough policy debate about sustainable attempts to combat organised crime as part of a broader socioeconomic strategy, and often the knee-jerk response from international partners is to focus on law enforcement training to the exclusion of other activities and often in a

context where political will is lacking.<sup>2</sup> While there have been reasonable levels of international attention and activity in response to these threats for some years, approaches have been included in an ad hoc manner under the rubric of existing peace-building or development architecture, and remain uncoordinated and underfunded. Furthermore, initiatives have been largely imposed by the international community, with little ownership by the nation states they are intended to support, thus leaving them largely at a strategic or policy level with minimal tangible impact.

The only instrument addressing organised crime across the whole continent is the African Union (AU) Plan of Action on Drug Control, 2013–17, the fourth revision of a strategy of its kind. While earlier iterations of the plan had a broader focus on drug control and crime prevention as a whole, the plan now exclusively looks at drug trafficking and its concomitant health impacts. Its drawbacks, much like those of its predecessors, are that it does not prioritise or present a credible and phased implementation plan. It also does not appear to have identified the necessary funding to support priority activities or garner sufficient international support, which makes it likely that this plan, as others before it, will have little tangible impact on the problem. In 2008 the AU signed a protocol that would create an African Court of Justice and Human Rights (ACJHR), which may facilitate criminal jurisdiction for transnational organised crimes, but only three out of a minimum of 15 required states have ratified this protocol, so it looks unlikely that it will come into force in the next decade.

At a subregional level West Africa has seen some interventions, of which the primary instrument in play is the Economic Community of West African States' (ECOWAS) Regional Action Plan to Address the Growing Problem of Illicit Drug Trafficking, Organised Crime and Drug Abuse in West Africa, which is the operational strategy underpinning the Praia Plan of Action approved in 2008. There has been some progress on aspects of the plan – e.g. the establishment of the West African Coast Initiative (WACI), which is a cooperation of specialised law enforcement units in six countries on the West African coast – but these efforts, while important, are often implemented in isolation from others, leading to fragmentation and overall lack of efficacy. In short, in West Africa there is considerable activity, but not under a coherent framework, with no clear prioritisation, minimal national ownership, and little independent ability to measure progress across the whole region, including proactively identifying problems with implementation or responding to emerging issues and shifting trends.

Progress in other regions is even more fragmented, and the capacity of regional and subregional organisations to provide leadership on the implementation of activities is

weak. According to the AU plan, the development of subregional strategies is under way in the Southern African Development Community (SADC), the Intergovernmental Authority for Development (IGAD) and the East African Community (EAC), but there is little evidence of this. There are cooperative alliances in some practical law enforcement frameworks that contribute to a response to organised crime, but these are not strategically targeted at organised crime specifically and are not coordinated among them. Moreover, all of the regional bodies need sustained financial and technical assistance and strong political support to carry out their mandates effectively, and tackling the issue from predominantly a law enforcement angle is no longer sufficient to address the problem.

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## Addressing organised crime will involve preventing and reversing the criminalisation of governments and providing sustainable economic alternatives for citizens

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### *Policy implications*

As organised crime continues to grow, it is clear that responses have been inadequate and that there is an obvious need to move beyond a security focus, given the dynamics on the continent; the linkages of organised crime to terrorism, conflict and violence; and the broad disparity in the capacity of countries to implement measures to combat the problem.

The traditional way of responding to organised crime has been to view it as a criminal justice or security issue that requires strengthened cross-border and domestic law enforcement, border control, and intelligence capacity. However, given the almost continent-wide interdependence of organised crime and corruption at the highest levels, and the degree of social entrenchment and identity these phenomena have in communities, addressing organised crime in the future will also involve preventing and reversing the criminalisation of governments and providing sustainable economic alternatives for citizens.

To achieve this will require new and innovative responses that go far beyond the crime-fighting approach, but which activate regional, continental and subregional strategies across a broad range of sectors and include a diverse group of stakeholders. The flurry of activity to understand and combat organised crime in Africa has for too long been driven by an official, development or

academic discourse with insufficient linkage to the reality of what is occurring on the ground. There is a global imperative to broaden the understanding of the genesis and unique characteristics of African organised crime and to develop proactive, accountable, coordinated and well-resourced responses that fully engage regional states. Lessons learned from the study of organised crime's evolution over the past four decades indicate that the following components will be required:

### *Political will*

- Absolute and clear political will is required, particularly across Africa, but also further afield in the countries and regions where the illicit goods are consumed. This will have to be underpinned by sufficient resources to counter the scale of the flows involved.
- Advocacy strategies by civil society, the private sector and independent media can be used to create a groundswell against organised crime and corruption within the state, while a coordinated and consolidated approach by surrounding states may be able to leverage pressure on or create a bulwark around a fragile or compromised state.

### *A flows-driven approach*

- Organised crime in Africa has turned into networks and alliances that coalesce around specific illicit supply chains. For each illicit item, the actors involved in sourcing, transporting, protecting and vending that item will be different. Therefore, in order to be effective, supply chains need to be closed down for the entire criminal flow.
- International cooperation must be sought to control financial flows and seize assets related to organised crime. Controlling financial flows is a vital tool for closing down illicit operations and leadership must be shown in this area if there is to be any impact.

### *Preventing impunity*

- Some innovation is required to create a means to prosecute traffickers and their supporters outside of the current legal frameworks in the continent's weak states. The international community can play a catalytic role in supporting capacity building in stronger states to investigate, try and convict offenders, and thus prevent impunity.

### *Strengthening community responses*

- Identifying and rebuilding the lack of trust between state institutions and citizens, reducing income inequality, and promoting sustainable livelihoods are

important strategies for longer-term sustainable, crime-free development.

### *Developing a proactive analytical capacity*

- A dedicated capacity should be built up for the analysis of transnational organised crime flows, trends, drivers and impacts in the region, which can then be fed into the broader discourse on governance, the rule of law and development across the continent, as well as internationally.
- A metric should be established to support the quantitative measurement of organised crime and its impact. This may be a useful tool in drawing attention to key states, catalysing political will, and measuring over time whether strategies to counter organised crime are having the desired effect.

## **INTRODUCTION**

Whether it is images of unseaworthy boats loaded with migrants who have paid criminal gangs to smuggle them to Europe, dramatic headlines proclaiming the presence of 'narco-states' and cocaine trafficking through West Africa, or the extensive coverage of piracy off the coast of Somalia, in the new millennium it is organised crime that defines much of the coverage of African issues, replacing the genocides, civil wars, famines and HIV from previous decades.

Ironically, this is occurring at a time when the future looks bright for Africa. Civil and intrastate wars on the continent are receding: the last decade has seen a marked decline in active conflict in the region, with major long-standing intra-state conflicts being successfully resolved. Democracy has spread to key states in all corners of the continent and African economies are growing. While much of Europe and North America have plunged into debt crises and depression, by contrast, during the period from 2000 to 2008, sub-Saharan Africa as a whole registered its highest gross domestic product (GDP) growth rates in over 30 years,<sup>3</sup> underpinned by high commodity prices, improved macroeconomic policies and structural reforms in a number of countries.

But weak capacity for governance in state institutions and the inability to provide stable regulatory frameworks and service delivery to marginalised populations have meant that the economic growth that Africa has enjoyed in the last decade has often happened despite the state. This has meant that the increasing stability, rising economic growth and stronger infrastructure in many states in sub-Saharan Africa, including in the emerging democracies, have also facilitated the growth of transnational organised crime networks. In a comparatively short period, Africa has developed a

significant organised crime problem that is only getting worse.

The story of organised crime's evolution in Africa demonstrates in part that it is precisely as states transition towards a more sustainable state-building path that they are at their most vulnerable to infiltration by organised criminal groups. A focus on state-building and economic stabilisation is at the forefront of concerns, but insufficient or no attention is paid to the nascent role of criminal actors and the impact of their actions on broader governance, the rule of law and development. There has not been enough policy debate on sustainable solutions that are directed at combating organised crime as part of a broader socioeconomic strategy, and often the knee-jerk response of international partners is to focus on law enforcement training to the exclusion of other activities and often in a context where political will is lacking.<sup>4</sup>

In examining the history of organised crime across the continent, it is possible to identify three broad interlinked phases that characterise the evolution of organised crime in Africa:

- The first is a foundational period, beginning in the 1970s after the decolonisation of Africa. Organised crime stemmed from two specific subregions: South Africa's Western Cape and south-eastern Nigeria. But more importantly, in this period a number of wider economic and political developments prepared the ground for the growth of organised crime in the following period.
- The second phase began with the end of the Cold War in the early 1990s (which was characterised as the 'greed and grievance' decade), as brutal, protracted conflicts in West and Central Africa created armed groups that sought alliances with foreign criminal networks to fund conflict. Greater openness in the post-apartheid period ironically created greater vulnerabilities to cross-border criminal activity in Southern Africa, creating the parasitic relationship between weak states and urban hubs that facilitates the global trafficking and smuggling trade. It was in this period that organised criminal groups linked to narcotics trafficking found a haven in fragile states in West Africa, using illicit funds to buy unprecedented collusion at the highest levels in these states.
- The third phase, which flourished alongside globalisation at the start of the new millennium through to the present, is characterised by the consolidation of the power and influence of illicit trafficking by foreign criminal networks into and across Africa, exacerbating new zones of fragility and increasing levels of state penetration by these networks. Armed groups become driven more by profit than ideology and there is evidence of greater ownership and initiative of African

criminal groups in both drug trafficking and new and emerging crimes.

It is often lamented that organised crime moves much more quickly than policymakers can respond. The three periods outlined in more detail below suggest that this is also the case in Africa. What is needed to prevent a continuous rearguard action on the part of states is not only a strategic assessment of future trends, but also a more innovative approach.

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## As states transition towards a more sustainable state-building path, they are at their most vulnerable to infiltration by organised criminal groups

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It is clear from this study's evaluation of the responses to organised crime in Africa thus far that law enforcement alone has not been sufficient to meet the challenge. A multidimensional and multisectoral response will be required that draws on a much broader range of stakeholders. The increasing embeddedness of criminal actors and their influence in some states on the continent makes their presence more challenging, if not nearly impossible, to resist or remove. This has critical implications for policymakers and practitioners who are seeking to challenge organised crime's stranglehold on sub-Saharan Africa: action, innovation and leadership are urgently needed.

### WHY LOOK AT ORGANISED CRIME IN AFRICA?

In 2009 the World Bank's *World development report* estimated the value of revenue accruing to organised crime to be in the region of \$1,3 trillion.<sup>5</sup> A conservative estimate of the proportion of this criminal activity that has links to Africa (either as a transit zone, source or destination) calculated by the present authors using the United Nations Office on Drugs and Crime's (UNODC) global figures suggests that by 2010 Africa was linked in some way to 7–10 per cent of illicit trade.<sup>6</sup> Thus, while African trade accounts for only 3 per cent of global trade in goods and services and only 2,4 per cent of global GDP in the licit economy, if we look at the scale of illicit flows it becomes clear that while Africa has benefited disproportionately from legitimate growth, the same is also true of illicit economic activity.

The impact that organised crime has had on the political stability and socioeconomic development of the continent

has been profound. In the last decade there has been a marked increase in cross-border criminal activity in all the subregions of Africa. A series of examples illustrate the point:

- West Africa has emerged as a major transit and repackaging hub for cocaine flowing from Latin American cocaine-producing areas to European markets. About 13 per cent of cocaine trafficked to Europe is transited via Guinea-Bissau,<sup>7</sup> which amounts to at least 25 tons per year with a minimum market value of \$4,29 billion.<sup>8</sup>
- Three West African countries – Nigeria, Ghana and Cameroon – are ranked among the top countries in the world where cybercrime is most prevalent, contributing to a global flow of some \$600 million per year.<sup>9</sup>
- While now in decline, Somali piracy transformed from a home-grown criminal activity into an increasingly organised, aggressive and lucrative activity that had an estimated cost to the global economy of \$6,6–6,9 billion in 2011.<sup>10</sup>
- A recent report by the United States (US) State Department on money laundering claims that Kenya's financial system may be laundering more than \$100 million each year.<sup>11</sup>
- Illicit trafficking in gold and natural resources out of Central Africa, particularly the Democratic Republic of Congo (DRC), is facilitating sustained insecurity caused by armed groups and is contributing to illicit flows estimated at over \$1,2 billion per year.
- The Sahel countries of Mali, Mauritania and Niger are showing increasing volatility and insecurity caused by increased drug trafficking from the south and instability to the north, most notably in Libya, resulting in a dangerous intersection of drugs, crime, terrorism and insurgency.

