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# CRIME AND DEVELOPMENT IN AFRICA



**June 2005**

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Ted Leggett, Research and Drafting  
Anna Alvazzi del Frate, Crime Data Analysis  
Thomas Pietschmann, Drug Data Analysis  
Suzanne Kunnen, Graphic Design and Desktop Publishing

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## LIST OF ACRONYMS

The following abbreviations have been used in this report:

ARQ	UNODC Annual Reports Questionnaire
AU	African Union
CTS	United Nations Crime Trends Survey
ECOWAS	The Economic Community of West African States
FDI	Foreign Direct Investment
GDP	Gross Domestic Product
ICVS	International Crime Victim Surveys
IGAD	The Intergovernmental Agency on Development
ILO	International Labour Organisation
IMF	International Monetary Fund
INCB	International Narcotics Control Board
INTERPOL	International Criminal Police Organization
NEPAD	The New Partnership for Africa's Development
SADC	The Southern African Development Community
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNECA	United Nations Economic Commission for Africa
UNICRI	United Nations Inter-regional Crime and Justice Research Institute
UNODC	United Nations Office on Drugs and Crime
WHO	World Health Organization





## PREFACE

Africa seems to have entered, at last, into a period of hope.

Throughout the continent signals multiply that matters are changing for the better. Military coups are now rare, and democratically elected governments are on the rise. More African states are experiencing economic growth and social recovery. Once irresolvable conflicts, such as the North-South war in the Sudan, and the civil wars in Angola and Sierra Leone, have dwindled or ended, while serious efforts are being made to resolve other, seemingly intractable ones. New leaders seem driven by empowerment by their people and pressure by their peers, with a renewed commitment to meeting the United Nations' Millennium Development Goals. Bold statements by developed nations show greater readiness to help support these collective efforts to attain global goals.

Pan-African initiatives are multiplying. More than ever before, African states now view themselves as shareholders in a collective destiny, partners in continent-wide institutions like the African Union (AU) and its programme, the New Partnership for African Development (NEPAD).

These positive developments are most welcome and, indeed, timely. Yet, after centuries of exploitation and so many decades of promising slogans and disappointing realities, the African people remain sceptical about the likelihood of better living standards and greater international aid. "*Current events may point to a promising near future,*" ordinary people may say, "*but we still face huge obstacles on the road to a better life for all.*" Structural impediments rooted in the continent's colonial past, its ongoing exploitation, the killer pandemics and massive poverty, still loom large.

Thus, the development challenge in Africa remains great, perhaps greater than anywhere else in the world. This Report, part of renewed international efforts to help meet this challenge, calls attention to a forgotten aspect of Africa's development situation.

### ***A moral challenge***

Africa's poverty has been documented, studied, and analysed many times over. Among the underlying factors are:

- *Historical causes.* Africa has suffered a long history of exploitation, with the successive impacts of the slave trade, colonization and, more recently, Cold War manipulation. Current national borders were imposed by the colonial powers without reference to culture, language, ethnicity, or to the economic viability of the states thus created.
- *Economic and trade barriers.* Much of Africa is geographically separated from the major northern markets, and suffers from terms of trade that are to the continent's disadvantage. African economies are also hampered by primary resource dependence. Agricultural productivity is low, and afflicted by periodic drought. Many African nations are struggling to recover from difficult periods of structural adjustment and crippling debt burdens.
- *Health conditions.* Malaria, tuberculosis, HIV/AIDS and a host of less widespread afflictions greatly impact on Africa's peoples and economies.

All these factors provide a convincing account of Africa's failure to develop. Yet, there is more that holds back Africa's economic performance. These additional impediments are mostly disregarded by development aid providers and humanitarian agencies, though they are well known to African leaders: "...cross-border crime, illicit proliferation, circulation and trafficking of small arms and light weapons, drug trafficking, corruption and terrorism constitute serious threats to security and stability. They hamper the harmonious economic and social development of the Continent," (Lome Declaration of the African Union Assembly, 12

July 2000). This view was reiterated in April 2005 in the African Common Position presented at the 11<sup>th</sup> United Nations Congress on Crime Prevention and Criminal Justice in Bangkok (Annex A of this Report).

Acknowledging the role these factors play in Africa's under-development is not easy. Understandably, there are inhibitions about discussing crime and security issues. In addition, there is often a paucity of data on which discussion can be based. The business of crime is conducted in secret, and everywhere in the world victims all too often suffer in silence, their troubles mostly unrecorded by government agencies and unreported by the media.

Yet, these unspoken development constraints – more than many others – aggravate the suffering of the African people, make the poor even more vulnerable, distort economic values, rob national budgets, dampen the entrepreneurial spirit, discourage foreign investment, promote capital flight, and perpetuate human suffering. They are at the very heart of Africa's development challenges.

African leaders have recognized that mass poverty and under-development interact with, and exacerbate, crime. In the words of South Africa's former President Nelson Mandela, "...crime can only be effectively dealt with in the context of successful socio-economic programmes. But economic growth and programmes which will banish poverty are themselves subverted by crime and corruption."<sup>1</sup> This is a clarion call to both the providers and the recipients of development aid to Africa: promoting the well being of people and good governance can together create a virtuous circle of continuous improvement.

Economic renaissance in Africa therefore depends on:

- the realization of the hardware traditionally needed to create incomes, jobs and services, such as roads, factories, schools and hospitals;
- the improvement of the software upon which development is based, including efficient administration, the rule of the law, integrity in governance, and promotion of social cohesion and the security of citizens.

This Report was designed to call the world's attention to the support needed in Africa to meet this second objective – namely the provision of development resources for the less tangible dimensions of economic performance: the respect of laws, the culture of legality, and the integrity of government.

### ***Stars aligned as never before***

Today the African continent finds itself at a favourable juncture. Effective administration, respect for human rights, rule of law, and promotion of entrepreneurship are now central policy themes in Africa. There is a mood of renewal throughout the continent, witnessed by efforts to:

- *unite fellow nations* in the framework of the African Union, so as to transcend the artifice of colonial borders;
- *pursue domestic development* agendas in NEPAD, with a renovated sense of ownership;
- *stop conflicts* with African peacekeeping troops, and bring the violence mongers to trial in courts of law;
- *promote honest administration*, as evidenced by new leaders elected on strong anti-corruption platforms;
- *defend the poor*, made ever more vulnerable by violence, corruption and conflicts;
- *rid the continent* of the scourge of human trafficking and slavery once and for all;
- *bring to justice the kleptocrats*, public and private, responsible for fraud and cheating;

- *recover African assets from abroad*, to regain control of treasuries now hidden in rich countries' banks.

In conducting this research project, the crime dimensions of Africa's development challenge were hard to assess and even more difficult to document on paper. The risks of being misunderstood, of being perceived as blaming Africa for its problems, were great. Like people anywhere in the world, Africans and their leaders do not relish public discussion of domestic difficulties.

While this attitude is understandable, high levels of corruption and crime, even when caused by only a hand-full of wrongdoers, do hold back the development potential of the rest of society, in Africa and everywhere else in the world. Open discussion in the African context is especially urgent, because widespread poverty continues to leave the continent less well equipped to deal with these ubiquitous problems than many other regions. Hence there is an urgency to act, now.

The lessons learned from this review are straightforward, and as applicable to other nations as to African nations. The United Nations *Office on Drugs and Crime* (UNODC) underscores the importance of:

- *assisting and encouraging African leaders* to persevere in their current drive towards integrity in public affairs, security for their people, and peace-building at home and abroad;
- *incorporating attention to the rule of law*, crime prevention and victim assistance in development planning and aid allocation in Africa; and,
- *investigating and punishing those outsiders* who profit from crime and corruption in Africa at the expense of its people.

This third point is crucial, and not new. As stated in the recent report of the Commission for Africa:

*...the international community has a role to play in maintaining high standards of governance [in Africa]. If it does so in its own activities – and demands it in the activities of multinational companies ... then it will be better positioned to encourage similar high standards in the way African countries manage the cash from their natural resources.*

Prime Minister Tony Blair referred to Africa's poverty as a "scar on the conscience of the world" and made it a priority during the United Kingdom's chairmanship of the G8 this year. The special needs of Africa lie at the heart of every part of the report recently issued by the United Nations Secretary-General (*In Larger Freedom*, March 2005). There is a growing international momentum to ease the suffering of the African people, by supporting African-led development efforts. Fighting crime, violence and corruption is not just a moral duty. It is a very tangible and indispensable contribution to building the future of prosperity deserved by some of the most vulnerable and poorest peoples in the world.



Antonio Maria Costa  
Executive Director  
United Nations *Office on Drugs and Crime*



## EXECUTIVE SUMMARY

This Report does not attempt to explain why Africa suffers from crime or under-development – such a project could easily fill many volumes. It does not argue that under-development or poverty cause crime, nor that development alone can resolve crime problems in Africa. Rather, it focuses on establishing two simple points:

- All available evidence suggests that Africa has a serious crime problem (Chapter One).
- There is good reason to believe that this crime problem is undermining development efforts (Chapter Two).

The intent of this Report is to make the case for including crime prevention in development planning, as discussed in Chapter Three.

### ***The social factors associated with crime***

Our knowledge on the state of crime in Africa is limited. Given the many development challenges facing the continent, it is not surprising that little attention has been given to crime. But Africa's development challenges are precisely the social factors found to be associated with high crime situations internationally. For example:

- ***Income inequality*** is one of the most robust quantitative correlates of official crime rates, and Africa hosts some of the most unequal countries in the world: on average, the richest 10% earn 31 times more than the poorest 10%.
- Throughout the world, teenaged and young adult males commit most of the crime, and Africa's ***youthful population*** (43% under the age of 15) means that a greater part of the society falls into this pool of potential offenders. Many of these young people are not enrolled in educational programmes and cannot find employment.
- Rapid rates of ***urbanisation***, a factor that combines elements of population density, cultural clash, and population instability, is also a strong correlate of crime rates. Africa is urbanising at about 4% a year, about twice the global average.
- Poor countries have ***poorly-resourced criminal justice systems***, and Africa suffers from the world's least favourable police- and judge-to-population ratios. This ultimately impacts on conviction rates; even if the police perform optimally, offenders in Africa are much less likely to be punished for their wrongdoings than those in the rest of the world. Such a system cannot effectively deter, incapacitate, or rehabilitate criminals.
- The ***proliferation of firearms***, related in part to the recurrence of conflict in all regions of the continent and in part to a growing sense of public insecurity, enables and aggravates violent crime.

While none of these factors alone causes crime, their presence together does make it more probable that crime will occur, all other things being equal. This does not mean that the continent is doomed to criminality. Rather, it means that crime needs to be anticipated and that development planning should proceed with these dynamics in mind.

### ***Conflict fuels crime, crime feeds conflict***

While these social factors would indicate that high crime levels in Africa are likely, an even more important indicator is the widespread conflict that plagues the continent. Africa has suffered greatly from war in recent decades: at the turn of the century, half of all the people who lost their lives to war were Africans. Violent conflict and crime are interlinked in at least two broad ways. First, the nature of war has changed in recent years, and contemporary conflicts have substantial overlaps with crime and organized crime. Second, countries recovering from war can anticipate elevated levels of crime due to the profound effects

modern war has on individuals, the social structure, and the state.