Organised crime and illicit proceeds from its activities now permeate many of the ongoing debates – political, economic and social – that lie at the heart of building a prosperous continent that provides benefits to all its inhabitants. The issue is increasingly becoming a key crosscutting phenomenon that must be dealt with in debates around peace, development, governance, security, resource allocation and community cohesion.

### *Challenges to understanding organised crime in Africa*

Despite the growth of illicit activity on the continent, the past decade has seen surprisingly little literature on organised or serious crime and illicit trafficking in the African context, and none that has looked at the issue holistically across the continent. A number of interlinked reasons could explain this oversight:

- **Definition:** There has been a generally held view that organised crime was not a phenomenon that had relevance for the continent, with the exception of two countries – Nigeria and South Africa – where state action itself played a decisive role in shaping the nature of criminal networks/groups. While obviously engaged in criminal activities, criminal groups were labelled instead as 'warlords', 'syndicates' or 'violent entrepreneurs'.
- **Perspective:** Where research and analysis have been undertaken, this has been from an almost exclusively national perspective and typically within a law enforcement or crime paradigm. This has underplayed the wider impacts of criminal activity on security, governance and development, but has also failed to account for the fact that organised crime is a transnational phenomenon and thus has implications beyond the borders of individual states.
- **Priorities:** In the period in which the growth of organised crime really flourished, the need to stabilise conflicts, rebuild fragile states and demobilise armed groups took precedence over addressing the presence of criminal actors.
- **Pace:** The growth of criminal activity on the continent has been so rapid that policymakers and analysts have been slow to recognise its impact and even slower to bring it into the ongoing discourses on stability, security and development.

A final reason for the lack of evidence-based research and analysis on organised crime is the challenge of assessing its scale: there is no globally agreed metric to measure either the scale of organised crime or its impact. While seizure data was once an indicator of the degree of illicit trade that was flowing through a region, the extensive corruption that now facilitates and protects the criminal economies in many regions – most notably West Africa – has made this measure redundant.

As noted above, it is estimated that a minimum of 13 per cent of cocaine trafficked to Europe is transited via Guinea-Bissau, with a minimum market value of \$4,29 billion at destination.<sup>12</sup> However, since 2007, there has not been a single drug seizure in Guinea-Bissau, a fact that the UNODC *World drug report 2012* took as evidence of the decline of West Africa as a cocaine route. However, recent interviews by the authors in the capital, Bissau, in mid-September 2012 and then subsequently in February 2013, suggest that since the April coup there has been a significant increase in trafficking, with approximately 35 tons of cocaine having moved through the country between January and September 2012.<sup>13</sup> Even higher estimates were made by UN drug-control officials, who were recently quoted as saying that some 900 kg of

cocaine were reaching Guinea-Bissau every night.<sup>14</sup> Where a reliance on seizure data as evidence would indicate a decline, analysis of the broader national perspective might indicate that the lack of seizures should be attributed to the institutional support that is protecting the drug trade.

Illicit financial flows relating to organised crime can be used as another metric, but this measure is equally ineffective. Financial flow metrics use the disparities between recorded licit outflows of trade and estimated actual trade flows. One example, the IMF Trade Mis-invoicing Model, which is derived from IMF trade statistics, can be a useful indicator of the scale of criminal activity, but it does not capture revenues accrued from organised criminal activity. Furthermore, the netting of illicit inflows from outflows is less effective in countries with a history of governance issues, political instability and lack of prudent economic policies, so it is likely to under-represent the scale of illicit flows in Africa.<sup>15</sup> This is true of most of Africa's statistics over the period of this study.<sup>16</sup>

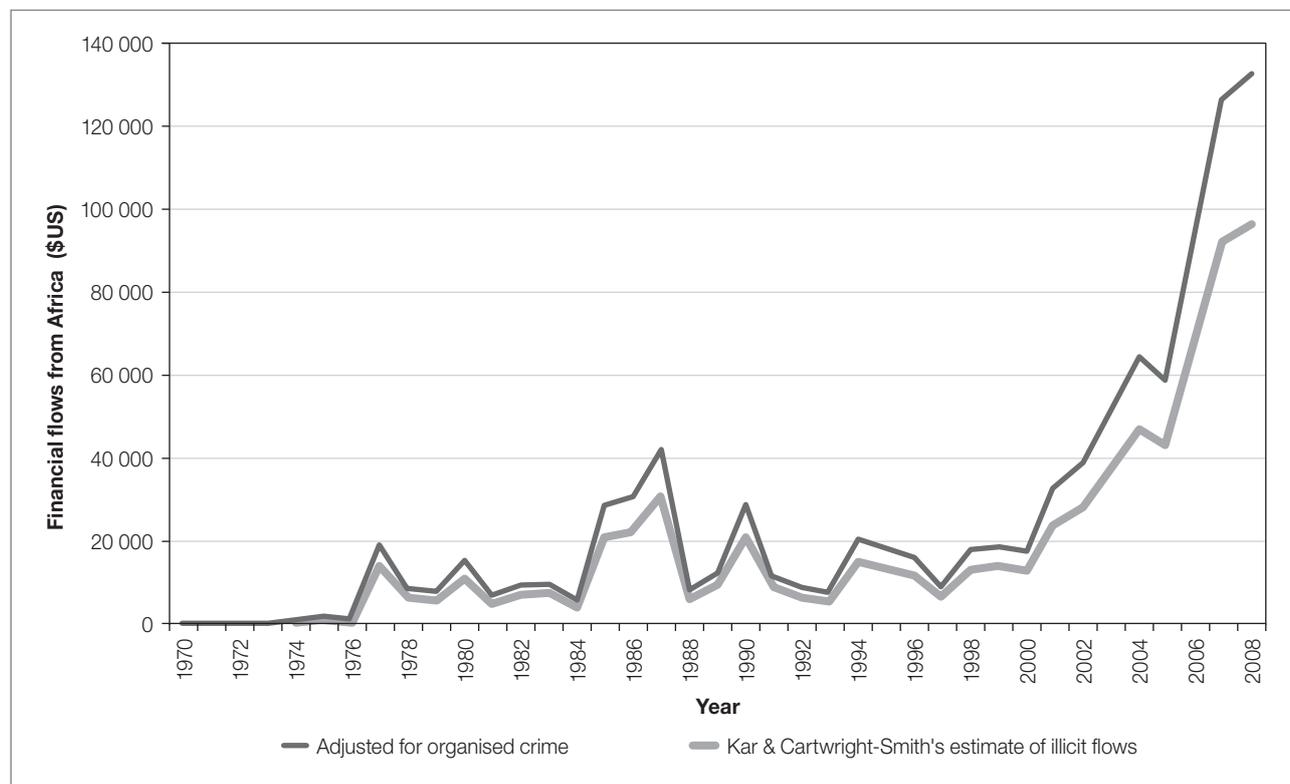
For the purposes of this study, we have drawn from the seminal report of Global Financial Integrity in 2011, which uses accepted economic trade models from the World Bank and IMF to estimate illicit financial flows.<sup>17</sup> The best estimate and most widely quoted figure for the extent of laundered money has been the IMF 'consensus range' of 2–5 per cent per year of global GDP, which at present levels would be an approximate \$2,1 trillion.<sup>18</sup> Of this, the total illicit financial outflows from Africa (including North Africa) are estimated at

\$854 billion in the last 30 years.<sup>19</sup> Africa lost around \$29 billion per year over the period 1970–2008, \$22 billion of which was accounted for by the sub-Saharan region, with the West and Central African region posting the largest outflow figures. To put this into perspective, illicit financial outflows from sub-Saharan Africa outpaced official development assistance going into the region at a ratio of at least two to one.<sup>20</sup> Thus, while African countries have had to shoulder a heavy debt burden, a number of studies have shown that sustained illicit outflows have turned the continent into a net creditor to the rest of the world.<sup>21</sup>

Figure 1 gives Global Financial Integrity's estimate of illicit flows, based on the work of Kar and Cartwright-Smith, together with the authors' adjustment of this estimate for the effects of organised crime.

Global Financial Integrity's estimate is far from an ideal measure of the scale of organised crime because it is a conservative estimate that does not account for illicit flows generated due to smuggling, trade in narcotics and contraband, violations of intellectual property rights, human trafficking, the sex trade, and other illegal activities. Kar and Cartwright-Smith estimate that if the cross-border flow of illicit money is included, then the total jumps significantly, from \$854 billion to about \$1,8 trillion over the four decades,<sup>22</sup> with proceeds generated through drug trafficking, racketeering and counterfeiting adding about 30–35 per cent to the total, and the proceeds of bribery, theft and corruption by government officials a further 3 per

**Figure 1** Real illicit financial flows from Africa: 1970–2008 (\$US millions, 2004 deflated)



Source GFI, Illicit financial flows from Africa, based on Kar and Cartwright-Smith's calculations, with modifications by the authors.

cent.<sup>23</sup> In order to highlight this disparity and to give a measure of the true scale of illicit flows, the measurement of illicit flows has been adjusted to include estimates of organised crime, and this adjusted figure (the dark grey line in Figure 1) is used as a proxy for an overall trend – which may be all but impossible to determine accurately – rather than an exact marker of developments.

Even the adjusted line, however, is likely to underestimate the scale of illicit flows. For example, flows from the Horn of Africa are likely to be understated particularly in the earlier decades due to incomplete balance of payments and bilateral trade data from Eritrea, Somalia and Sudan, which have been historically unstable and prone to conflict. By the same token, civil strife for some periods in the DRC, Rwanda, and Uganda are reflected in incomplete and poor-quality data that likely understates the volume of illicit flows from the Great Lakes region.<sup>24</sup> Had these been accounted for, it is likely that the growth curve would have been much smoother with the line between 1988 and 2002 being at a higher level, and with the dramatic upswing that is witnessed from 2000 potentially commencing earlier.

While these measures have some utility, a focus only on economic indicators fails to capture the broader question of measuring the impact of organised crime, which may be more than monetary. Other impacts of organised crime are higher levels of urban violence, increased corruption, reduced economic opportunity, and greater risks to health and social wellbeing – all of which disproportionately impact the most vulnerable in society. For example, a recent study by the Global Agenda Council on Organized Crime, an expert working group of the World Economic Forum, detailed 14 ways in which the laundering of criminal money into real estate encourages further criminal behaviour and fosters insecurity.<sup>25</sup>

Apart from the obvious fact that such money laundering may yield profits that allow criminals to sustain their activities and simultaneously provide stability and security for their investments, other socio-economic factors are at work. For example, criminals publicise their success by buying valuable real estate, which proves a tool for recruitment of prospective members into organised crime, especially impressionable youth. Some groups use illicit proceeds to fund community-based social welfare projects and schemes that buy them status and loyalty within the community, highlights deficiencies in state service delivery, and thus further exacerbates the challenges to the state-building and democratic governance process.<sup>26</sup>

There have been efforts to create a more nuanced index to measure organised crime. Van Dijk created the Composite Organised Crime Index (COCI),<sup>27</sup> combining a blend of statistics, indices and tools that include national crime statistics, victims surveys and a series of perceptions

surveys undertaken by the World Bank, the World Economic Forum and others. The challenge with a composite index of this kind is that this data is not comprehensively collected for Africa, and thus will tend to underestimate the scale of flows and impact. What is clear, however, even from this limited analysis alone, is that organised crime should be neither viewed nor monitored on a purely economic basis, or, for that matter, through any single lens. If we are to move towards more proactive approaches, then the very multi-dimensional nature of transnational organised crime requires a dedicated tool that will allow an effective assessment of organised crime drivers, metrics, and social, economic, security and political vulnerabilities, and their changes over time.

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## Organised crime operations are difficult to disentangle from the activities of warlords, insurgents and even some military or community organisations

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### *Is organised crime African?*

One of the challenges of writing about organised crime almost anywhere is to define just what it is. Reams of paper have been expended on the topic – one analyst currently has the count at 160 different definitions of organised crime and is still counting.<sup>28</sup> The negotiators of the UN Convention against Transnational Organised Crime (UNTOC) could not agree on what constituted organised crime, but did agree after painful negotiations on what would be regarded as an ‘organised crime group’,<sup>29</sup> with a definition sufficiently loose as to encompass almost anything, but the term is now widely used and accepted by global and national policymakers.

Although by no means unique to the continent, part of the problem in Africa is that criminal networks and their operations are difficult to disentangle from the activities of warlords; insurgent groups; and even some political, military or community organisations. The danger of lumping these problems and actors together is that organised crime then becomes overwhelming, encompassing almost everything, while at the same time becoming entirely impossible to pin down. At least one recent analysis has questioned the usefulness of the term in Africa altogether, preferring labels such as ‘warlord’ or ‘violent entrepreneurs’. But that suggests that African economic and political motives are different from

elsewhere in the world where the term 'organised crime' is freely used.

That is not to say, however, that the existence of organised criminal groups is irrelevant to the debate or unworthy of analysis. As economic growth continues to change the continent, with 25 states likely to achieve middle-income status by 2020, the nature of organised crime is likely to look more rather than less similar to that elsewhere. It should therefore be a phenomenon of great interest to analysts on the continent, particularly given its impact on ongoing social, economic and political trends. As this paper will show, the criminal groups that perpetrate and protect criminal markets are evolving and increasingly significant players on the continent and it is important to understand their role. It is nonsensical to label powerful criminal organisations and networks engaged in cocaine trafficking in West Africa as anything other than organised crime groups. The challenge in extracting their essence is that they exist on the margins of other political and social entities, feeding off them and supplying their needs, in some cases with considerable legitimacy.

For the purposes of this paper, therefore, organised crime constitutes an organised network aimed primarily at acquiring profit through illegal means and that acts in this way over a significant period of time. Such networks may use a variety of facilitating activities to achieve this objective, including the use of violence and corruption to protect their activities. Importantly too, their activities may blur the boundaries between the legitimate and illegitimate: a registered company that carries out organised illicit

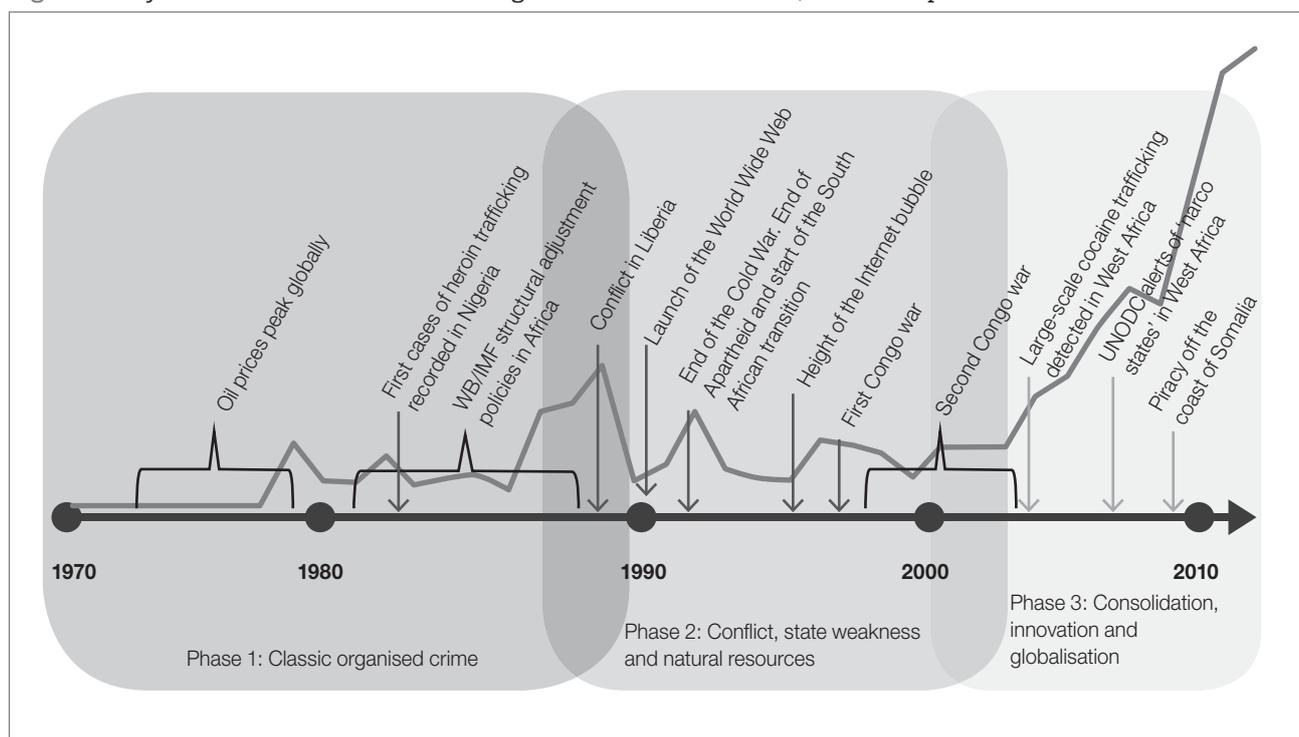
activities, such as illegal mining, is still a criminal enterprise. Organised crime groups do not by definition seek political objectives, although they may garner significant political, community, or societal support and influence, often with the express purpose of facilitating their activities.<sup>30</sup>

## EVOLUTION OF ORGANISED CRIME IN AFRICA

The rise of organised crime in post-colonial Africa in the 1970s is first covered, following the decolonisation movement from the late 1950s through to the early 1970s. Organised crime emerged in the wake of weakening and withdrawing states, often co-opting state institutions, but always redefining them and their relations to their citizenry. It is possible to identify three broad inter-linked phases that took shape around tangible shifts in the prevailing social, political and economic environment. While each phase is characterised by dynamic changes in style, scope or spread, organised crime is created, to borrow from an analysis of Latin America, through the interplay of 'unresolved social problems which generate guerrillas, paramilitaries, drug traffickers and white-collar crimes',<sup>31</sup> which is familiar across the continent.

The traditional response to organised crime has been to view it as a criminal justice or security issue requiring strengthened cross-border and domestic law enforcement, borders and intelligence capacity. However, an examination of the issue indicates that many of the weaknesses that have made Africa so susceptible to organised crime are better attributed to lack of capacity and low investment in

Figure 2 Key events in the evolution of organised crime in Africa, 1970–the present



economic and social development, which has significantly diminished social capital, regulatory capacity and the rule of law.

Figure 2 provides a timeline from 1970 to the present day charting the main events that played a role in the evolution of organised crime in Africa. The metric of illicit financial flows is used as a proxy to demonstrate the spurts of growth that broadly coincide with the three phases identified. What Figure 2 clearly demonstrates is the exponential growth of organised crime activity in the third phase. Earlier phases laid the groundwork for the rapid growth of criminal activity at the turn of the millennium. As the different phases are further explored, the geographic spread of organised crime and the increasing interplay between different criminal networks active across the continent become visible.

### Phase 1: Foundations

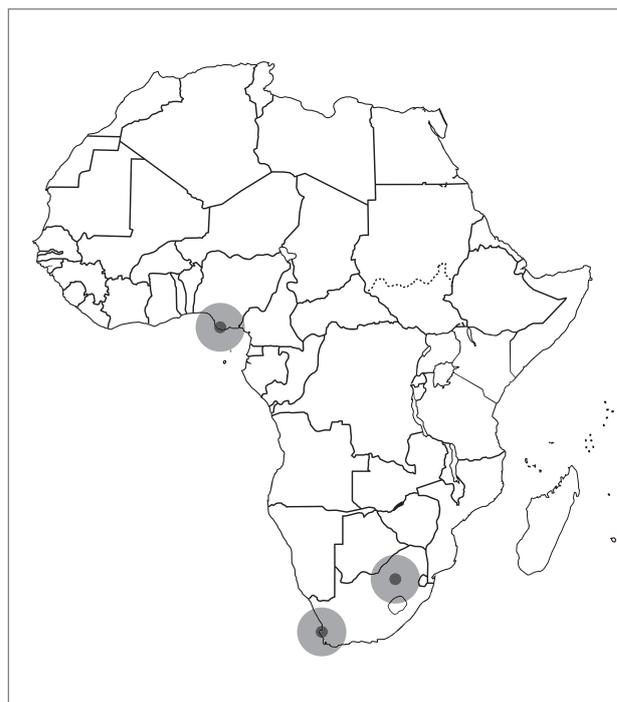
The foundations for the holistic spread of organised crime across the continent were laid in the 1970s and 1980s, although drawing on earlier antecedents.

The decolonisation of Africa began with Ghana in 1957 and ended with Guinea-Bissau in 1974. The first decade of decolonisation coincided with the peak of the long economic boom – the longest and most widespread in history – that transformed the world in the third quarter of the 20th century. These seismic shifts in both the political and economic environment on the continent were projected onto a host of weak states with little capacity for or experience in broad-based democratic governance.

The reorientation required to transform these former colonies, for which the primary objective under colonialism had been the generation of resources for the colonising states, into effective independent entities that focused on equitable service delivery for geographically and ethnically dispersed populations was a significant challenge. Because of colonisation, the formation of cities in Africa was not the basis for state creation, as may have been the case elsewhere in the world, with strong linkages between the cities and their hinterlands. Rather, urban areas were formed in Africa to service the needs of the colonisers, to provide ease of transit to the colonising state, and to command and control the resource base.<sup>32</sup> These characteristics defined the future of the African city and are in part responsible for creating the paradigm in which criminal activities could thrive: where urban hubs serve as gateways to the trafficking of resources from the hinterlands where there is limited administrative reach or political control.

The structural adjustment policies of the IMF and the World Bank further exacerbated the divide between urban and rural populations, and intensified income inequalities that were to sow the seeds for both the conflict and

Figure 3 Organised crime in Africa in the foundation phase



high-level corruption that was to follow in West and Central Africa, and to a lesser extent East Africa. During the 1980s some 36 governments in sub-Saharan Africa entered into stabilisation agreements with the IMF or structural adjustment programmes with the World Bank. In all, a total of 243 loan agreements were made. Foreign aid and loans became an increasingly crucial component of African economies as Africa obtained more than \$200 billion in foreign aid over the 1980s and 1990s. But while accepting donor funds, most governments made few genuine reforms, as the primary concerns of political leaders were the maintenance of their political power and the accumulation of wealth for themselves and their supporters. By 1990, 30 countries had negotiated the rescheduling of 120 foreign loans, as Africa's debt reached \$160 billion.<sup>33</sup>

Attempting to meet the World Bank and IMF conditions required a radical realignment of the region's economies in an attempt to make them internationally competitive in those fields where they were thought to have productive capacity, chiefly in agriculture. It meant huge currency devaluations and a decline in state employment and state spending, including on welfare services, education and health. These programmes at the time were referred to as stabilisation packages, but the result was that every country where IMF and World Bank-style adjustment was set in motion was plagued by waves of unrest and social and political instability.<sup>34</sup>

The degree to which these economic changes generated new vulnerabilities for criminal activities to

exploit varied from state to state. In Guinea-Bissau, for example, where politics had almost entirely been subverted by drug trafficking, structural adjustment created an elite who benefited from their connections to the global economy, but who became increasingly isolated from the broader populace, as the state apparatus contracted in on itself. As the economic crisis deepened in the late 1990s, the members of this elite group, which comprised an overlapping network of political, military and business figures, 'were looking for new opportunities, unsure of the future, unable to generate new forms of wealth'.<sup>35</sup> A combination of economic decline and political fragility created the conditions that would lead elements of this elite network to protect and prosper from drug trafficking from 2000 onwards. Thus conditions in Phase 1 had important implications in Phases 2 and 3.