The nature of conflict is changing globally, and it is becoming increasingly difficult to draw the line between acts of war and acts of organized crime. Most contemporary wars are civil wars, and, in the post-Cold War world, insurgencies often fund themselves through crime. This is evident in the 'resource wars' fought over access to Africa's natural wealth, particularly diamonds and oil. Recent conflicts in Sierra Leone, Angola, and the Democratic Republic of the Congo all illustrate the ways war, international organized crime, and terrorism can interact in destabilised zones. The African Union Commission asserts that these conflicts are often fuelled by outside interests, and the emergence of the International Criminal Court illustrates the growing international awareness that the distinction between war and crime is no longer clear-cut.

In addition to being closely related to crime itself, contemporary wars seem to generate criminality in the post-conflict period. The mechanisms behind this effect are multiple and complex, but it is clear that societies disrupted by war do not immediately return to their former state of peace and stability. The World Bank finds that homicide rates increase by 25% in the five years following a civil war. Some of the factors that lead to an increase crime in the post-conflict period are:

- ***Psychological trauma.*** The traumatising effects of contemporary warfare on both the perpetrators and the victims may result in 'cycles of violence', reverberating for generations.
- ***Crime as a post-conflict livelihood.*** The education of young people in the skills of violence, without alternative livelihoods or educational opportunities in the post-conflict era, can result in extended careers as predators; the creation of profitable smuggling routes, which may not be suspended with the signing of peace treaties, can provide the basis for organized crime.
- ***Disaster and displacement.*** The humanitarian disasters following the end of the war can feed violence and enable organized crime, and the displacement of populations can result in further community conflict.
- ***Loss of authority to intercede.*** The weakening of the state and the entrenching of corruption can derail attempts at re-establishing order.

More than ever before, conflicts today aim at psychologically destroying whole populations through terror and public atrocities. The impact of exposure to this brutality is profound, especially for children. In the UN Report on the Impact of Armed Conflict on Children, two thirds of the Angolan children interviewed had seen people murdered. In Rwanda, 56% had seen other children kill people, nearly 80% had lost immediate family members, and 16% had been forced to hide under dead bodies. More than 60% of the Rwandan children interviewed said they did not care whether they ever grew up. While it would be crass to assert that victims of brutality are mechanistically fated to visit it upon others, exposure to violence has been found by criminologists to be a common feature in the upbringings of violent criminals.

Aside from the psychological impact of war, more practical factors may fuel criminality in the post-conflict period. People, especially young men, facing trauma, loss of livelihoods, and social displacement may find that the only marketable skills they possess are the skills of war, and their only productive asset, a gun. Since smuggling has become an increasingly important source of funding for insurgent groups, continued opportunities may exist in international organized crime. As the case of oil bunkering in Nigeria attests, full-scale civil war is not a precondition for the illegal extraction of natural resources.

Conflict also destroys the social fabric, and the upheaval surrounding war can be more damaging than the war itself. In many African conflicts, battlefield deaths comprise a minority of total casualties – most occur as a result of the breakdown of society. The World

Health Organisation cites studies indicating that domestic violence, child abuse, and sexual offences are all increased by a humanitarian disaster, as communities suffer from the loss of livelihoods, post-traumatic stress, and the breakdown of law enforcement. Refugees may face social exclusion and even xenophobic violence in their host countries, and refugee camps are well-known sources of criminal victimisation and political extremism.

Finally, state structures weakened by years of war, undermined in credibility due to brutal acts of counterinsurgency, or manned by a new and inexperienced political leadership, cannot effectively service or secure the population. Political reforms may be seen as a sign of weakness, and law enforcement authorities may struggle to learn the skills of democratic policing. Overall, the state may not be able to fully perform its role in crime prevention for some time after the cessation of hostilities.

All these factors – weak states, established smuggling routes, loss of livelihoods, and a large pool of men experienced in the use of violence – makes vulnerability to organized crime higher in countries caught up in, or recovering from, conflict.

### ***The emergence of organized crime***

The growth in international commerce and transport has made Africa, with its weak enforcement capacity and underpaid officials, an ideal conduit through which to extract and tranship a range of illicit commodities. Increasingly, Africa is being used to route drugs destined for other markets, and, consequently, it is becoming a destination site with a growing consumer base. Human beings tend to be trafficked from less to more developed countries, and African women and children are vulnerable to this abuse. Minerals, petroleum, timber, and ivory are also illegally extracted from the continent, and conflict areas are destination sites for firearms trafficking.

Outside the continent, organized crime networks of West Africans have made a global mark. Particularly known for their role in international drug trafficking, human trafficking, and fraud and corruption, West African networks have proven difficult for law enforcement to counter, due to their highly flexible structure and shallow hierarchies. Diaspora populations in most drug producing and drug consuming countries allow the easy interchange of controlled substances, often in relatively small amounts.

Organized crime cannot thrive without corruption, and the fuelling of corruption may be the most damaging effect of organized crime. While the grand corruption of despots such as Sani Abacha and Mobutu Sese Seko receives most of the press, ordinary Africans suffer daily from demands for bribes to access basic services, according to household surveys. Perception and victim surveys of business leaders support the contention that corruption afflicts many African societies at all levels.

### ***The empirical data on crime***

While all these factors would lead us to expect high crime levels in Africa, demonstrating this quantitatively is confounded by a lack of data. Official crime figures are not available for about half of all African countries, and those that do exist are rarely released on a regular basis. There are also problems with the reliability of police-recorded crime statistics, both in Africa and internationally. Many people do not report their victimisation to the police, and those crimes that are reported are not always recorded by the authorities.

Where figures are available, it is likely that they greatly underestimate the scale of crime. Due to problems related to access to justice, only a fraction of the crime experienced in Africa is reported to the police, and, looking particularly at serious crimes, African countries have some of the lowest reporting rates when compared internationally. But even based on these deficient figures, Africa appears to suffer from more police-recorded violent crime than other

regions. Figures are much lower for property crime according to the police statistics but, when survey findings are added to the analysis, this picture also changes.

According to both public health sources and police statistics, Africa suffers from more homicides per capita than any other region. High murder levels are generally accompanied by high levels of other forms of violent crime, but these crimes are far less likely to be reported to the police than homicides. Still, African police agencies record more assaults and sexual assaults than their counterparts elsewhere, and, when surveyed, Africans are more likely to say they were assaulted and sexually assaulted in the previous year than the people of any other region of the world. Both police and survey data show robbery to be less common in Africa than in South America, but levels are still very high.

In terms of property crime, the police recorded rates are low, but surveys indicate that only 14% of victims of property crime reported the relevant incident to the police, the lowest rate of reporting in the world. In contrast to the police figures, surveys indicate that property crime affects Africans at a higher rate than in other regions, by quite a wide margin in some categories. More Africans suffer from burglary, for example, and expect to be burglarised in the next year. Consumer fraud is also a major issue, though less so than in Eastern Europe, with nearly 30% of Africans polled saying they had experienced this crime in the previous year.

### ***Crime undermines development***

The second part of this Report looks at how crime might be interfering with Africa's development. Three broad impacts of crime are discussed in this paper:

- ***Crime erodes Africa's social and human capital:*** Crime degrades quality of life and can force skilled workers overseas, while the direct impacts of victimisation, as well as fear of crime, may impede the development of those that remain. By limiting movement, crime impedes access to possible employment and educational opportunities, and it discourages the accumulation of assets. Crime is also more "expensive" for poor people in poor countries, and disadvantaged households may struggle to cope with the shock of victimisation.
- ***Crime drives business away from Africa:*** Both foreign and domestic investors see crime in Africa as sign of social instability, and crime drives up the cost of doing business. Corruption is perhaps even more damaging – the World Bank says corruption is the single greatest obstacle to development globally. Further, tourism is a sector especially sensitive to crime issues, and it is one of large and growing importance for Africa.
- ***Crime undermines the ability of the state to promote development:*** Most profoundly, crime and corruption destroy the trust relationship between the people and the state, undermining democracy. Aside from direct losses to national funds due to corruption, crime can erode the tax base as the rich bribe tax officials and the poor recede into the shadow economy. Unfair tax regimes and bribe-seeking officials fuel inequality and increase informality, both of which are associated with crime. The revenue that does manage to find its way into the national coffers may be diverted into graft-rich public works projects, at a cost to education and health services. When people lose confidence in the criminal justice system, they may engage in vigilantism, which further undermines the state.

### ***The social costs of African crime***

Crime undermines social and human capital by destroying the trust relations between citizens on which functioning societies are based. Fear of crime can restrict movement and deter accumulation of assets. When living conditions become difficult, those who are able to emigrate do so, and the World Bank estimates that some African countries have lost as much



as one third of their skilled workers. While the links between crime and human movement in Africa are unclear, crime contributes to the poor social conditions that are a recognised “push” factor behind emigration.

Crime has direct human costs to victims. Violent crime can lead to medical costs and loss of productivity that poor people in poor countries are ill equipped to bear. And given the lower level of medical services available, the same injury will have more serious implications in Africa than it would in better-resourced countries. An injury that could be healed with proper attention could be crippling or life-threatening in some parts of Africa. In aggregate, these injuries can pose a serious drain on public health funds.

With regard to property crime, even small losses of property can be debilitating for poor households, especially if the items lost are productive assets, such as vehicles or livestock. While respondents in most developed countries regard violent crimes as more serious than property crimes, the opposite is the case in some developing countries. This is not because Africans value their lives less than other people. Rather, the impact of losing productive assets, such as a vehicle, can be so devastating to the livelihoods of an extended group of people that it is regarded as more serious than an injury to an individual alone.

In addition to these direct costs, crime impedes economic development by limiting movement and access to possible employment and educational opportunities. By making people risk-averse, it retards entrepreneurial and other economic activity. Survey data show that African people feel more afraid walking alone at night than people of any other region, and this poses a serious problem on a continent where walking may often be the only means of transport. African small business people regard crime as a more serious impediment than those of other regions, and a recent survey in South Africa found that over a quarter of respondents would not consider starting a business due to fear of crime.

### ***Crime drives business away from Africa***

Crime is bad for business, and Africa suffers from unusually low foreign and domestic investor confidence. Total private inflows to sub-Saharan Africa as a percentage of GDP are lower than for all other developing regions, and the African Union Commission says that less than 1% of global Foreign Direct Investment (FDI) comes to Africa. This has not always been the case. In the early 1970s, Africa attracted a higher percentage of world FDI than Asia or Latin America. By the turn of the century, flows into Latin America were 5.5 times higher, and those into Asia were nine times higher, than flows into Africa, despite the fact that rates of return have generally been higher in Africa than in other regions.

Foreign attitudes reflect those of local investors. While most Africans are simply too poor to save, those that do invest tend to do so elsewhere. Sub-Saharan Africa has one of the world’s highest rates of capital flight, with 40% of private portfolios being held outside the continent. This is estimated to reduce continental GDP by some 16%. If Africans themselves are unwilling to invest in the continent, it is difficult to persuade foreign investors to do so.

The experts agree that confidence in Africa is lower than is justified by the fundamentals. While the reasons behind this are debatable, low levels of investment can largely be explained by the perception that rule of law does not prevail in Africa. The United Nations Economic Commission on Africa has identified “rule of law” as one of the most robust correlates of economic growth, and African countries are generally rated toward the bottom of the scale in terms of this perception indicator.