Actual organised crime in this period was relatively limited, restricted broadly within national boundaries, and localised in a few urban hubs, specifically South Africa, mainly in Johannesburg and the city's surrounding urban complex and in the Western Cape, and in south-eastern Nigeria. In both cases state repression was instrumental in generating and, in the case of South Africa, using nascent criminal groups for political purposes. With one in five Africans being Nigerian,<sup>36</sup> major economic changes here and the resultant growth of criminal networks (even if they were not necessarily labelled as such by those involved) were important developments. In both cases these criminal groups were to evolve into something far more extensive, virulent and globalised in the future.

The oil price rises of 1973 and 1979 brought an extraordinary windfall to Nigeria, the only oil producer in the region at that time. But for every other country in the region it created a massive export deficit as they tried to meet rising oil prices. The oil price surge triggered a domestic boom in Nigeria in the late 1970s and early 1980s, to which the growth of organised crime in Nigeria is often attributed. Contributing factors were the general corruption of the civilian government of 1979–83; the introduction of a structural adjustment programme in 1986, resulting in greater poverty and unemployment and a consequent increase in emigration; the rapid and ill-prepared liberalisation of the financial sector, including the establishment of poorly regulated finance houses and banks, providing new opportunities for money laundering and fraud; and illegal foreign exchange transactions.<sup>37</sup> Economic growth did not benefit everyone equally: most prominently, in post-civil war south-east Nigeria, Igbos isolated from other economic opportunities were more likely to become drawn into criminal networks. The available evidence suggests that almost all of the original Nigerian criminal networks that became active outside of Nigeria consisted largely of Igbos.<sup>38</sup> Ethnic diversity occurred later.

What is interesting to note about the drug trade in Nigeria is that it has always been perceived as an international problem, not a domestic one, and Nigerians even now are often quoted as arguing that since the drug trade involves consensual participants at every stage of the supply chain, it is essentially a legitimate form of commerce. In fact, Nigerian drug dealers often view the black market as the only way to redistribute wealth from the global north to the global south, arguing that mainstream commercial channels are effectively occupied.<sup>39</sup> Thus, while the first cases of heroin trafficking were recorded in Nigeria in the early 1980s,<sup>40</sup> this was not a socially stigmatised activity within Nigerian society, or indeed more broadly in West Africa. It was the Babangida government (1985–93) that truly transformed Nigeria's already well-established institutional corruption into essentially a system of governance, demonstrating how early the interweaving of politics and criminality began.<sup>41</sup>

In Southern Africa the story was somewhat different. For a long time analysts were caught in the definitional debate alluded to earlier – for unlike the traditional mafia groups of Italy and elsewhere, the South African criminal groups tended to function 'in loose and shifting associations and alliances with others or in a network without a clear hierarchy'.<sup>42</sup> Two distinct categories of criminal groups were identifiable: criminal street gangs of various geneses; and criminal syndicates, consisting mainly of merchants who organised themselves for the purpose of securing the supply or monopoly of some illegal commodity.

Organised crime in Southern Africa came of age in the 1980s, as it was during this time that common characteristics became clear despite the economic, geographic or cultural differences that may have existed among groups.<sup>43</sup> Street gangs and the more sophisticated crime syndicates were using similar methods to extract maximum profit from a few core illicit markets – mandrax (methaqualone) and dagga (cannabis).<sup>44</sup> Street gangs around Cape Town, a product of particular social and economic forces, were empowered both by linking into growing global drug-trafficking networks and, in some cases, by direct collusion with the apartheid state, as the police sought allies to counter the uprising gathering pace in the city's townships in the mid to late 1980s.<sup>45</sup> While other vigilante-type groups served the same purpose elsewhere in the country, such as around Johannesburg and in KwaZulu-Natal, it was the connection to drug trafficking and the particular circumstances of the Western Cape that would see these groups survive and prosper in later phases as relatively sophisticated criminal operations. While in the 1980s the Western Cape 'gangs' were transacting internationally and regionally, it was mainly to source drugs from India or elsewhere for sale in local markets.

In addition, across Africa low-level illicit trafficking has long thrived in some regions. Nomadic, pastoralist tribes have used the smuggling of illicit goods and arbitrage across borders as an income-generation strategy for centuries, without this being a socially stigmatised activity. Long marginalised by the states in the region, these cross-border communities have created webs of dependency with kin in neighbouring countries, and use arbitrage and migration as a resilience strategy in periods of instability. Arms, goods and people flow freely, thanks to closely connected ethnic groups that span from coast to coast. While the level of flows was not hugely significant, over time individuals and networks converted their illicitly generated wealth into political influence and military power.

This created an institutional basis for the development of higher profit activities; but secondly, and perhaps more importantly, the corruption and protectionism that smoothed the path for the transit of illicit goods resulted in the undermining of public confidence in legitimate state institutions at a time when states across the continent were challenged to deliver services to the borderlands. By contrast, criminal groups often brought direct benefits to their communities, filling gaps where state institutions or traditional community coping mechanisms were failing to meet local needs.

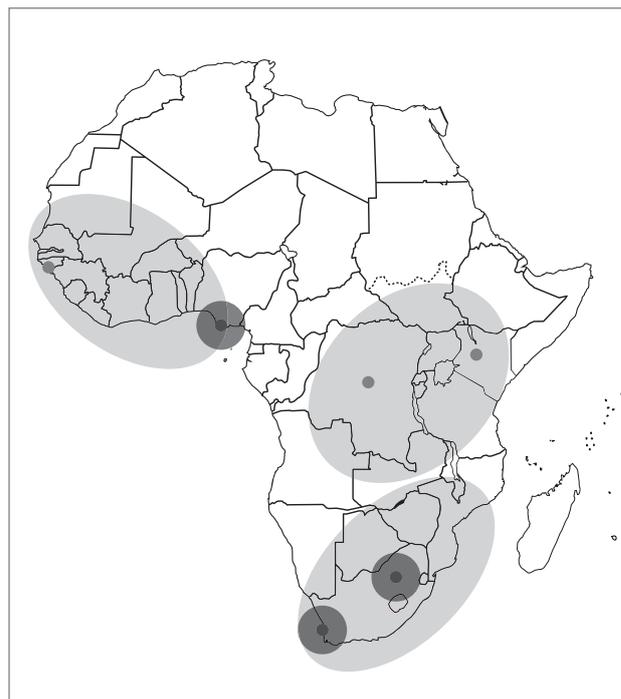
### *Phase 2: Conflict, state weakness and natural resources*

The growth and internationalisation of criminal networks came in the late 1980s and throughout the 1990s. This period was marked by a flaring of conflict across the continent – with unprecedented levels of war and civil war – as old regimes were overthrown and states were convulsed with often-brutal internal conflicts.<sup>46</sup> It was the supplying of these conflicts that gave new impetus to organised crime in Africa. Foreign actors stepped into the breach left by the state decay that followed the withdrawal of superpower patronage after the Cold War, structural adjustment and the closer economic integration of the continent.

During this period, violence in West Africa spread like a contagion, beginning with the vicious conflict in Liberia in 1989, which was to run for the best part of 15 years. A similar and related war broke out in Sierra Leone in 1991. Senegal, Mali and Guinea all underwent wars or low-intensity conflicts, and political violence in Nigeria increased steadily. After its first military coup in 1999, Côte d'Ivoire also lapsed into war in September 2002.

Conflict protagonists and governments desperate to hold on to power could no longer look to their former Cold War sponsors. Into the vacuum stepped a series of criminal operations, some retaining links to the interests of external powers, thus beginning the internationalisation of crime in

**Figure 4 Organised crime in Africa during the 'crime and conflict' phase**



Africa. Two separate criminal industries had designs, firstly on South Africa, but then on other regions. The first were the narcotics traffickers, whose main players hailed from Nigeria, Italy and South America. The second was an influx of more widely dispersed foreigners – offering arms in exchange for sub-Saharan's plentiful natural resources, such as cobalt, ivory, diamonds, metals and coltan, a mineral used as a semi-conductor in the growing technological revolution. Criminal networks built up around a number of key individuals; Russian, European, Lebanese, South African, Zimbabwean and Israeli. Among the most notorious alleged actors are Leonid Minin, Billy Rautenbach, Guus Kouwenhoven, and the most notorious, Viktor Bout.<sup>47</sup>

Both groups were quick to establish links with existing criminal groups and local African entrepreneurs and smugglers in a win-win partnership. The internationals found contacts through which a range of illicit goods could be obtained; the locals found partners who could move easily from the fragile conflict states into the relatively tightly controlled borders of urban hubs in functioning neighbouring states such as South Africa, Kenya and Ghana. While at the time their actions were not fully understood or described as organised crime, it is clear that their illicit trading across the multiple theatres of conflict in Africa not only exacerbated these conflicts, but also facilitated the development and growth of domestic criminal actors.

Minerals have played an important role in more than a decade of armed conflict in the eastern DRC. By tapping into and controlling the informal trade in precious metals

and gemstones, rebel leader Laurent Kabila was able to build an opposition army and overthrow the regime of Mobutu Sese Seko in 1997. Later, newly formed armed groups opposing the governments of Laurent (1997–2001) and then Joseph Kabila (2001–present) followed the same strategy, often openly supported by either Rwanda or Uganda, in their efforts to gain territorial control. Simultaneously, Mai-Mai (community-based) militia established to oppose foreign incursions into the eastern DRC and Rwandan Hutu rebels who had spilled over into the eastern DRC in the wake of the Rwandan genocide in 1994 progressively engaged in illicit resource trade as a source of finance and means of survival. In addition to non-state armed groups, members of the DRC army were also involved in exploiting mineral commodity chains to enrich themselves or, in some cases, to make up for low and unpaid wages.<sup>48</sup>

But ultimately, during the second Congo war (1998–2003) almost anything whose value could be monetised was pillaged to fund conflict: gold, copper, diamonds, timber and wildlife.<sup>49</sup> Environmental crimes in particular, from illicit logging to trade in elephant ivory and rhino horn, began to increase in the 1990s. Beginning in the DRC, such crimes quickly spread east and south towards Kenya, Tanzania, Cameroon and Zimbabwe.<sup>50</sup> Prior to the 1990s, environmental crimes were relatively small-scale and opportunistic, often perpetuated by local communities to earn income. Over the next decade illegal wildlife trading and environmental crimes would grow to become one of the most valuable illicit markets in the world,<sup>51</sup> as organised criminal groups equipped poachers from local communities and drew them into international supply chains<sup>52</sup> to supply a burgeoning demand for natural resources and wildlife from Asia. Pastoral communities, whose poverty and lack of legitimate economic opportunity presented them with few alternatives, were either convinced or coerced to become supporters, proponents and protectors of this illicit trade to secure a livelihood and maintain their safety and security.<sup>53</sup> UNODC noted that '[e]very state in Africa with a wildlife population is affected by poaching, but some much more so than others. Governance seems to be an especially important factor in determining whether or not heavy poaching occurs'.<sup>54</sup>

The individuals and their networks trafficking across the continent during this period had significant impact on corrupting state actors and hastening institutional decay. Nowhere was this clearer than in Central Africa and West Africa with the implosion of Zaire and conflict in the small and fragile states of West Africa, most notably Sierra Leone and Liberia. The need to buy protection and influence in order to protect sources, trafficking routes or local markets ensures that corruption will always be an associated enabler of organised crime.