According to World Bank Investment Climate survey data from nine African countries, over 29% of business people in Africa reported that crime was a major constraint on investment, about 50% more than the global average. Those reporting direct losses to crime varied from 11%-80% of respondents in each country, and the cost of these losses varied between 2%-12% of total sales. Expenditure on security ran at about 3% of gross sales in several countries

polled. These direct costs can pose a significant challenge to emerging businesses and those that operate on slim margins. As the World Bank argues:

*crime ... increases the costs of business, whether through the direct loss of goods or the costs of taking precautions such as hiring security guards, building fences, or installing alarm systems. In the extreme, foreign firms will decline to invest, and domestic ones will flee the country for a more peaceful locale.*

The World Bank argues that corruption is the single greatest obstacle to social and economic development, and in the Investment Climate surveys mentioned above, African respondents rated corruption as the number one impediment to investment, before taxes, infrastructure, and inflation. Corruption may also be behind another major barrier to direct investment on the continent: red tape. According to the World Bank, "In many countries restrictive regulations and practices, often aimed at generating rents for officials and favoured groups, constrain business activity, affecting both agriculture and industry." Much of the structure of African government was inherited from colonial regimes, but reform efforts may be hampered where they threaten the patronage networks of corrupt officials.

The World Bank Investment Climate surveys found that 38% of Ugandan firms, 46% of Zambian firms, and 73% of Kenyan firms said corruption was a major or very severe constraint on business. In Zambia, about 2% of total revenues are spent on bribes, compared to about 3% of gross sales in Uganda. A government contract is said to cost 3.7% of the value of the contract in bribes in Zambia. Looking at economic crimes more broadly (including corruption, embezzlement, and extortion), a survey of 189 organisations in Kenya, Tanzania, and Zambia found that, between them, US\$206 million was lost over two years.

An emerging opportunity exists in the expanding tourism sector, but crime, particularly against tourists, has a negative impact on this industry. Tourism is presently estimated to be responsible for 6% of employment and over 7% of GDP in Africa. Tourism GDP was expected to grow nearly 10% in 2004, and employment just under 9%, far outpacing total growth on the continent. Tourism makes up between 10% and 20% of some of the most successful economies on the continent, and provides a large number of unskilled jobs. While the direct impact of crime on the industry is difficult to determine with precision, the Kenya Tourism Board estimates that adverse travel advisories cost the country nearly US\$200 million in recent years.

### ***Crime, corruption, public trust, and public spending***

Crime, and especially corruption, directly undermines democracy by destroying the trust relationship between the people and the state. The most basic obligation of the state is to ensure the safety of its citizens. When the state fails to fulfil this obligation or, worse, provides protection to some groups but not to others, the people effectively reclaim their right to use force in the resolution of disputes, often with disastrous consequences.

In addition to being greatly under-resourced, the police are generally rated as the most corrupt wing of government in African polls. When the public lose confidence in law enforcement, the rich turn to private security, while the poor must rely on self-protection. In areas where cultural communities remain strong, this may mean a return to traditional justice, but where social change makes this impossible, it often results in vigilantism. In addition to perpetrating human rights abuses, vigilante groups typical degenerate into protection rackets, and may eventually become predatory gangs in their own right.

Other forms of official corruption also interfere with the ability of the state to promote development. A corrupt government does not serve all the people, and, in turn, is not supported by them. In this way, corruption subverts democracy. At the most basic level, corruption may interfere with the ability of citizens to access basic public services, as corrupt officials demand bribes before delivering entitlements. The 2004 Global Corruption

Barometer survey covered 64 countries, including five African ones. Respondents were asked whether in the last 12 months they had been asked to pay bribes. The three countries with the highest positive response rates were all African: Cameroon (52%), Kenya (36%), and Nigeria (32%, in a three-way tie for third). In another study, Transparency International found that average urban Kenyan pays 16 bribes a month, 99% of which are to public officials. Luckily, most of these bribes are small, but they are estimated to add about 15% to the cost of living, a significant drain for a populace earning an average of US\$393 a year. Those who do not pay do not receive the services necessary to advance development, and thus the relatively advantaged benefit from programmes aimed at the poorest. This aggravates social exclusion and a sense of resentment among the disadvantaged.

Crime and corruption can undermine national revenue in a number of ways. Natural resources that are smuggled with the complicity of state actors can deprive the public of the benefits of their country's wealth. This is particularly problematic in Africa, where many economies have been reliant on natural resource extraction.

Bribe-seeking officials, an unfair tax regime, and excessive, corruption-tied regulation can drive business into informality, which further reduces tax revenue and is associated with greater criminality and retarded growth. Estimates of the size of the shadow economy in African countries, which includes criminal activity, generally range between a third and two thirds of GDP, all of which is untaxed. Favouritism leads to greater income inequality, also associated with crime.

The direct costs of corruption to the national accounts are considerable, as value diverted into the pockets of corrupt officials is not realised in benefit to the public. Corruption also promotes excessive spending on large public procurements and works projects, where graft opportunities are plentiful, and the quality of delivery on these projects is often poor, as corrupt contractors do not feel compelled to stick to specifications. This excessive expenditure can come at a cost to important development services.

Finally, all this graft could have some benefit to the economy if it were, at least, reinvested in Africa. But, as was noted above, this is often not the case with legitimate earnings, let alone the proceeds of corruption. Capital flight applies to the criminal economy as well.

In the end, the cumulative effect of public corruption is to destroy respect for the law and the state. This profoundly undermines democracy, as many citizens come to regard the state as an adversary rather than a representative body. It also fuels broader criminality. When privileged classes and individuals are allowed to flout the law, the disadvantaged feel very little moral imperative to obey it.

### ***Progress and opportunities***

To this point, the Report has focused on diagnosing the problem. This final section looks at what has been done by African governments to address the problem to date, and identifies a few of the possible areas for integrating crime prevention thinking into development planning. Remarkable progress has been made by many African states, regional economic communities, and the African Union in creating the legislative and organizational framework for combating and preventing crime, but the capacity for implementation may be in need of support in many instances. The African Common Position released in at 2005 World Crime Congress provides considerable direction in identifying priorities and the sorts of programmes that might be used to address them.

### ***Conclusion***

While it appears that Africa may have one of the most serious crime problems in the world, it is the crime problem about which the least is known. Crime figures, especially survey-based statistics, need to be seen as important development indicators, both in themselves and as

possible impediments to economic progress. Once the crime situation in Africa is better understood, good practices that have worked in preventing crime in other areas can be appropriately adapted to the continent.

Crime should be prominent in the minds of development planners, and crime prevention thinking should influence all aspects of development projects. Some of this is happening already, through the acknowledgement that rule of law and governance are vital to economic growth. But even at grassroots level, the impact of crime on education, health, housing, and social services needs to be addressed.

The international community remains committed to helping the African people overcome the barriers that confront them. Understanding the dynamics between conflict, crime, corruption and development constitutes an important part of this process, with a view to addressing what appears to be an under-appreciated source of suffering in Africa.

## INTRODUCTION

*“Crime has been identified as one of the major obstacles to development.”*

- African Common Position on Crime Prevention and Criminal Justice<sup>2</sup>

Africa is a large and diverse continent, apt to defy easy generalisations. But while there are several countries with moderately high national incomes, the majority of Africans across the continent are very poor. According to the African Union Commission, over 40% of the population of sub-Saharan Africa live below the poverty threshold of US\$1 per day.

The lack of development extends beyond income to touch on other areas of human potential. Africans suffer from poor health – almost half of all children in the world who die before their fifth birthday are born in Africa. Malnutrition, disease, and violence shorten lives, so that the people of Africa can expect to live far fewer years than the people of other regions. In education too, African people are deprived. In many African nations, less than half the school age population is able to attend primary school. According to the United Nations Development Program’s Human Development Index rankings for 2004, 32 of the 35 lowest positions are occupied by African nations, all of them in the sub-Saharan region.

More disquieting still is the fact that many African nations have been getting poorer over the last 30 years. Despite widespread governmental reform and decades of development assistance, aggregate GDP per capita declined slightly in sub-Saharan countries between 1975 and 2002, by 0.8% per annum, while in the developing world as a whole it increased by 2.3% per annum. Eight countries, all in sub-Saharan Africa and together home to one third of the population of the region, have seen their per capita incomes fall by over half during that period.

This Report looks at a factor that is often overlooked in explaining Africa’s persistent under-development: crime. Limited government capacity has meant that official data on crime in Africa are sparse, and independent research has also been limited. But all available indicators suggest that the continent does have a very serious crime problem.

On reflection, this should come as no surprise. Crime rarely occurs in isolation, and is one of a range of co-factors associated with under-development. High levels of income inequality, rapid urbanisation, a high share of unemployed youth in the population, poorly resourced criminal justice systems, and the proliferation of firearms are all strongly associated with crime. Furthermore, contemporary forms of conflict fuel crime, and in recent decades the continent has suffered more from civil wars than any other part of the world. Thus, even if no crime data were available, high levels of crime in Africa would be expected.

In addition to the human suffering caused by crime itself, there is good reason to believe that, in a number of ways, crime is hurting the development process. Investment levels in Africa are lower than they should be, and much of this can be attributed to the perception that the rule of law does not prevail in Africa. Crime destroys human and social capital and can have a far greater impact on the lives of citizens of poor countries than of rich ones. Perhaps most importantly, crime, and especially corruption, damages the relationship between citizens and the state, and thus undermines both democracy and the ability of the state to promote development.

There is presently great international momentum around development in Africa. African leaders have been promoting projects for democratic reform and economic growth for the people of their countries, and there are signs of progress on many fronts. This was mandated by a 2004 resolution of the United Nations Economic and Social Council, based on the special commitment made by member states to the development of Africa in the Millennium Declaration. It also represents part of a broader United Nations objective of probing the links between security and development, as explored in the March 2005 report of the Secretary

General, *In Larger Freedom*. Similar exercises are being considered for other regions of the world, such as the Balkans and Central Asia.

This Report simply assembles the available research on the extent of crime in Africa and assesses the ways that this crime interferes with the process of development. It thus concurs with and provides documentation to support the African Common Position cited above. It is intended to stimulate debate and is a summary of a larger Report in progress that considers these issues in greater detail. It represents an attempt to bring a new angle to a longstanding problem, and only briefly touches on present and possible interventions (in Part Three). It does not profess to be the final word on the topic; indeed, one key issue highlighted is the limited amount of information available at present on these issues. More data and research are clearly and urgently needed. But the available information strongly suggests that crime prevention needs to be considered in development policy in Africa. It is hoped that, together with the United Nations Office on Drugs and Crime, others can take this work forward in concrete operational terms, so as to improve the lives of the people of the continent.

## **I. THE STATE OF CRIME IN AFRICA**

This Report does not attempt to probe the reasons behind Africa's crime or development situations. Such an endeavour could easily fill many volumes. The more modest goal of Chapter One is simply to assemble the limited data on crime in Africa and to make some sense of this picture. Chapter Two then looks at the way this crime situation may be impacting on development in Africa.

Chapter One opens with a discussion of the social circumstances that have been found, internationally, to be associated with crime, and the extent of their presence in Africa. But association is not causation. Even demonstrating statistical correlation in this area is confounded by data weakness, as will be discussed. There remain greatly under-developed countries where crime is not a major issue, as well as developed areas where crime is rampant. The relationship between crime and development is not simple, nor is it deterministic. Nowhere in this Report is the argument made that under-development or poverty cause crime, nor that development alone can resolve crime problems in Africa.