Corruption at almost every level facilitated environmental and natural resource crimes in Africa. Local and national officials permitted illegal loggers and poachers to gain access to forests and protected species, and in many cases provided false customs declarations to allow the commodities to exit the country or region undetected. Authorities in neighbouring countries or transit countries had little incentive to prevent the smuggling of minerals or other natural resources through their territories because they could levy export duties on them.<sup>55</sup> Law enforcement and criminal justice officials were bribed to prevent prosecutions, investigations or convictions. This was to lay the foundation for the endemic corruption in Phase 3 of the evolution of organised crime across the continent, as increasingly powerful transnational criminal networks erode state institutions, and public confidence in them, to protect their trafficking routes and illegal trade.

As conflicts were resolved, single-party constitutions were changed to multi-party dispensations. But political competition only exacerbated a growing demand for resources in order to fund electioneering, the purchase of influence, and the protection of economic and social sources of power by existing elites. Some of the longest-serving heads of state in the region, such as Togo's President Gnassingbé Eyadéma, managed to remain in power. Other newcomers took power by non-democratic methods, and consolidated their rule under a civilian and democratic guise.

Some members of an ECOWAS peacekeeping force sent to Sierra Leone in the mid-1990s became involved in the trafficking of drugs and diamonds in Sierra Leone,<sup>56</sup> illustrating both the degree of compromised institutions as well as the variety of ways in which war opened the door for illicit trade, and then more organised trafficking and smuggling operations took root in the region as governments were either too weak or too corrupt to prevent it. By the end of the 1990s, there were a steadily increasing number of reports of 'very large consignments' of drugs heading to West Africa.<sup>57</sup>

Furthermore, in the aftermath of the second Congo war, countries across Africa emerged from wars that had destroyed urban hubs, turned countries into economic and institutional ruins, and left behind social fractures that threatened to tip countries back into conflict at any time. In this environment, while the international community may have been aware of organised crime as a phenomenon, the latter took a back seat to the overwhelming political, economic, social and security demands that the continent faced. Failing to explicitly acknowledge and address organised crime proved to be a major oversight, for, as we will see in the next phase, criminal groups across the continent were to become a swiftly entrenched spoiler of all of the broader stability and development goals.

### Phase 3: Consolidation, innovation and globalisation

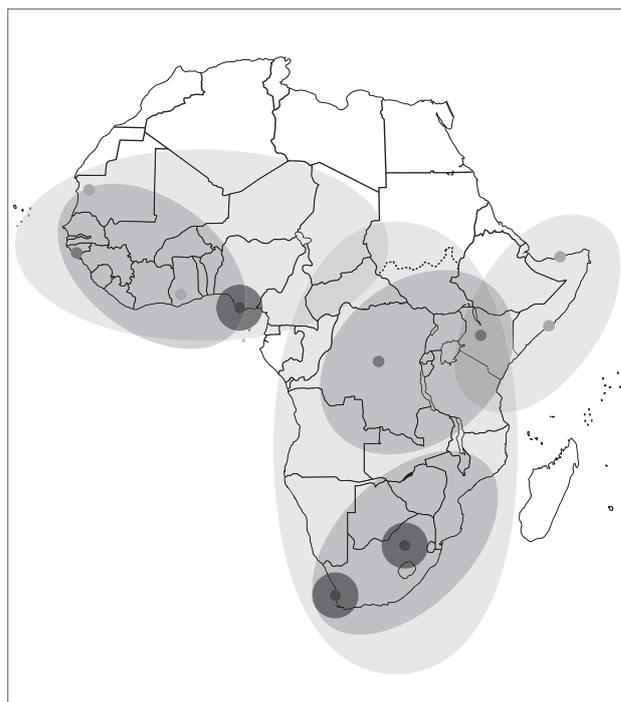
The third phase of organised crime's evolution begins at the turn of the new millennium and continues to date. Globalisation and improved communication technology have drawn Africa deeper into the global economy, making it more susceptible to crime and more able to impact both the global economy and global stability. It has also been closely connected to the strong demand for natural resources from Asian economies, most notably China. This integration has occurred in both the legitimate and illegitimate spheres, and these are often difficult to disentangle, as China far and away accounts for the largest illicit flows globally, estimated at \$2,18 trillion between 2000 and 2009.<sup>58</sup>

What we see now is that the evolutionary form that organised crime took in the earlier phases has been decisive in shaping the nature of the current organised crime phenomenon:

- A preoccupation with the fragile states paradigm has turned into more pressing challenges of state capture and the compromising of key institutions across the continent.
- Institutionalised corruption with close links to illegal trafficking has become widespread, particularly in West Africa, but also across the subcontinent, consolidating influence at the highest levels. Criminal networks are closely associated with or linked to the state and private enterprise, and there is a blurring between licit and illicit activities.
- There is an interdependence between very weak or failing states as the hosts or points of transit for criminal activity – such as Guinea-Bissau – and stronger neighbouring states as places of investment for criminal profits. This arrangement began early, occurs across the continent, and has severe consequences for both the urban hub city and the peripheral source country. An increasing number of urban hubs are implicated: Johannesburg, Nairobi and Lagos form the core triangle, but other cities like Cape Town, Dakar, Kinshasa and Addis Ababa also play distinctive roles.
- There is an increasing level of proactivity in African criminal groups engaging in transnational organised crime, as well as new and emerging forms of crime.

Certain features of the post-millennium environment have facilitated the intensity of organised crime's hold on the continent. The first is that Africa is in the midst of a period of rapid population growth and urbanisation: the total African population is expected to double by 2050, growing to 2,1 billion and representing 25 per cent of the world population. This is an exponential growth rate with no equivalent in human history.<sup>59</sup> The second is that urban

Figure 5 Organised crime spreads across the continent



growth rates are among the highest in the world, averaging about 7 per cent annually, with several of the major African cities having growth rates in excess of 10 per cent, while freedom of movement within certain regions and economic zones have made these cities true sub-regional melting pots. Africa currently only has one megacity (with a population in excess of 10 million) in sub-Saharan Africa, but by 2050 it is estimated that this number will have risen to seven.<sup>60</sup>

Therefore, many people, and the young in particular, will be concentrated in a series of large urban metropolises – Lagos, Johannesburg, Kinshasa, Nairobi – that are already venues for the channelling and control of illicit resources. Traditional ways of life – particularly those of rural communities – are breaking down, and social identities and relations are changing in a variety of ways. The strength of social capital, which is embedded in social relations, social structures and society's institutional arrangements, has long been proven to be negatively correlated to violent crime. The case of South Africa's transition, as well as the aftermath of the wave of independence movements in West Africa, should alert one to the fact that the breakdown of social and state controls appears to be the single most common factor leading to the growth of crime in diverse transitional societies. Traditional forms of internal social cohesion may be replaced by – or mutate into – a different set of organising principles, including criminal organisations or gangs. In the absence of social capital, with insufficient economic opportunity, massive income inequality and limited

state-supported service delivery of social services, these urban hubs will become the malignant epicentres for the spread of organised crime across the sub-continent. Governance, development and security interventions will all have to focus on these new demographics if organised and violent crime is to decrease, not increase.

A second characteristic that has facilitated and will continue to benefit the growth of organised crime is African countries' flourishing economic growth and development, but in the poorly regulated environment that characterises large parts of sub-Saharan Africa. For example, the growth of phone banking services has been remarkable: 15 million consumers are subscribed to Safaricom's M-Pesa system in Kenya, with the system registering 305 million transactions in 2010 with a total value in excess of \$8.7 billion.<sup>61</sup> Somalia remits over \$1 billion a year, predominantly using these unregulated informal banking and value transfer systems.<sup>62</sup>

While the benefit of these systems is without question, without the proper economic and legal frameworks in place to secure the industry, criminals have quickly identified innovative ways to exploit the technology for criminal activities, in particular enjoying the freedom of not needing to provide identification or conduct transactions in person. For example, in the last year in Kenya, kidnappers have begun to demand ransoms via M-Pesa, and there is an increasing prevalence of phone banking being used for extortion – known local businessmen are sent a picture of their home or family members and a request for payment to an M-Pesa account. Corrupt traffic policemen in Nairobi have also exploited mobile finance, demanding that bribes be sent to intermediaries via M-Pesa.<sup>63</sup> The most positive and sustainable path to stability and growth in sub-Saharan Africa will be through home-grown initiatives such as mobile finance, and therefore investment in building the capacity of the state to provide and protect the space for such initiatives is critical to preventing their use being subverted by criminals.

Similarly, while communications technology has considerable benefits, middle-income countries and emerging economies have become the most fertile ground for electronic crimes – together the BRIC countries (Brazil, Russia, India and China) account for 58 per cent of the cybercrime costs.<sup>64</sup> South Africa and a number of other countries or urban hubs also fall within this description, thus it is no surprise that three West African countries – Nigeria, Ghana and Cameroon – are ranked among the top countries in the world where cybercrime is most prevalent, contributing to a global flow of some \$600 million per year.<sup>65</sup> Cyber security experts now estimate that 80 per cent of personal computers (PCs) on the African continent are already infected with viruses and other malicious software.<sup>66</sup> South Africa currently ranks third in the number of

cybercrime victims found globally – with an 80 per cent rate of victimisation<sup>67</sup> – and as Africa becomes increasingly connected at an individual level, but without the education, awareness and levels of regulation to protect internet security, other countries on the continent are likely to post similar levels of vulnerability in a crime industry that is garnering hundreds of billions of dollars per year.

A third factor that characterises the nature of organised crime in this phase is the extraordinary level of state penetration and high-level corruption across the continent. In the Gambia in March 2010, for example, the president ordered the arrest of 11 top-level law enforcement officials in connection with drug trafficking, including the Director of the National Drug Enforcement Agency, his deputy and his head of operations, the National Police Chief and his deputy, the chief of the navy, the deputy chief of the army, and the Minister of Fisheries.<sup>68</sup> In Sierra Leone, the Minister of Transportation resigned after his brother was implicated in the country's largest cocaine seizure. In Guinea-Bissau in April 2010, the US Treasury designated ex-navy chief Bubo Na Tchuto a drug kingpin, freezing his US-controlled assets and prohibiting US citizens from having any economic connection with him. The present Air Force chief of staff, Ibraima Papa Camara, was similarly designated a drug kingpin, such that in April 2010 the armed forces of Guinea-Bissau were controlled by people designated as drug traffickers by the US government.<sup>69</sup> In June 2011, the former assistant minister and current Member of Parliament, John Harun Mwau, was one of two Kenyans also designated by the US government as a foreign narcotics kingpin.<sup>70</sup> Many analysts attribute the April 2012 coup in Guinea-Bissau to the desire of a network of military and political actors and businessmen to control the drug trade.<sup>71</sup>

Other examples abound. In South Africa, the tentacles of organised crime have penetrated deep into the state, corrupting the very security agencies that are meant to be countering it. In July 2010, the country's police chief and former head of INTERPOL was found guilty of having been corrupted by drug traffickers and received a 15-year prison sentence.<sup>72</sup> In Somalia, the UN Monitoring Group on Somalia found evidence of increasing linkages between pirates and the Transitional Federal Government (TFG), and the World Bank reported that \$131 million in TFG revenues were unaccounted for in 2009–10: 68 per cent of total recorded income for that period, an estimate that the Somalia Monitoring Group considered to be conservative.<sup>73</sup> The hijacking of legitimate political processes by criminal actors has a fundamental impact on the capacity of sub-Saharan Africa to achieve economic and social development, or a sustainable rule of law framework.

Organised crime has penetrated and exploited the weakness of multiple fragile states, injecting resources

and linking them to wider global criminal networks. Furthermore, while conflicts have declined markedly across Africa, organised crime interests continue to threaten the state-building process, particularly in Central Africa. Armed groups, particularly in the eastern DRC, play a significant role in perpetuating instability, lawlessness and violence, in order to protect vested interests in mineral and other resources. It is estimated that there are still between 6 500–13 000 active members of armed groups who are benefiting from criminal activity.<sup>74</sup> Elements of the regular army, up to and including high-ranking officers, are involved in various forms of exploitation, which range from ad hoc looting attacks to investment in mineral trading enterprises. The Group of Experts on the DRC estimated that around '40 tonnes, or \$1,24 billion of gold, is smuggled out of the Democratic Republic of the Congo each year',<sup>75</sup> providing the Democratic Forces for the Liberation of Rwanda (FDLR) with one of its most significant avenues of direct financing. Despite regulatory efforts, an active market in diamonds, tin ore, coltan and other minerals remains in operation. UNODC estimates that transnational criminal activity in the eastern DRC appears to be generating about \$200 million in gross revenues annually.<sup>76</sup>

In Somalia, the continuation of the protracted conflict has strong ties to the control of unregulated economic flows and a network of economic beneficiaries. Prior to the recent bout of conflict, charcoal export volumes from southern Somalia were estimated at 3,5–4,5 million sacks per year, with 90 per cent of the charcoal trade passing through the port of Kismayo, the longstanding bastion of al-Shabaab.<sup>77</sup> Proceeds from the charcoal trade in Somalia dwarf anything made from piracy, and its profitability has helped sustain the conflict in the context of a failed state.<sup>78</sup> Recent reports also indicate that militia groups within Somalia are importing drugs through Kismayo and the Puntland port of Bosaso and smuggling them into Kenya.<sup>79</sup>

Until recently East Africa seemed to have been more or less overlooked by international criminal groups and transnational organised crime. Before a 2009 UNODC alert that East Africa 'is becoming a free economic zone for all sorts of trafficking – drugs, migrants, guns, hazardous wastes, and natural resources'<sup>80</sup> there was little evidence of any significant organised crime activity. However, while attention was elsewhere, Kenya was quickly becoming a major transshipment point for illicit trade, demonstrating clearly the point made earlier about the relationships between urban hubs and fragile regions, and the interplay between them as the infrastructure of one enables the flows from the other. Mombasa port, for example, which handles an average of 1 700 containers a day, has become notorious for its abuse by organised crime networks.

A seminal study into corruption in Kenya provides the following description: 'Mombasa is like a tunnel. All illicit business happens here, and it is controlled by traders supported by customs personnel and powerful people in government. Whoever controls the port controls the illicit business in Kenya.'<sup>81</sup> The findings of Gastrow's study of Kenya were that, while corruption and governance have not yet become as closely intertwined as in West Africa, the foundations for this extent of state capture are in place, and Kenya is becoming a major money-laundering hub for the region. A recent report by the US State Department on money laundering claimed that Kenya's financial system may be laundering more than \$100 million each year, including an undetermined amount of narcotics proceeds and Somali piracy-related funds.<sup>82</sup> In 2010 a staggering \$2,1 billion found its way into the Kenyan economy without the government being able to explain its source. These are significant sums that are eroding the foundations of the political system in Kenya: 'Criminal networks have penetrated the political class and there are growing concerns about their ability to fund elections and to exercise influence in Parliament and in procurement processes.'<sup>83</sup>

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## **Armed groups, particularly in the eastern DRC, play a significant role in perpetuating instability, lawlessness and violence, in order to protect vested interests in mineral and other resources**

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We are also seeing an increasing ownership and proactivity on the part of criminal armed groups in Africa. West Africa, and Guinea-Bissau in particular, has increasingly become the preferred place of transaction, a haven where buyers and sellers meet in safety and find the associates and partners they need for their next venture. Increasingly these partners are coming from the region itself. Europol's 2011 Organised Crime Threat Assessment noted that criminals of West African origin have assumed a prominent role in the organisation of cocaine trafficking to the European Union (EU) by air courier.<sup>84</sup> It also observed, as a growing trend, the recruitment by West Africans of EU nationals to act as couriers from Latin America. This arrangement protects Latin American traffickers from the risks

associated with onward transport and provides greater profits (and power) to locally emerging groups eager for a place in the market.

The situation in Guinea-Bissau is pivotal, as it demonstrates the ability of one state – even such a small one – to destabilise an entire region if overlooked for long enough. Instability in North Africa and the Middle East has created vulnerability while simultaneously stronger controls in West Africa have forced a search for new trafficking routes. In Mauritania, there has been growing evidence of connections between trafficking and the highest levels of government and the judiciary. In February 2011, the President reduced the prison sentences of five convicted cocaine smugglers. In January 2012, a cannabis resin smuggling network passed through security checkpoints issued by the head of police.<sup>85</sup> The Islamists who were active in northern Mali took a firmer grip on the criminal networks that run through the region, most notably al-Qaeda in the Islamic Maghreb (AQIM). While the international community has focused on AQIM's presence, it has largely underestimated or ignored the destabilising effect of criminal networks in the region, despite the fact that AQIM is known to use kidnapping as both a political and financial strategy.<sup>86</sup>

Government collusion in organised crime has been growing since 2006, as cocaine smuggling through West Africa was channelled up overland. It appears that the Malian government used deliberate strategies to exploit tensions between tribal communities and trafficking networks to control certain routes through the north.<sup>87</sup> AQIM's terrorist affiliations make the problem still more complex, as government and Western forces who hope to subdue terrorist activities in the region find themselves in an uneasy collaboration with organised criminal networks to suppress AQIM's trafficking routes.<sup>88</sup> The crumbling of the Malian government following a military coup in March 2012 exposed the government, once considered a model democracy by donors in the region, to be a rotten façade undermined by the penetration of organised crime and drug trafficking. This shake-up allowed first the Tuareg rebels to drive government troops from the north and to fracture the country's governance system in two. This fracture then enabled organised crime, extremism and rampant corruption to set in as opposing groups fought for power and control of funds from any source.<sup>89</sup>

## EVALUATING RESPONSES TO ORGANISED CRIME IN AFRICA

The *World development report 2011* identified organised crime as one of the most pernicious threats to human security, governance and the rule of law.<sup>90</sup> But there is a growing realisation that a response to organised crime centred on law enforcement is woefully inadequate. A

recent *Foreign Affairs* article noted: 'Increasingly, fighting transnational crime must mean more than curbing the traffic of counterfeit goods, drugs, weapons and people; it must also involve preventing and reversing the criminalization of governments.'<sup>91</sup>

While there have been reasonable levels of international attention and activity in response to these threats for some years, these have been included in an ad hoc manner under the rubric of existing peace-building or development architecture and remain uncoordinated and underfunded. Furthermore, efforts have been largely imposed by the international community, showing little ownership by the nation states they are intended to support, thus leaving them largely at a strategic or policy level with minimal tangible impact on the ground. As organised crime continues to grow, it is clear that these responses have been inadequate and that there is a need for a more holistic response centred around development priorities; targeting income inequality and building a broad basis for the rule of law and democratic governance in states where these have long been absent; and building them in those where it has been critically weakened. International interventions must be targeted at reinforcing state capacity, fighting corruption and increasing community-level resilience.

The only instrument addressing the whole continent is the AU Plan of Action on Drug Control, 2013–17 (AU Plan), the fourth revision of this strategy. While earlier iterations had a broader focus on drug control and crime prevention as a whole, the AU Plan now exclusively looks at drug trafficking and its concomitant health impacts, as compared to the significantly broader scope of the previous version that aimed to:

reverse the current trends of drug abuse and trafficking, organised crime, corruption, terrorism and related challenges to socio-economic development and human security and to achieve tangible improvement in the social and personal well-being of the people of Africa and their communities.<sup>92</sup>

The AU Plan covers the whole of the African continent, contains predominantly development and institutional capacity-building measures, and places equal priority on the health implications of the drug and criminal aspects. The drawbacks of the plan, much like its predecessors, are that it does not prioritise or present a credible and phased implementation plan. It also does not appear to have identified the necessary funding to support priority activities or garner sufficient international support, which makes it likely that this plan, as others before it, will have little tangible impact. The best that the 2007–12 AU Plan could claim credit for was the ongoing development of regional and national strategies, the appointment of

national drug focal points, and the circulation of a quarterly newsletter.

Another continent-wide initiative worthy of note is the African Court on Human and People's Rights (AfCHPR), which was conceived in the 1980s, but did not come into existence until 2006 or hear its first case until 2008. It was created to ensure the protection of human and people's rights in Africa, and complements the work of the African Commission on Human Rights. The overall goal was to create a tribunal that is perceived as being independent from political pressure or impropriety, immune from corruption, and responsive to the needs of the population. In addition, there is the goal of creating a tribunal that meets international norms for adjudicating human rights cases, while maintaining the 'African' character of the court.

While its extraterritorial status from national jurisdictions could prove a benefit in trying cases of transnational crime, in fact problems of jurisdiction seem to plague the successful prosecution of its 24 current applications. In a number of cases the court found that it did not have jurisdiction because countries had not adopted Article 5(3) of the protocol, which allows NGOs and individuals to bring cases directly to the court. As a result, it seems like states are the only entities that can bring claims, an entitlement they do not seem overly compelled to exercise, which reduces the efficacy of the court in cases of rampant state corruption. In 2008 the AU signed a protocol that would merge the AfCHPR with the African Court of Justice and Human Rights (ACJHR), which had been mandated at an AU Summit in 2004. However, only three out of a minimum of 15 required states have ratified this protocol, and so it looks unlikely that it will come into force, let alone be in a position to actively pursue cases, in the next decade.

Furthermore, if the merger ever takes place, it is likely to create further jurisdictional confusion. The ACJHR Statute permits subject-matter jurisdiction over 'any question of international law' and for decisions *ex aequo et bono* (where the parties agree). If applied liberally, this could create conflict in judgments leading to 'fragmentation' among international judicial entities. The most recent concerns arise out of a 2009 AU Assembly decision to examine the feasibility of expanding the jurisdiction of the future ACJHR to include criminal jurisdiction. While still under consideration, such an extended jurisdiction has been decried by regional and human rights groups and academics as being wholly incompatible with the intent of the African Charter, potentially at odds with the mandate of the International Criminal Court (ICC) and impossible to effectuate within the framework of the current protocols.

In addition, the AU has other initiatives to address organised crime,<sup>93</sup> such as the 2011–2015 Strategic Plan of the AU Advisory Board on Corruption; the Ouagadougou

Action Plan to Combat Trafficking in Human Beings, Especially Women and Children, 2006 and its operative plan AU.COMMIT; Africa's Integrated Maritime Strategy (2050 AIM-Strategy); the AU Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, 2011; the Plan of Action of the AU for the Prevention and Combating of Terrorism in Africa, 2002; and the AUC Task Force for the universal and effective implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction (the Chemical Weapons Convention, or CWC). However, there is little to be found on the progress they are making or the degree of coordination and synergies that are being drawn between them.

The ECOWAS Regional Action Plan to Address the Growing Problem of Illicit Drug Trafficking, Organised Crime and Drug Abuse in West Africa, which is the operational strategy underpinning the Praia Plan of Action approved in 2008, is the primary instrument in play at the subregional level. There has been some progress on aspects of the plan, e.g. the establishment of the West African Coast Initiative (WACI), which is a cooperation of specialised law enforcement units in six countries on the West African coast, but even here progress has been slower than hoped.

Another initiative developed to combat the increased infiltration of illicit funding into politics in the region is the Praia Declaration on Elections and Stability in West Africa, which includes a provision on preventing the financing of political parties and their campaigns by criminal networks, particularly drug-trafficking networks. The Dakar Initiative, a subregional initiative launched in February 2010 by seven West African countries (Cape Verde, Gambia, Guinea-Bissau, Guinea, Mali, Mauritania and Senegal) was a follow-up to the Praia Ministerial Conference aimed at helping to implement the political declaration and the ECOWAS Regional Action Plan.