That having been said, there exist certain social factors that, when present, would lead us to predict a crime problem. Although police statistics are of dubious value in making international comparisons, numerous studies have correlated these figures with income inequality, and there are sound theoretical reasons for believing this association is real. Internationally, most crime is committed by males between the ages of 15 and 30, and so having a large share of the population in this demographic group could be considered a risk factor, particularly if these young people are not employed in gainful economic or educational activity. Urbanisation, and particularly the rate of urbanisation, is another social factor that seems to be associated with rising crime levels. Insofar as the criminal justice system provides a check on crime, weak state capacity in this area could be a point of vulnerability. Finally, while the presence of firearms alone does not cause crime, some forms of criminality would be difficult without them, and they certainly increase the lethality of the assaults where they are used.

Looking at the African situation through this lens, high crime levels are predictable. The most unequal countries in the world are in Africa. In terms of population, Africa is the world's youngest continent, with high levels of unemployment and low levels of educational enrolment. Africa is urbanising at about twice the global rate, and suffers from the most under-resourced criminal justice systems. And there is a final factor that has even more direct linkages to crime: war. Africa has suffered more from war than any other region in recent decades, and provides some the best illustrations of how the line between crime and conflict can become blurred. Contemporary wars tend to be brutal civil wars, and the impact of this violence on individuals, social structures, and the state can have long-lasting repercussions. Thus, if one were to attempt to create a crime situation from social variables in a laboratory, it might look very much like Africa. This does not mean the continent is doomed to criminality, but it does indicate that we should anticipate challenges in this area, and plan for them.

Chapter One then looks at the available police and survey data on crime in Africa. Given the many issues confronting the continent, it is not surprising that relatively little has been done to assess the extent to which Africans actually suffer from crime. Most African governments have not yet begun to fully participate in the international sharing of official crime statistics, and little direct research has been done on crime in Africa. Where data do exist, however, they seem to support the contention that many countries in Africa are experiencing a very serious crime problem, both in terms of conventional crime (murder, robbery, burglary, etc.) and organized crime (trafficking of drugs, other illicit commodities, and even human beings). There are also strong indications that both grand and petty corruption are significant issues in many African countries.

## 1.1 Social factors associated with crime

Under-development does not, in any deterministic way, cause crime. The poorest are often the most law-abiding, and those who have suffered most are perhaps most reluctant to visit suffering on others. There are no social indicators that universally predict the extent of crime in a country. The evolution of a crime problem is not so simple as that.

It is true, however, that the symptoms of social malaise tend to travel as a pack. Unemployment, low household incomes, poor nutrition, high educational drop-out rates, unplanned pregnancies, single-parented households, substance abuse, and other forms of crime seem to impact more on socially marginalised communities than on others. The interrelationship between these troubles is complex, and it is likely that they re-enforce one another in many ways.

The association between social marginalisation and crime has been well demonstrated in disadvantaged areas of the developed world. Geographic mapping of murders in many cities show a high concentration in inner city areas, more than would be predicted on the basis of population density alone. Major drug distribution points are usually located in the most neglected sections of a metropolis. Gang warfare rarely occurs in affluent neighbourhoods, and “career criminals” are more likely than average to come from disadvantaged backgrounds and marginalised population groups.

Unfortunately, the ghettos of the developed world have much in common with many of the countries of Africa in terms of income inequality, youth unemployment, population instability, and access to justice issues. While none of these factors alone causes crime, their presence together does make it more probable that crime will occur, all other things being equal. This does not mean that the continent is doomed to criminality. Rather, it means that crime needs to be anticipated and that development planning should proceed with these dynamics in mind.

One of the biggest barriers to probing the links between crime and other social indicators is the extremely poor quality of the crime data, especially for Africa. This matter is explored at length in Annex C of this Report. While this key weakness precludes complex statistical analysis, there are social factors that many theorists have argued influence the extent of criminal activity. Some of these are discussed below.

### **Poverty and inequality**

Africa is the world’s poorest continent. Africa’s total GDP is smaller than that of Spain, while its population is 20 times larger. Even calculated on a purchasing power parity (PPP) basis, GDP per capita is substantially less in Africa than in other regions. Half the people of sub-Saharan Africa live on less than the equivalent of 65 US cents per day. And while there are early indications that the situation is improving, Africa has actually been getting poorer in recent decades. GDP per capita declined in sub-Saharan Africa by 0.8% per annum over the 1975-2002 period, while in developing countries as a whole, it increased by 2.3% per annum.

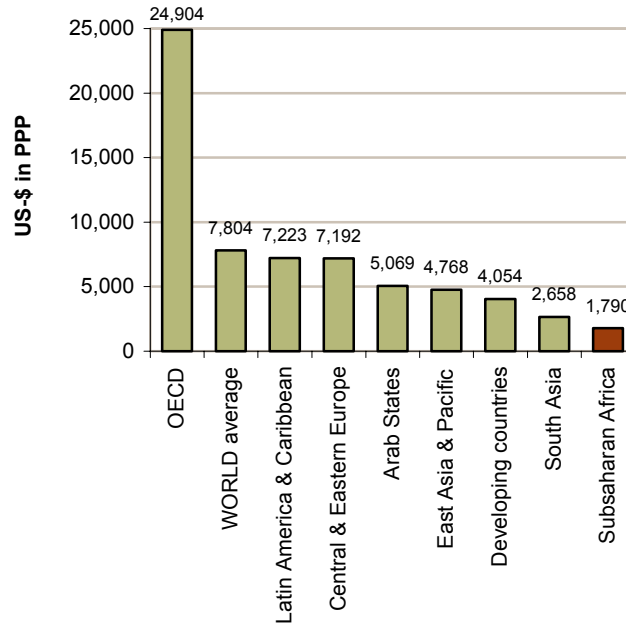
Thus, if poverty were a direct cause of crime, we would expect unprecedented levels of crime in Africa. Luckily, the impact of poverty on crime seems to be more subtle than that. There have been many attempts to correlate income levels and crime statistics, although results have been mixed.<sup>3</sup> While a small share of global crime is committed to satisfy basic human needs, the effects of material deprivation generally are usually mediated through other social factors. As South African President Thabo Mbeki has argued, citing the 2000 UNDP Human Development report, “poverty is not only expressed in shortage of food, shelter and clothing. It is also expressed ... in high levels of crime, including violence among the poor themselves, especially against women and children, in many instances accompanied by substance abuse.”<sup>4</sup>

Income inequality, on the other hand, has been argued to be one of the most robust quantitative correlates of police-recorded crime rates,<sup>5</sup> although there are studies to the



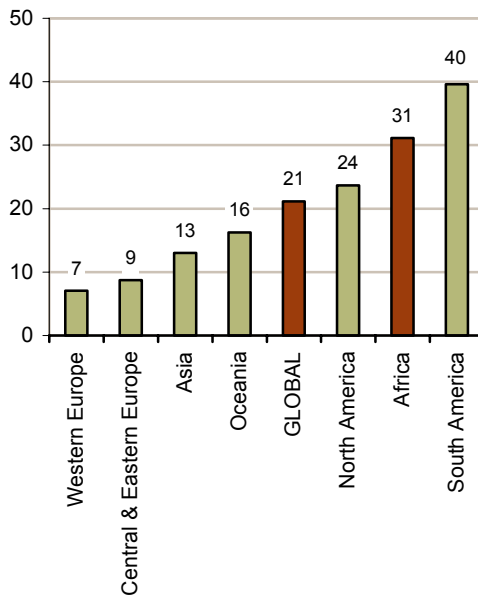
contrary.<sup>6</sup> Africa hosts the most unequal countries in the world. On aggregate, the richest 10% earn in Africa, on average, 31 times more than the poorest 10%. Only South America has an even more skewed aggregate income distribution (Map and Figure). The seven countries with the most unequal distributions of income in the world for which data exist are, in descending order: Namibia, Lesotho, Botswana, Sierra Leone, Central African Republic, Swaziland and South Africa.

**Figure 1: Gross domestic product per capita in 2002 in US\$ (PPP)**



Source: UNDP, Human Development Report 2004

**Figure 2: Income inequality: Income ratio of the richest and poorest deciles (un-weighted averages), 2002 or most recent year**



Source: UNDP (2004)

The World Bank argues that relative deprivation “breeds social tensions as the less well-off feel dispossessed when compared to wealthier people,” and thus, “the poor seek compensation and satisfaction by all means, including committing crimes against both poor and rich.”<sup>7</sup> Those who feel themselves to be the victims of social injustice may not feel compelled to obey the laws of the system that marginalises them.

Studies of the impact of income inequality have chosen cities or countries as their frames of reference, but, in an increasingly globalized world, the reference frameworks of the disadvantaged may not be limited by municipal or international boundaries. Tanzanian President Benjamin Mkapa recently addressed the causes of crime as co-Chair of the World Commission on the Social Dimension of Globalisation. He said crime was exacerbated by the “cultural aspect of globalization, which engenders desire for the beckoning western lifestyle portrayed in the electronic, and print media.”<sup>8</sup> The desire to acquire wealth despite barriers to formal economic activity may also fuel enterprise crime and, ultimately, organized crime.

It has also been argued that inequality may also breed violent crime, as expressive “frustration violence” is vented against vulnerable targets.<sup>9</sup> As President Mbeki argues, these are often women and children.

The World Bank argues that relative deprivation “breeds social tensions as the less well-off feel dispossessed when compared to wealthier people,” and thus, “the poor seek compensation and satisfaction by all means, including committing crimes against both poor and rich.”<sup>10</sup>

Those who feel themselves to be the victims of social injustice may not feel compelled to obey the laws of the system that marginalises them. In fact, since compliance with the law may be seen as enabling exploitation, defiance of the law may be seen as courageous in marginalised communities. The line between ‘civil disobedience’ and profit-seeking criminality may become blurred in the minds of some.

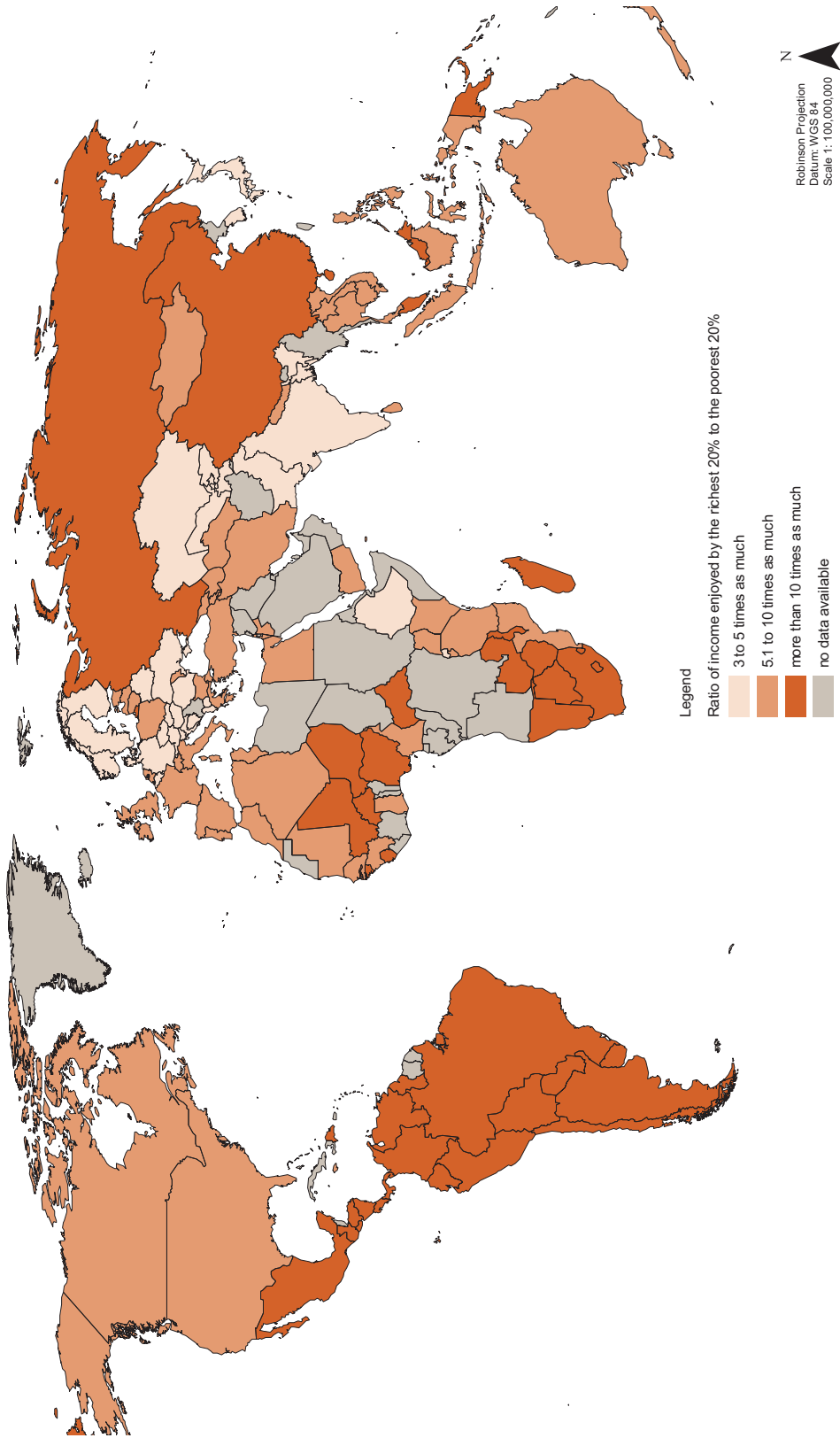
Studies of the impact of income inequality have chosen cities or countries as their frames of reference, but, in an increasingly globalized world, the reference frameworks of the disadvantaged may not be limited by municipal or international boundaries. With the globalisation of the Western media, poor people everywhere are exposed to the lifestyles of the rich and famous. They are also exposed to the consumerist ethic, which is seen as the creed of global sophisticates.

Ironically, democratisation and the opening of markets can place considerable stress on disadvantaged youth. With the removal of the formal barriers to advancement, poor people may feel the onus for material advancement has shifted to their shoulders. Failure to advance can be perceived as a personal failure, rather than a societal one. The pressure to achieve material success, by any means possible, can be intense for young people.

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It has also been argued that inequality may also breed violent crime, as expressive “frustration violence” is vented against vulnerable targets.<sup>12</sup> As President Mbeki argues, these are often women and children. Inability to provide for dependants can be a tremendous source of frustration, especially when others appear to be more successful. The rage that this engenders can have tragic consequences.

Global income inequality as measured by the Gini coefficient



Source: UNDP (2004) Human Development Report 2004: Cultural Liberty in Today's Diverse World, UNDP: New York.  
Note: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

### Share of youth in the population

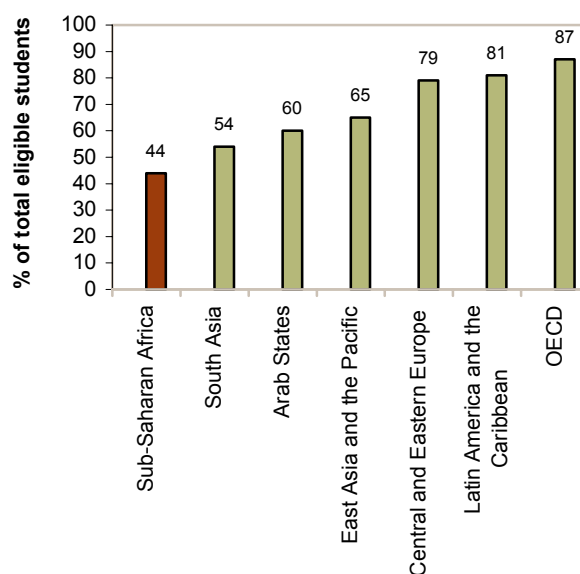
A youthful population is a great asset, but it can also be a source of social vulnerability. Throughout the world, perhaps the most important single fact about crime is that it is committed mainly by teenagers and young adults<sup>13</sup> At least 140 studies conducted internationally looking at a range of offences and using a variety of methodologies have found that people are most likely to commit crime between the ages of 12 and 30. No known study has ever failed to find this relationship. Comparing between countries, the ages of peak vulnerability only vary by three or four years, falling in the teens and early 20s, with the exact age depending on the offence studied.<sup>14</sup>

Africa hosts the world's youngest population – 43% of the population of the continent is under the age of 15. In most African countries, the median age is 16-19 years, while in many developed nations it is twice that.<sup>15</sup> This means a greater part of the society is vulnerable to becoming involved in criminal activity.

In defiance of intuition, the linkages between high unemployment rates and crime have not been unequivocally established, although a number of studies have found a link.<sup>16</sup> The confusing data around unemployment levels in Africa illustrate the difficulties in securing reliable information for international comparison on the continent. The International Labour Organization reports a wide range of values for African countries from a range of different years using a range of methodologies, and, surprisingly, poorer countries often report much lower levels of unemployment than more affluent ones. Data for 2003 are available for Uganda (3%), Mauritius (10%), Egypt (11%), Morocco (12%), Tunisia (14%), and South Africa (28%). In developed countries, youth unemployment is typically two to three times as high as general unemployment.

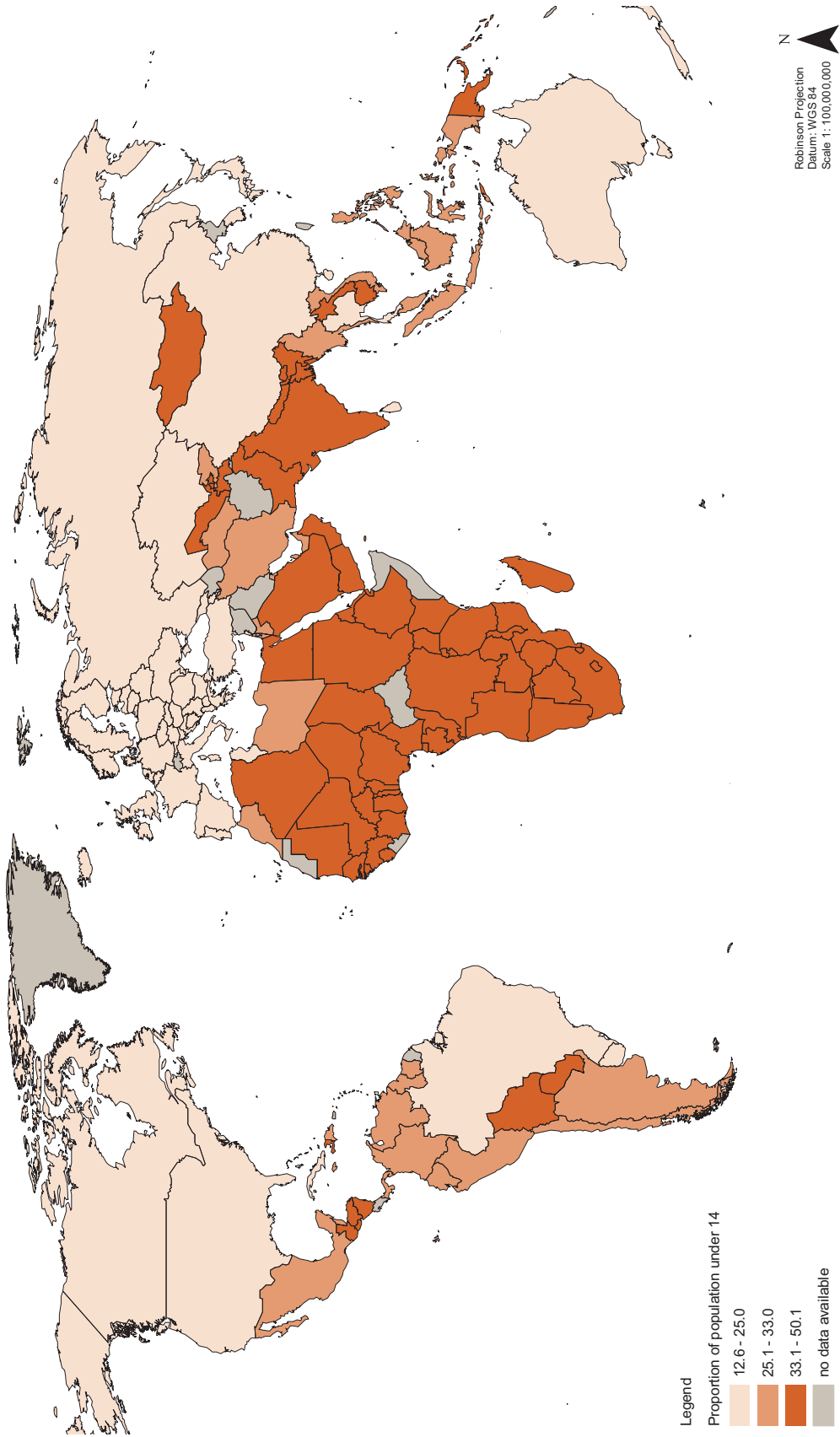
Data on educational enrolment are more predictable, with sub-Saharan Africa having the lowest levels internationally (Figure 3), and with girls generally being the worst affected. Low educational enrolment is due to a number of factors, including limited public resources for education, the need for child labour to maintain viable households, and a large number of children growing up unsupervised or under-supervised, including street children. The loss of parents to HIV/AIDS is expected to increase the number of children growing up without their parents' care.

**Figure 3: Combined primary, secondary and tertiary enrolment**



Source: UNESCO

Proportion of population under 14 in 2002



Source: UNDP (2004) Human Development Report 2004: Cultural Liberty in Today's Diverse World, UNDP, New York.  
Note: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

## **Urbanisation**

At present, about half of Africa's population resides in cities, and rates of urbanisation are high. African cities are expected to grow at about 4% a year over the next 15 years, about twice as fast as the global average.<sup>17</sup> While urbanisation is an inevitable side effect of development and may be essential for economic growth to occur, it also presents problems of its own, especially if allowed to proceed unmanaged. Given the general capacity challenges confronting many African governments, the ability of the state to mediate these effects may be limited. This is why many African cities contain large informal settlements and overcrowded slums, where there is little access to services, including law enforcement services.

Internationally, crime rates are higher in cities than in rural areas, with the rate generally increasing according to city size. Africa does not seem to be any exception. For example, an analysis of risk factors for victimisation based on national victim survey conducted in 2003 in South Africa, illustrates the prevalence of crime in major cities. Those living outside metropolitan areas were found to be 45% to 50% less at risk of theft. The same trends applied in the case of robbery and assault.<sup>18</sup>

This means that as more Africans move to cities, especially large cities, crime rates can be expected to increase. The sizes of the potential offender and victim pools are simply increasing. The growth of mega-cities like Lagos and Kinshasa in the context of negative economic growth has particularly serious implications for crime rates.