The reality of all of these strategies, although to varying degrees, is that while they have sought to be as comprehensive as possible, they often lack practical plans for implementation that can be monitored, that prioritise a clear set of actions, and are driven more by the availability of funds than by a pragmatic prioritisation according to need. A range of initiatives by the international community and bilaterals are targeted at West Africa and its organised crime challenges, the majority of which are focused on developing the capacity of the justice and security sectors or financial institutions.

These efforts, while important, are often implemented in isolation from others, leading to fragmentation and overall lack of efficacy. In short, for West Africa there is considerable activity, but not under a coherent framework,

with no clear prioritisation, minimal national ownership, and little independent ability to measure progress across the whole region, including proactively identifying problems with the implementation process or responding to emerging issues and shifting trends.

Progress for the other regions is even more fragmented, and the capacity of the regional and subregional organisations to provide leadership on the implementation of activities is weak. According to the AU Plan, the development of subregional strategies is under way for SADC, IGAD and the EAC, but there is little evidence to demonstrate this. There are cooperative alliances in some practical matters that contribute to a response to organised crime, but these are not strategically targeted at organised crime specifically and are not coordinated more broadly. For example, SADC established the Southern African Forum against Corruption in 1999 as well as the Drug Control Committee.

The key law enforcement association in the region is the Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO), which is operationally headed by national police commissioners and has operated with some success in coordinating police efforts against transnational crime. The work of the INTERPOL Subregional Bureau for Southern Africa in Harare is also of relevance, including in its role as the SARPCCO secretariat. Both these organisations can draw on significant resources at the regional and international levels. The International Law Enforcement Academy in Gaborone is another important institution in this field. However, all of these regional bodies need sustained financial and technical assistance and strong political support to carry out their mandates effectively, and as we have seen, dealing with the issue from predominantly a law enforcement angle is no longer sufficient to address the problem, as the tentacles of organised crime reach much deeper into the political, economic and social spheres.

East Africa and the Horn of Africa lag furthest behind in having a unified regional stance against organised crime, due in part to the challenge of definitions and the close inter-linkages between organised crime and regional terrorist groups, or as one commentator phrased it: '[T]he region is yet to agree on a common definition of terrorism, because one man's terrorist is another's freedom fighter.'<sup>94</sup> In December 2011, IGAD launched the IGAD Security Sector Programme (ISSP), which outlines a wide range of initiatives around four strategic areas: counter-terrorism, organised crime, maritime security and capacity building in security institutions. The ISSP replaces the IGAD Capacity Building Programme Against Terrorism (ICPAT), which achieved important milestones over the last six years, including the signing of the IGAD Extradition and Mutual Legal Assistance Conventions.

However, the shift from legal frameworks to the practical application of mutual legal assistance and international cooperation and the other tools required to implement these related treaties is a significant jump, and it is yet to be proven in practice that the countries in the region will be able to achieve this successfully. Furthermore, there is an obvious need to move beyond a security focus, given the dynamics in the region, the linkages of organised crime to terrorism, conflict and violence, and the broad disparity in state capacity among countries in the region.

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## **At the national level, weak and corrupted criminal justice institutions mean that the main challenge is the effective prosecution of organised crime suspects**

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Finally, at the national level, a comprehensive review of the relevant initiatives to counter organised crime and trafficking indicates that they focus primarily on independent legislation put in place by individual countries. While some countries have a reasonably comprehensive range of legislation, the majority have an inadequate legal framework under which to investigate, prosecute and prevent organised criminal activities, money laundering and corruption. Some countries have no such legislation in place at all.

Operational capacity and its combination with effective political advocacy, coordination and criminal justice responses to organised crime, varies greatly across the region. The countries in the region with an active UN post-conflict, peace-building or peacekeeping architecture have often taken the greatest steps forward, relying on a combination of political will and external assistance. But despite the higher levels of external oversight of political and practical efforts to fight organised crime, state institutions remain weak and often poorly focused on the challenge. What is most notably missing in these various constellations of national activity is a means to show immediate impact, most notably through the effective prosecution of suspects, given that in the countries facing the greatest challenges criminal justice institutions remain weak and corrupted.

At an international level the UN leads a number of policy, coordination and operational initiatives that either directly or indirectly support the fight against organised crime and trafficking in Africa. The most prominent of these are the

UN Peacebuilding Commission (PBC), which currently has three West African countries on its docket, and the 2011 Policy Committee Task Force on Transnational Organised Crime and Drug Trafficking. The PBC provides an integrated approach to peace-building and state building in its priority countries, but does not have an explicit focus on organised crime or a priority thematic capacity in this regard, despite the fact that organised crime is clearly a destabilising force in the region.

This is the common position across UN peacekeeping, political and peace-building missions, apart from the UN Regional Office for West Africa (UNOWA), which has a direct mandate to analyse and counter transnational organised crime and threats to regional security. However, the UN does not coordinate its activities in the region under one UN body. While UNOWA has the mandate for UN system coherence, it does not have the capacity to perform this function adequately and there is no overarching strategic umbrella for the work of the UN system in the region as a whole. The Policy Committee Task Force on Transnational Organised Crime, while focused on the issue and its multiple implications, has no funding to support its work and is thus restricted to a policy role, and has thus far shown little capacity to catalyse action.

UNODC has the global mandate for supporting states in the ratification and implementation of the UNTOC. In the last few years UNODC has moved toward a regional approach, with multiyear regional programmes having been designed and launched for most, but not all African regions. However, there is no evidence that UNODC's regional strategies are being coordinated among regions, and the implementation of these strategic frameworks is entirely driven by the availability of donor funding and not by a process of strategic prioritisation. The UN Development Programme is also active on the ground, providing technical assistance in support of governance, rule of law and anti-corruption activities in individual countries (it does not have regional strategies) that will complement efforts to counter organised crime, but is not immediately targeted at organised crime.

Other multilateral actors, the EU, the World Bank and a range of bilateral partners are also actively assessing, developing policy or supporting activities on organised crime for the continent. Too numerous to mention at length, these are all focused and implemented in a seemingly piecemeal fashion.

Thus, despite the large sums of money invested in developing policy and operational responses to meet the challenges that organised crime and corruption have caused in the region, and despite the literature and analysis on these issues, present responses reveal major weaknesses at the analytical, policy and operational levels. The number of efforts currently under way is laudable, but

the question must be asked: can even small changes in the overall approach or the introduction of new ways of doing things promote a more effective and strategic response? This paper has highlighted the key challenges now faced; the next section makes several proposals to improve on current arrangements.

## A NEW AGENDA

The story of organised crime's evolution across the continent has highlighted that while structural deficiencies may make sub-Saharan Africa particularly susceptible to threats from transnational organised crime and trafficking, the exponential growth of organised crime is better attributed to a culmination of factors. These include years of economic dislocation and lack of social investment, exacerbated by civil wars, which in some contexts have significantly diminished human capital, social infrastructure and productive national development assets. Historical factors, such as corrosive nationalism and diverse colonial inheritance, coupled with national territories not correlated with traditional ethnic groups, have contributed significantly to the continent's vulnerability. Together these factors have exposed Africa to the emergence of relatively new threats to peace, security and sustainable human development that undermine its capacity to respond effectively. It could be argued that organised crime is presently the most significant threat to Africa's long-term development.

Two factors in particular make it critical to effectively tackle the challenge now. The first is that as democracy spreads in Africa, new openings are provided through which criminal money can exercise influence. The second is that the continent is growing economically. A recent study by the World Bank projected that 25 of the continent's national economies will be categorised as middle-income within two decades,<sup>95</sup> which has a number of implications for how states will need to respond to crime. Firstly, as this history has shown, organised crime flourishes as part of legitimate growth, particularly in those environments in which state control and the regulatory environment are weak. Secondly, while growth is coming to the continent, it is not being equally distributed, but is in fact exacerbating Africa's already sharp income disparity,<sup>96</sup> which in turn is likely to induce social unrest and urban violence.

Middle-income states will require a different set of responses to fragile and emerging states, and finally, but most importantly, economic growth does not eradicate the problem of fragile states on the continent. In fact, it is likely that the overall increase in economic growth and influence will only reinforce the interplay across borders between urban hubs and fragile states. All of these conditions will facilitate the growth of organised crime and exacerbate the impact that it will have on individual security, economic growth and the development of the rule of law.

While anticipating the future is never easy or likely to succeed fully, the main value of drawing lessons from the past must be to respond better to the future. Organised crime has proven its ability to adapt, change and exploit every new opportunity, forming alliances where necessary. State institutions and multilateral organisations have shown few of the same qualities, which is why these entities are on the back foot in the face of an ever-advancing tide of criminal networks and their enterprises.

As this report has shown, the traditional way of responding to organised crime has been to view it as a criminal justice or security issue requiring strengthened cross-border and domestic law enforcement, border control, and intelligence-gathering capacity. However, it is clear from the story of organised crime's evolution across the continent that fighting this phenomenon can no longer be understood in terms of curbing the illicit trade in counterfeit goods, drugs, weapons and people – if that were not challenge enough. Given the almost continent-wide interdependence of organised crime and corruption at the highest levels, and the degree of social entrenchment and identity it has within communities, addressing organised crime in the future will also involve preventing and reversing the criminalisation of governments and providing sustainable economic alternatives for its citizens.

To achieve this will require new and innovative responses that go far beyond a crime-fighting focus, but which activate regional, continental and subregional strategies across a broad range of sectors and include a diverse group of stakeholders. The flurry of activity to understand and combat organised crime in Africa has for too long been driven by an official, development or academic discourse with insufficient linkage to the reality of what is happening on the ground. There is a global imperative to broaden the understanding of the genesis and unique characteristics of African organised crime and to develop proactive, accountable, coordinated and well-resourced responses that fully engage regional states. Lessons learned from the study of organised crime's evolution over the past four decades indicate that the components discussed below will be required.

### *Political will*

Absolute and clear political will is essential, particularly in the region, but also further afield in those countries and regions where the illicit goods are consumed.

The Contact Group on Piracy off the Coast of Somalia (CGPCS) was an innovative and unprecedentedly effective use of multilateral cooperation that provided genuine coordination among a range of stakeholders – including not only states but also the military, law enforcement agencies, justice systems and the private sector – with a

degree of efficacy and results orientation that is rarely achieved at a national level, let alone an international one. Unlike many multilateral coordination forums, where the meetings themselves prove to be the most tangible outcome and little change is actually made on the ground, by contrast the CGPCS has moved efficiently forward with a number of significant accomplishments. These have addressed the problem of piracy comprehensively and from a range of perspectives, including military coordination, comprehensive legal reviews and the negotiation of framework agreements under which the landmark transfers of prisoners from the Seychelles to Somalia are taking place.

Furthermore, unlike the majority of strategies developed for West Africa, the piracy response was well resourced, through both support for military patrols and funding for infrastructure and technical assistance to reinforce regional states. The scale should not be underestimated: the piracy response from 2009 to 2011 is estimated to have cost in the region of \$1,5 billion.<sup>97</sup>

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## **Traditional responses to organised crime have tended to focus on criminal groups rather than the illicit flows that these groups control**

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Mobilising, building or creating political will within regional states will require a range of strategies. Advocacy strategies by civil society, the private sector and independent media can be used to create a groundswell against organised crime and corruption within the state, although this may require long-term investment in the capacity of non-state actors to play this role. A coordinated and consolidated approach by surrounding states may be able to leverage pressure or create a bulwark around a fragile or compromised state to address the issue of organised crime.

### *A regional approach*

Too many plans, programmes and strategies to counter transnational organised crime target only one or a limited number of countries in a subregion, and the focus is usually on weak and fragile states.

Given firstly the importance of urban hubs, it is clear that a focus on those most affected will neither solve the problem nor prevent its spread. Secondly, traffickers, with their huge resources, technology and drive to exploit new opportunities, have shown themselves capable of

constantly adapting to and developing new routes and new markets. For example, as capacity is strengthened in the central West African states of Guinea, Guinea-Bissau, Liberia and Sierra Leone, the problem is displaced elsewhere, thus increasing pressure on other more vulnerable states, such as those in the Sahel.