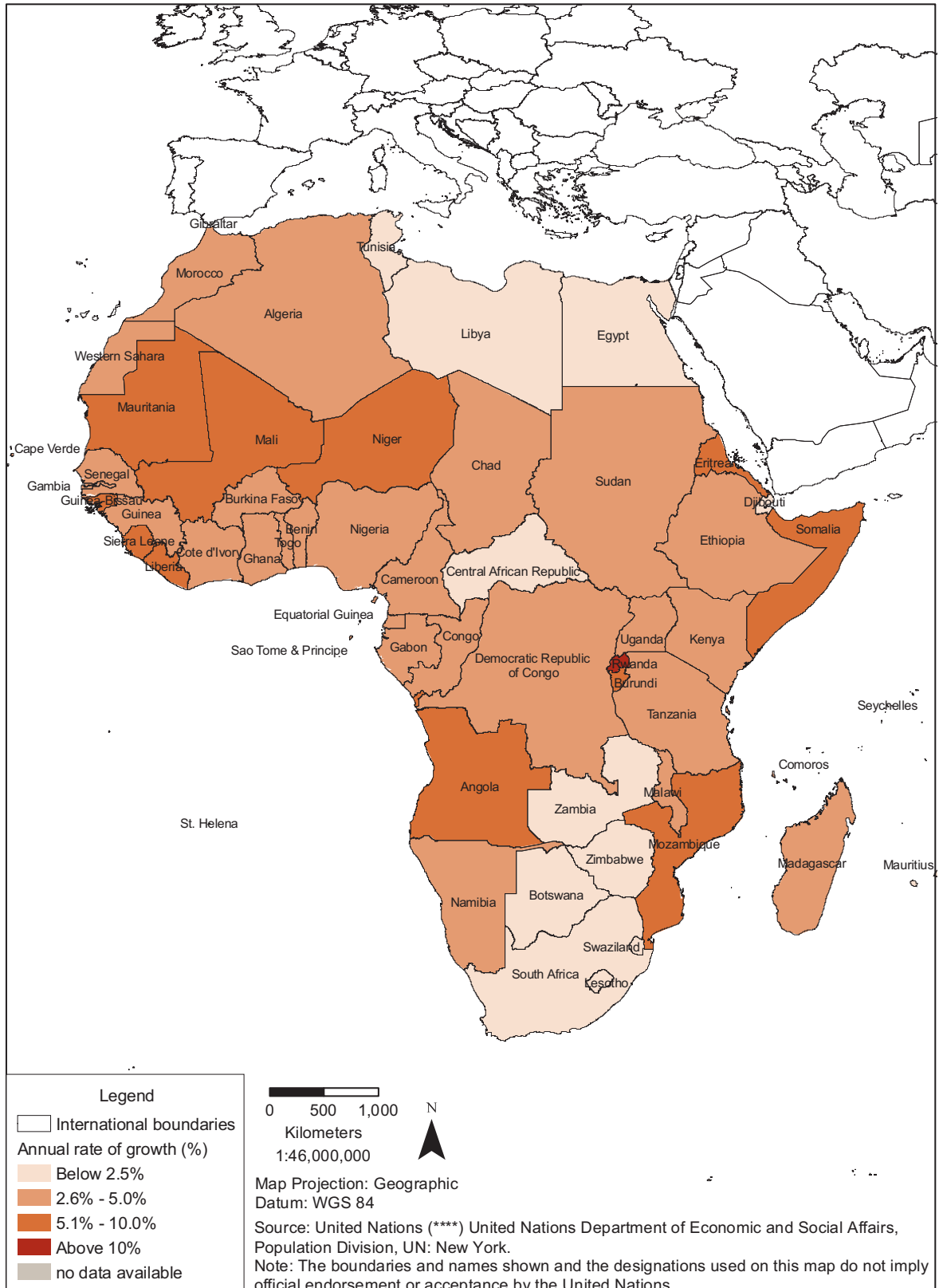
The rate at which urbanisation occurs is also relevant, as population instability, or the rate at which people change their households, is strongly associated with crime, and urban populations are typically areas of high turnover. Since informal social controls are the most effective means of preventing crime, areas with little sense of community coherence are vulnerable to criminality. The anonymity associated with transient populations is an enabling factor for a wide range of organised, and not so organised, crime activities. Illegal immigrants, runaways, drug dealers, and sex workers tend to congregate in urban areas.

Another strong associate is the share of people who rent, rather than own, their homes, since this both proxies for population instability and represents the level of investment residents have in keeping the area liveable. The need to pay rent, absent from many rural African areas, forces residents to come up with cash, regardless of their employment status. Subsistence agriculture and extended kin networks, mainstays of rural livelihoods, are difficult to maintain in the urban context. Alternative livelihood strategies must be found, inside or outside the law.

Population density, obviously associated with urban environments, is less strongly associated statistically than instability or rental rates – there are some very high density/low crime areas, such as Tokyo. But the tensions and cultural clashes likely to result in congested and highly diverse communities are predictable.<sup>19</sup> When indoor spaces become too crowded, street life develops, which can be both a blessing and a curse. Unsupervised young people growing up on the street corners may form defensive packs that can evolve into street gangs,<sup>20</sup> a phenomenon rarely seen in more rural settings but a fact of life in many African cities. Defensive groupings can also form around ethnic lines or among urbanites sharing a common rural origin.

Informal peri-urban settlements are an issue in many African cities, and these areas represent a security challenge. Makeshift structures provide little barrier to intruders, and lack of street lighting gives cover of darkness to criminals. One victim survey in an African shack area found the crime most feared by residents was robbery in their own homes.<sup>21</sup> Police may be hesitant to enter these areas, as many can only be accessed on foot and their maze-like organisation can be very confusing for outsiders. Maintaining contact with witnesses and victims in squatter areas can be difficult, so the prospects for prosecution are dim.

Annual rate of urban growth in African countries (%)

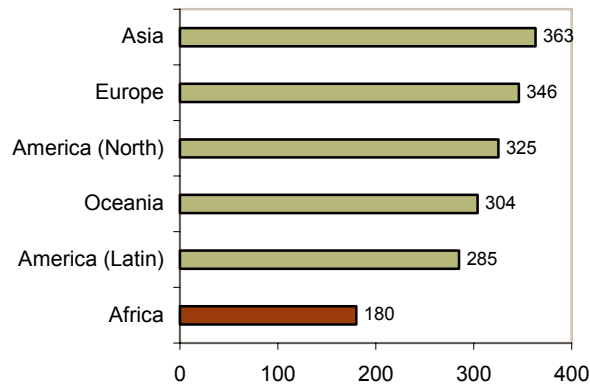


### Criminal justice resources

As might be expected, there is a significant relationship between the amount a country spends on criminal justice and its national income.<sup>22</sup> Poor countries simply cannot afford to spend as much on the protection of their citizens as rich countries spend. While the relationship between law enforcement spending and public security is unlikely to be linear, there must be some threshold below which the criminal justice system cannot effectively deter future offenders, incapacitate serial offenders, or rehabilitate past offenders. There is reason to believe that many African countries reside below this threshold.

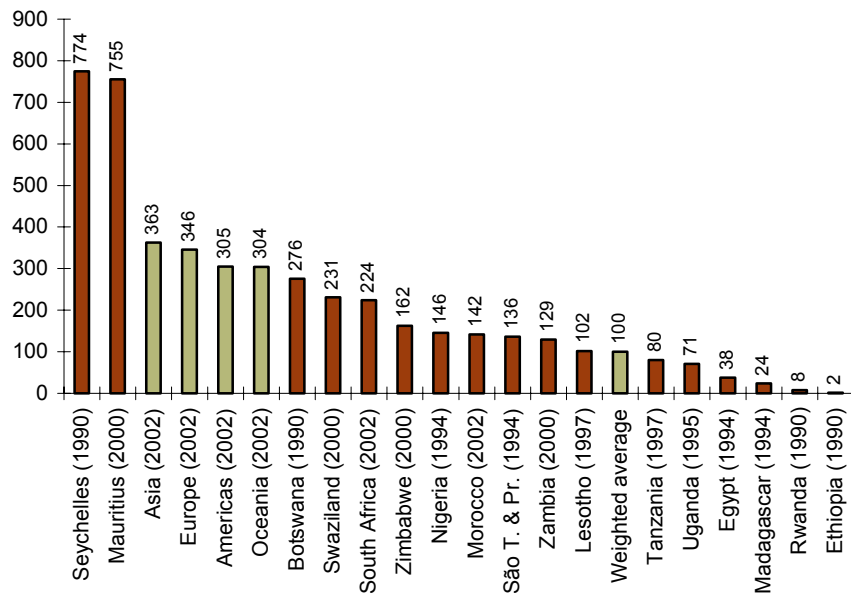
For example, the extent to which a strong police presence can actually prevent crime is hotly debated,<sup>23</sup> but most would agree that access to the police is an important aspect of public security. On aggregate, Africa has significantly lower police to public ratios than any other region of the world, and, in some countries, the numbers of police are extremely small (Figures 4 and 5).

**Figure 4: Number of police officers per 100,000 citizens**



Source: UNODC CTS, 2002 or most recent year

**Figure 5: Police officers per 100,000 (Various years)**



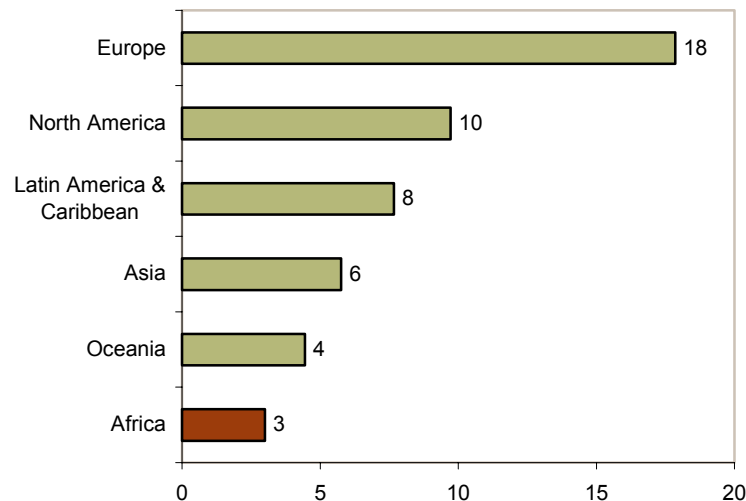
Source: UNODC CTS, 2002 or most recent year



As will be discussed below, African societies also face more crime than the better policed societies of Europe, Asia and the Americas. Since they have fewer police, this means greater caseloads per police officer. For example, murder is a crime that requires considerable police time to investigate and prosecute effectively. While the average for the 78 non-African countries for which data are available is 188 police officers per recorded homicide, and the median for these countries was 118, the average for the 10 African countries for which data were available was only 84 police officers per recorded homicide, and the median value was 22. As only a small share of these police officers are detectives who investigate serious crime, this can result in unmanageable caseloads and reduced conviction rates.

Africa's criminal justice challenges do not stop with the police. Africa also has fewer judges per capita than in any other area of the world (Figure 6). Fewer judges mean that criminal cases are processed more slowly. This is important because the rate at which a case is processed is directly related to its prospects of success. Over time, victims lose their commitment and witnesses disappear, particularly in areas where they can be difficult to locate in the first place, as is often the case in Africa.

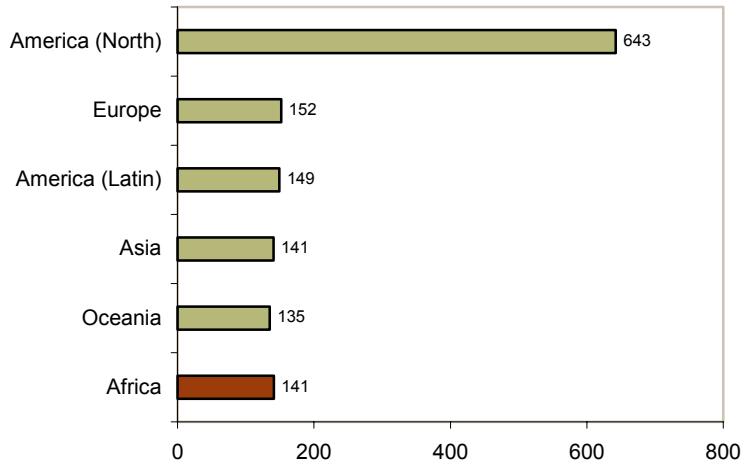
**Figure 6: Number of judges per 100,000 population**



Source: UNODC CTS, 2002

Given the low numbers of police and judges, it is somewhat surprising that Africa has nearly as large a share of its population in prison as do other regions of the world (Figure 7). However, a large share of this population is resident not by design, but by inefficiency, as many of these prisoners have not yet been convicted of anything. In Africa (and Asia), about one third of inmates are 'awaiting trial' (on remand), much higher rates than are seen in the rest of the world.<sup>24</sup> This is, in many cases, tied to delays in the courts, due to the lack of judges and other factors. High awaiting trial rates may also be linked to the poverty of the accused and of the society, as bail systems only work when people can be traced to fixed addresses and assets can be used as surety.

**Figure 7: Inmates per 100,000 population**

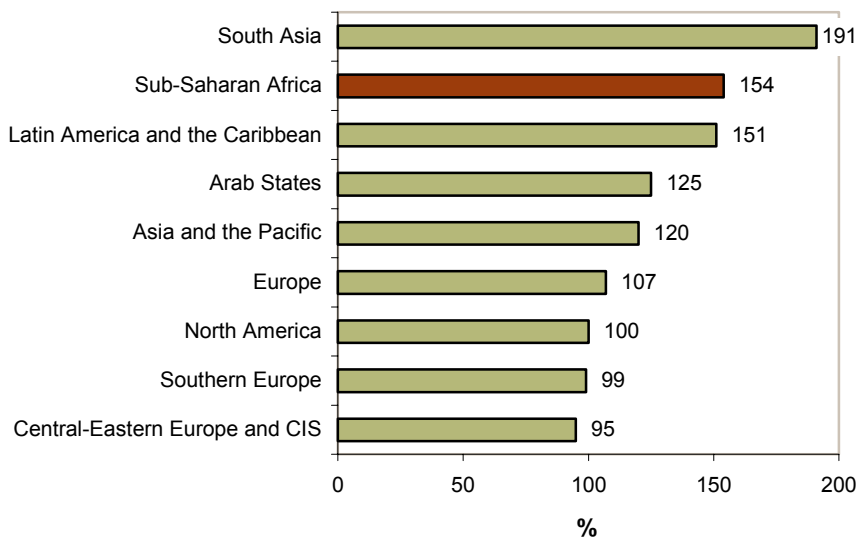


Source: UNODC CTS, various years

Since African nations are imprisoning more people than they really can afford to house, overcrowding is inevitable. As Figure 8 shows, Asia, Africa and Latin America show very high occupancy rates. Individual prisons, however, can suffer from even greater overcrowding.

Both the large share of remand prisoners and overcrowding interfere with rehabilitation efforts and may be sources of injustice in themselves. Prisoners awaiting trial are not eligible for rehabilitation programmes because they have not yet been convicted of anything, and their presence draws resources away from work with convicted prisoners. The African Commission on Human and People’s Rights Special Rapporteur on Prisons and Conditions of Detention has conducted several evaluations of prison conditions in individual countries over the years. These investigations documented prisoners awaiting trial for periods in excess of five years<sup>25</sup> and mass holding cells so overcrowded that the inmates did not have sufficient space even to sit down comfortably.<sup>26</sup> These conditions represent violations of human rights, and serve to fuel crime problems, rather than ameliorate them.

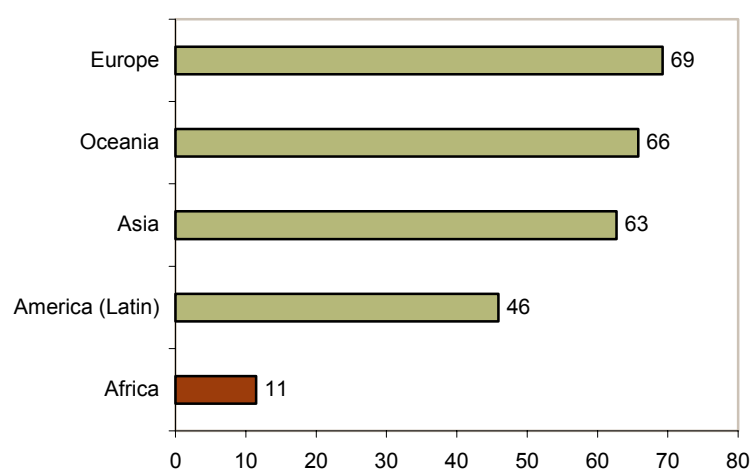
**Figure 8: Prisons overcrowding: ratio of prisoners to prison berths**



Source: CTS and World Prison Population List

As suggested above, criminal justice shortcomings also manifest themselves in low conviction rates. Murder, a crime taken seriously everywhere in the world, once again provides a good example. The chances of a murder resulting in a conviction are much lower for murders in Africa than in other regions: around 11% (Figure 9). In South Africa, which has one of the best police to public ratios on the continent, the share of murders that result in a conviction is about 18%, compared to 56% in the US and 61% in the UK.<sup>27</sup> In contrast Ethiopia, with one of the lowest police to public ratios in Africa, recorded 4893 murders in 2001 and 8660 in 2002, but returned just 224 and 310 murder convictions in those two years, respectively. While it is difficult to come up with credible rates when the number of offences is vary so drastically from year to year, this would indicate a murder conviction rate of less than 5%. If the chances of a murder resulting in a conviction are less than one in 20, the deterrent effect of the criminal justice system is likely to be very weak, and serial offenders may have long careers before being apprehended.

**Figure 9: Homicide conviction rates**



Source: UNODC CTS, various years

Poor resource levels can manifest themselves in other basic inefficiencies. According to Schaerf, “In Malawi, the police in many rural areas do not have the transport to collect suspects, the courts often run out of paper half way through the month and then can’t hear cases until more paper arrives, parties have to pay marshals to serve summonses, court records are written on already used documents and folders, some of the court buildings leak so badly that during the rainy season court records get damaged.”<sup>28</sup>

Aside from the question of adequate numbers of personnel and other resources, African law enforcement faces a range of additional challenges. Many African nations are in the early years of democracy, and time is needed for the criminal justice system to improve its image in the eyes of the public. Without public support and cooperation, little progress will be made in reducing crime. In addition, criminal justice agencies accustomed to an authoritarian approach require time to learn new tactics for dealing with crime issues. There will necessarily be a period of reduced effectiveness as the system adjusts to democracy. Part of this process will mean extending service to communities neglected in the past, including rural residents, although this may be difficult given resource levels. For the police in particular, a wholesale reassessment of strategy is required. Many African countries, including Kenya, Uganda, and South Africa, have taken this process very seriously.

In contrast to the growing body of work on the military, very little research has been done on policing in Africa. Despite this, a few broad generalisations are possible: Africa’s police forces tend to be quasi-military institutions, their work is not perceived as having much status, and African police officers tend to use more violence than their colleagues in other parts of

the world. Police officers are also paid extremely poorly and this, combined with their wide discretion and the weakness of the justice system's checks and balances, tends to result in high levels of corruption.<sup>29</sup>

In the Transparency International Global Corruption Barometer surveys, respondents rated the various sectors of society in terms of their perception of corruption. In all five African countries polled in 2003 (Cameroon, Nigeria, Kenya, Ghana, South Africa), the police received the highest corruption rating. This was true in only nine of the 57 non-African countries polled (16%), suggesting that the police are held in lower esteem in Africa than in most other regions of the world.<sup>30</sup> In TI's Kenya Urban Bribery Index, respondents claimed 78% of their transactions with the police involved requests for bribes, the highest incidence of any sector. In Uganda, CIETinternational found the police were cited most often in a corruption survey there (63%).<sup>31</sup> They also found that 35% of over 4500 households polled in Tanzania had paid bribes to police officials.<sup>32</sup> In the latest Afrobarometer survey, 70% of Nigerians said they thought most or all of the police in their country were corrupt.<sup>33</sup>

Police corruption impacts directly on the police's ability to prevent and investigate crime: corrupt members will, for example, devote time and energy to pursuing graft rather than to the fulfilment of their legal responsibilities. Police corruption also facilitates the commission of crime or the escape from justice by others, leading to more criminality in the society.

Where the police are deemed corrupt, inept, or under-resourced, people take measures to protect themselves. For the rich, this generally means investment in private security. For the poor, this can mean a return to traditional forms of justice.

Traditional justice is not inherently inferior to Western justice, and can be a quite effective way of reducing the burden on the official criminal justice system, if well managed. But in areas experiencing rapid social change, as is the case in much of Africa, it can quickly devolve into mere vigilantism. This is also true of official "neighbourhood watch" programmes. When poor people volunteer their time to protect their communities instead of pursuing income-generating activities, they may eventually want something in return. What starts out as an earnest drive to defend the community can devolve into a protection racket. And once a single group has the monopoly on security in an area, it may even become a predatory gang.<sup>34</sup> This phenomenon is discussed in Section 3.2 below.

Thus, weak or corrupt law enforcement agencies can actually generate an additional crime problem when members of the public take the law into their own hands. This is another way poorly resourced criminal justice systems can become a marker for underlying crime issues.

### **Firearms**

The proliferation of firearms, related in part to the recurrence of conflict in all regions of the continent and in part to a growing sense of public insecurity, enables and aggravates violent crime. Globally, non-conflict related firearm deaths, such as from suicide or homicide, are estimated at approximately 200,000 per year.<sup>35</sup> There are sharp regional variations, however, with Latin America and the Caribbean showing the highest number of recorded deaths. Africa is generally rated the second highest region for non-conflict-related firearm deaths, carrying 18% of the global burden, with an estimated 4.2 to 6.5 firearm deaths per 100,000.<sup>36</sup> The WHO estimates that approximately 35% of homicides in Africa are committed with a firearm.<sup>37</sup>

In terms of non-fatal violent crime, Africa is affected also by the use of firearms in robbery, assaults and threats and sexual offences, although at a lower level than homicides. Based on an analysis of relevant responses to ICVS, Africa ranks second in the use of firearms in robberies (12.9%) and first in the use of firearms in assaults and threats (8.7%).