If there are to be effective responses, they must extend beyond national borders and allow for the countries of the region to share the burden. An approach that is perceived as the shared responsibility of developed and developing countries rather than externally imposed responses that carry little national ownership is more likely to be effective. Again, the response to piracy, while not fully successful in serving to address the roots of the problem, has demonstrated the capacity of a region to respond in a coordinated manner to an emerging organised crime threat. Kenya, Mauritius and the Seychelles came together to provide a criminal justice framework under which pirates could be held, tried and incarcerated, and from which they could ultimately be transferred back to Somalia once capacity had been sufficiently built there. Another effective example of a regionally owned solution was Operation Prosperity, a six-month joint patrol effort between the governments of Benin and Nigeria to counter piracy off their coasts.<sup>98</sup> In this case regional leadership also helped to mitigate the interplay between fragile states and their neighbours.

The same level of leadership, investment and commitment will be required from both regional states and the international community if any of the major organised crime flows in Africa are to be controlled and stopped.

### *A flows-driven approach*

Traditional responses to organised crime have tended to focus on criminal groups rather than the illicit flows that these groups control. The evolution of organised crime shows that this is increasingly less valid, because traditional organised crime has turned into networks and alliances that coalesce around specific illicit supply chains. For each illicit good, the actors involved in sourcing, transporting, protecting and vending it will be different. Therefore, in order to suppress a crime, the supply chain needs to be closed down for the entire crime.

The Kimberley Process is one example of this approach, which seeks to target international interventions at the point along the supply chain where it is most vulnerable to corruption. This is as much a development response as a law enforcement and security response. At its most basic level, it involves supply chain policing – i.e. securing the route from the mine site to the point of export and clearing the transportation corridors of illegal taxation, roadblocks and coerced labour. It also means looking at illicit activity

hubs, such as ports or airports, and closing down the viability of these as gateways to the illicit economy. Further, development initiatives need to be targeted at the groups that are vulnerable to being co-opted along the supply chain, with a focus on the root causes of gang membership and illicit activity.

This approach, however, also requires international cooperation to control financial flows and seize assets related to organised crime. Africa's record in this regard is abysmal: in the entire continent, only South Africa is a member of the Financial Action Task Force (FATF), whereas by contrast one-third of FATF-blacklisted countries are in sub-Saharan Africa. Controlling financial flows is vital to closing down illicit operations, and leadership must be shown in this area if there is to be any impact.

### *Preventing impunity*

One of the real challenges is that drug traffickers in several states in the West African region, led by Guinea-Bissau, operate with virtual impunity. The seeming impunity (with some exceptions) of African elites from prosecution and their ongoing connections to organised crime have undermined citizens' trust in democratic institutions, and both licit and illicit economic development may have bolstered some authoritarian regimes.

There is an undoubted link between building political commitment to counter organised crime and showing that immunity may not last forever. It should not be forgotten that the impetus for the birth of the ICC was lobbying by Trinidad and Tobago, who sought a mechanism that would provide recourse against the drug traffickers who were overwhelming their small island states some decades ago. A prominent UN official in Guinea-Bissau has suggested that even a hint that senior politicians may find themselves ('like Charles Taylor') in front of the ICC may be enough to give them pause.

A way to prosecute traffickers and their supporters outside current legal processes in the region's weak states – and some innovation is needed here – is the political will and financing to implement the solution with some speed. Piracy cases in East Africa were tried by a regional country in the absence of effective justice systems in a neighbour. While piracy is a crime of universal jurisdiction, a regional agreement among ECOWAS or other relevant regional organisations could be negotiated for drug trafficking and organised crime to overcome the jurisdictional issues that have plagued the African Court. The international community can play a catalytic role in supporting capacity building in stronger states to investigate and prosecute offenders from weaker or fragile ones, thereby creating a bulwark around the weaker state and preventing impunity for organised crime.

## Strengthening community responses

Probably the most effective means of controlling and preventing crime in the longer term is the one least open to the state: the re-establishment of effective means of community and social control. Key to the process is both the development of effective local systems of democracy through which people can exercise their rights and express their grievances, and the support of institutions such as churches, schools, sport and youth activities that assist in building stronger and more cohesive communities.

In the absence of effective state institutions, targeting community-level initiatives to create an environment that is inhospitable to organised crime and corruption may be a better, more effective entry point. Culturally driven, traditional approaches to governance and justice reinforce community resilience and traditional social safety nets. The development community may have experiences to share in this regard. Support to traditional community structures, civil society organisations and independent media can provide momentum against organised crime influences where state institutions or political will might be lacking.

Rebuilding trust between state institutions and citizens is an important strategy for longer-term sustainable, crime-free development. For those institutions for which a trust deficit exists, a number of strategies can be effective, including community oversight mechanisms, facilitated community dialogues and reconciliation commissions. Importantly, all crime reduction and prevention strategies must be rooted in a human rights-based approach. As noted, some attempts to quell organised crime and crime-related violence have taken the form of excessively heavy-handed crackdowns that have compromised the human rights of suspects and victims. Violations of human rights will only exacerbate trust deficits and cannot be the foundation on which sustainable development rests.

Reducing income inequality and promoting sustainable livelihoods must be a priority. Urbanisation trends in Africa are creating hubs for organised crime activity. A two-fold approach could help to mitigate this situation. On the one hand, strategies to provide viable livelihoods and build social capital in rural communities can help curb rates of urbanisation and promote a return to traditional livelihoods and indigenous cultural values. At the same time, every effort should be made to improve security, service delivery and viable legitimate livelihoods in urban communities, and to address the needs of unemployed urban youth as a priority. Such strategies must take into account the freedom of movement across sub-Saharan Africa and the mobility of populations, who will naturally be drawn to areas of economic opportunity. Therefore, efforts need to be coordinated through strategies at regional and sub-Saharan Africa levels.

## Proactive analytical capacity

Almost all responses to the growth of organised crime and illicit trafficking in Africa have been reactive. Warnings by UNODC that cocaine trafficking was becoming a major threat in West Africa were not taken seriously for some time, due largely to the multiple other development priorities on the table. The speed of globalisation and related developments have kept the international community on the back foot, whereas by contrast organised criminal networks are dynamic, flexible and opportunistic, and current approaches – particularly in light of the degree to which criminals are making use of cyberspace – will not be sufficient on their own to address the problem. Technological changes mean that we are dealing with an unprecedented set of new challenges.

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## Support to community structures, civil society organisations and independent media can provide momentum against organised crime where state institutions or political are lacking

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In order to achieve more proactive and effective responses to organised crime, dedicated capacity for the analysis of transnational organised crime flows, trends, drivers and impact in the region is crucial. This is a policy area that is often driven by guesswork and supposition. But as the scale of the problem grows, there is an urgent need to increase information collection and analysis and translate these into effective policy responses. Most studies have approached the multidimensional problem of transnational organised crime through a narrow lens – one dominated by a discourse of transnational terrorism. This may, in part, have contributed to policy and operational responses that are grounded in a narrow interpretation of security, leaving only peripheral consideration of the political, social and economic impacts of organised crime and drug trafficking.

A dedicated capacity for data collection and analysis based in a number of strategic hubs across the continent would allow for an effective assessment of organised crime drivers and vulnerability, and form the basis for a comprehensive needs assessment as a framework on which strategic planning can be built. This does not mean seizures or intelligence, but an integrated and nuanced

analysis of what is going on and the impact that it is having. Such studies should also be carried out and coordinated at the subregional level in order to provide an overview of the problem, take note of changing cross-border relationships and gauge the social impact across the region as a whole.

Similarly, the establishment of a metric that would support the quantitative measurement of organised crime and its impact may prove a useful tool in drawing attention to key states, catalysing political will and measuring whether strategies to counter organised crime are having the desired effect.

Supporting regional observatories to monitor illicit trafficking is one way of promoting the role of civil society groups, particularly given the role the media need to play in drawing attention to crime and corruption.

Communications technology can be harnessed to ensure regular feedback from a wide range of actors on the ground, which will counterbalance the fly-in, fly-out-based perspectives of international analysts and policymakers. Furthermore, the establishment of a focal point for sharing information that produces agreed-upon assessments and monitors progress will provide both information and incentives for promoting cooperation and non-duplication in capacity-building efforts on the ground.

All such data, trends and analysis need to be fed into a broader discourse on governance, the rule of law and development across the continent as well as internationally. The understanding of organised crime, its drivers and its impact needs to be mainstreamed into planning, programming and strategies across all these sectors as a multilayered and multisectoral response.

## NOTES

- 1 GFI (Global Financial Integrity), *Illicit financial flows from Africa: hidden resources for development*, Washington, DC: GFI, March 2010, 11.
- 2 Almost without exception, law enforcement training and institutional strengthening in an environment where such bodies are undermined politically have little impact on levels of crime. See, for example, the findings of a recent dialogue announcing a new organised crime network: IPI (International Peace Institute), *A Network to Counter Networks: The Global Initiative against Transnational Organised Crime*, New York, March 2012, [http://theglobalobservatory.org/images/pdfs/a\\_network\\_to\\_counter\\_networks.pdf](http://theglobalobservatory.org/images/pdfs/a_network_to_counter_networks.pdf) (accessed 26 March 2013).
- 3 Global GDP data shows that countries in sub-Saharan Africa have to date enjoyed comparatively high levels of growth, with low-income countries in particular growing off a low base and apparently suffering less than their mature counterparts in the current period of economic crisis. See IMF (International Monetary Fund), *World economic outlook update*, Washington, DC: IMF, 24 January 2012.
- 4 Almost without exception, law enforcement training and institutional strengthening in an environment where such bodies are undermined politically have little impact on

levels of crime. See, for example, IPI, *A Network to Counter Networks*.

- 5 World Bank, *World development report 2009: reshaping economic geography*, Washington, DC: World Bank, 2009.
- 6 This is an admittedly rough calculation across all markets analysed in the UNODC report by determining the proportion of each market's linkage to Africa (UNODC [United Nations Office on Drugs and Crime], *The globalization of crime: a transnational organized crime threat assessment*, Vienna: UNODC, 2010). The resulting figure is nothing more than a guide, given that it excludes some prominent criminal markets (e.g. marijuana) and a host of internal illicit African markets (e.g. stolen cars, firearms or cattle rustling). Nevertheless, as a broad rule of thumb it provides some indication of the continent's immersion in the emerging global criminal economy.
- 7 UNODC (UN Office on Drugs and Crime), *The transatlantic cocaine market: a research paper*, Vienna: UNODC, April 2011, 2.
- 8 UNODC, *World drug report 2010*, Vienna: UNODC, 242.
- 9 UNODC, *The globalization of crime*.
- 10 Oceans Beyond Piracy, *The economic costs of piracy 2011*, One Earth Future Foundation, [http://oceansbeyondpiracy.org/sites/default/files/economic\\_cost\\_of\\_piracy\\_2011.pdf](http://oceansbeyondpiracy.org/sites/default/files/economic_cost_of_piracy_2011.pdf) (accessed 26 March 2013).
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## ABOUT THIS PAPER

This paper is part of an ISS project analysing the linkages between organised crime and statehood in Africa and exploring how policy and operational responses could be better coordinated and strengthened across the continent. Organised crime permeates many of the debates on how to build a prosperous Africa that benefits all its inhabitants, yet research on the topic is limited. This paper examines the key factors that enabled the growth of organised crime in Africa and identifies the actors involved. It highlights the main trends that have made Africa so vulnerable to organised crime, identifies implications for the future and proposes responses. Much of the technical and development assistance dedicated to addressing organised crime in Africa has not worked well. The analysis presented here will hopefully catalyse debate between donors and African countries that will offer more effective and coordinated strategies.

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