As will be elaborated in the discussion of arms trafficking below, not all firearms used in crime in Africa are military weapons, but the increased availability of guns, as well as the expertise to use them, is one of the ways conflict is associated with high crime levels. Others are discussed in the following section.

## 1.2 Crime, conflict, and transition

This section gives special attention to one very important correlate of crime: conflict. Conflict and crime are associated in at least two distinct ways. First, the nature of war has changed in recent years, and contemporary conflicts have substantial overlaps with crime and organized crime. Second, countries recovering from war can anticipate elevated levels of crime due to the profound effects modern war has on individuals, the social structure, and the state.

There may have been a time when crime and conflict were easy to differentiate, when wars were conducted between the professional armies of rival nations on clearly delineated battlefields and crime was strictly a civilian matter. If so, those days are long past. Most wars today are civil wars, conducted by insurgent movements against the state, but involving widespread looting and large numbers of civilian casualties.

In these ‘new wars’, rebel groups face several challenges. In the post-Cold War world, finance for rebellion is not as easy to come by as it once was, and crime is often the only source of funding. In the African context, this has often meant natural resource smuggling. Selling these commodities and acquiring firearms despite embargoes requires dealings with transnational organized crime. Maintaining control over wide areas despite the lack of strong central leadership often leads to the commission of human rights violations.

Contemporary wars are also likely to generate criminality in the post-conflict period. The mechanisms behind this effect are multiple and complex, but it is clear that societies disrupted by war do not immediately return to their former state of peace and stability. This means that areas suffering from widespread conflict, such as Africa, are also likely to experience high levels of crime of various sorts. Some of the possible ways conflict can feed crime, even after the cessation of active hostilities, include the following.

- ***Psychological trauma.*** The traumatising effects of violence on both the perpetrators and the victims may result in ‘cycles of violence’, reverberating for generations.
- ***Disaster and displacement.*** The humanitarian disasters following the end of the war can feed violence and enable organized crime, and the displacement of populations can result in further community conflict, including the marginalisation of refugees in their host countries.
- ***Crime as a post-conflict livelihood.*** The education of young people in the skills of violence, without alternative livelihoods in the post-conflict era, can result in extended careers as predators, and the creation of profitable smuggling routes, which may not be suspended with the signing of peace treaties, can provide the basis for organized crime.
- ***Loss of authority to intercede.*** The weakening of the state and the entrenching of corruption can derail attempts at re-establishing order.

Each of these effects is discussed further below.

### **Africa's civil wars**

Africa has paid an enormous cost to wars. According to the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, “... *no single internal factor has contributed more to socioeconomic decline on the Continent and the suffering of the civilian population than the scourge of conflict...*” According to the Strategic Plan of the African Union Commission, “Not less than 26 armed conflicts erupted in Africa between 1963 and 1968 affecting the lives of 474 million people representing 61% of the population of the Continent and claiming over seven million lives.”<sup>38</sup>

Even if wars of liberation are excluded, 20 countries in Sub-Saharan Africa have experienced at least one period of war since 1960.<sup>39</sup> And while African peacekeeping has started to have real impact in the last decade, conflict still impacts on a disproportionate number of Africans. At the turn of the century, one fifth of all Africans lived in countries in which severe conflict was underway,<sup>40</sup> and half of all the people who lost their lives to war were Africans.<sup>41</sup>

But there is also no denying that Africa has made remarkable progress in conflict resolution very recently. Successful, African-led, peace processes have helped to reduce conflict across Africa. For example:

- After the deployment of a South African-led African peace mission in Burundi (AMIB) in 2003 and the signing of a power sharing agreement with the government and the Forces pour la Défense de la Démocratie (FDD), conflict has subsided in all areas of the country besides Bujumbura Rurale, allowing thousands of Burundian refugees to return to their homes.<sup>42</sup>
- While fighting continues in several areas of the Democratic Republic of the Congo, the African-led inter-Congolese dialogue culminating in the signing of the all-inclusive peace agreement on 17 December 2002 was a major step toward restoring order in this vast country.<sup>43</sup>

These successes can be expected to continue with the refinement of regional peacekeeping groups and the application of the NEPAD African Peer Review Mechanism, which should help circumvent conflict before it starts.

All this will be happening in a world where conflict has been on the decline. Globally, the number of conflicts has reduced drastically since the end of the Cold War. The exact number of conflicts depends on how they are defined, but according to the Uppsala Conflict Data Programme (UCDP), there were 29 conflicts globally in 2003, the lowest number since the early 1970s.

Until recently, Africa appeared to be bucking this trend, but sub-Saharan Africa saw a sharp decline in war in 2003, with only 10 recorded conflicts (just over a third of the global total). This was a dramatic reduction from previous six years, during which conflicts had plateaued at about 15, affecting over a quarter of all African states. Table 1 below shows conflicts since the end of the Cold War in Africa. This table is based on UCDP's most recent annual report (2004) and therefore does not reflect, for example, the conflict in Darfur in Sudan or the continued violence in Ituri in the Democratic Republic of the Congo.

**Table 1: African conflicts ongoing during 1989-2003**

	<b>Opponent</b>	<b>Started</b>	<b>Ended</b>
<b>Algeria</b>	Internal	1990	Ongoing
<b>Angola</b>	Internal with foreign involvement	1975	2002
<b>Burundi</b>	Internal	1991	Ongoing
<b>Cameroon</b>	Nigeria	1994	1996
<b>CAR</b>	Internal	2001	2002
<b>Chad</b>	Internal	1987	2002
<b>Comoros</b>	Internal	1989, 1997	1989, 1997
<b>Congo</b>	Internal with foreign involvement	1993	2002
<b>Côte d'Ivoire</b>	Internal	2002	Ongoing
<b>Djibouti</b>	Internal	1991	1999
<b>DRC</b>	Internal with foreign involvement	1996	2001
<b>Egypt</b>	Internal	1981	1998
<b>Eritrea</b>	Internal	1993	Ongoing
<b>Eritrea</b>	Ethiopia	1998	2000
<b>Ethiopia</b>	Internal	1961	Ongoing
<b>Guinea</b>	Internal	2000	2001
<b>Guinea-Bissau</b>	Internal with foreign involvement	1998	1999
<b>Lesotho</b>	Internal with foreign involvement	1998	1998
<b>Liberia</b>	Internal	1989	2003
<b>Mali</b>	Internal	1990	1994
<b>Morocco</b>	Internal	1975	1989
<b>Mozambique</b>	Internal	1976	1992
<b>Niger</b>	Internal	1992	1997
<b>Nigeria</b>	Cameroon	1994	1996
<b>Rwanda</b>	Internal with foreign involvement	1990	Ongoing
<b>Senegal</b>	Internal	1982	Ongoing
<b>Sierra Leone</b>	Internal with foreign involvement	1991	2000
<b>Somalia</b>	Internal	1981	2002
<b>Sudan</b>	Internal	1983	2003
<b>Togo</b>	Internal	1991	1991
<b>Uganda</b>	Internal	1987	2002

Source: Uppsala Conflict Data Programme

### **The ambiguity of the new wars**

The nature of war has changed. At the beginning of the 20<sup>th</sup> century, most wars were between states, and few were internal. Today, the opposite is the case. Of 116 conflicts recorded by UCDP since the end of the Cold War (1989), only seven were between states – 109 were internal.<sup>44</sup>

Traditionally, war deaths are seen as distinct from murders, and looting is seen as different from garden-variety robbery and theft. But the emergence in the post-Cold War era of the so-called ‘new wars’, described by Kaldor as mixture between war, organized crime, and massive human rights violations, has blurred this distinction.<sup>45</sup> While they are not unique to the continent, Africa has suffered more of these ‘new wars’ than any other region of the globe. The primary characteristics of the new wars include:

- Civilians may be directly targeted in terror campaigns intended to assert political authority over wide areas. Public atrocities may be committed to force populations to submit.
- According to Kaldor, “the units that fight these wars include a disparate range of different types of groups, such as paramilitary units, local warlords, criminal gangs, police forces, mercenary groups and regular armies, including breakaway units of regular armies.”<sup>46</sup>
- Combatant groups are often funded through crime, especially the dealing of natural resources, including minerals and oil, poached wildlife, and drugs.

In a sense, these new wars represent the informalisation of warfare. Kaldor argues that the new wars “could almost be seen as a model for the contemporary informal economy, in which privatised violence and unregulated social relations feed on each other.”<sup>47</sup> Without the formal structures of sovereign states pitting uniformed, hierarchically-controlled, professional armies against one another, the lines between war, crime, terrorism and business become blurred.

The view that current forms of war have more in common with crime than those of the past has gone beyond theory and found purchase in international law. The International Criminal Court was created by the United Nations in 2003 based on the international consensus that individuals should be held accountable for certain egregious acts of war. In Africa, the Special Court for Sierra Leone and the International Criminal Tribunal for Rwanda were created alongside the truth and reconciliation processes in those countries.

In the end, political and criminal groups may be difficult to distinguish, and both have an interest in the kind of instability found in much of Africa. As Makarenko recently put it in her article “The crime-terror continuum”:

*“Instability is in the interest of terrorists because it diminishes the legitimacy of governments in the eyes of the mass populations – the very group terrorists seek to gain support from; and it is in the interest of criminal groups seeking to maximise criminal operations. This is especially true for groups engaged in wide-scale smuggling of licit or illicit commodities.”*<sup>48</sup>

### **Wars for the wealth of Africa**

Debate around the role of natural resources in war first became widespread in 2000 with the publication of two documents: the United Nations report on the role of diamond smuggling in the war in Angola, and one of several papers by Paul Collier of the World Bank on the economic causes of civil wars.<sup>49</sup> Collier, with Anke Hoeffler of Oxford, has argued that in African countries where 25% of the national income is generated by natural resource exports, the risk of rebellion is five times higher than in countries where this is not the case.<sup>50</sup> Collier and Hoeffler’s analysis of the correlates of civil war has become a point of departure for much of the subsequent debate, although many today question his conclusion that ‘greed’ is more important than ‘grievance’ in explaining rebellion.<sup>51</sup> The most recent analysis has looked at



the many mechanisms by which natural resource wealth and conflict can interact,<sup>52</sup> as well as at the role of natural resources in specific conflicts.<sup>53</sup> African conflicts feature prominently in this debate, particularly the civil wars in Angola (oil, diamonds), Congo-Brazzaville (oil), the Democratic Republic of the Congo (copper, coltan, diamonds, gold, cobalt), Liberia (timber, diamonds, iron, palm oil, cocoa, coffee, cannabis, rubber, gold), Sierra Leone (diamonds) and the Sudan (oil).<sup>54</sup>

The African Union Commission believes that the continent's wealth is an important factor in its vulnerability to war, and in its strategic plan notes, "...at the root of conflicts are economic stakes incidental to exploitation of natural or strategic wealth, at times with the encouragement of external sources."<sup>55</sup> And the World Bank concurs:

*"In many cases the warring factions are not trying to take over the state apparatus, or resolve political and social grievances—but trying to gain and later maintain control over export-based resources, such as diamonds (e.g., UNITA in Angola, RUF in Sierra Leone), drugs, and logging, and sometimes humanitarian aid. Conflicts and criminal activities are therefore closely linked. In some cases, such as in the Democratic Republic of Congo, the control of export resources by foreign armies is allegedly a major cause for the continuation of the conflict... Conflicts that have developed because of internal political rivalries may... gain a momentum of their own. Continuing economic plunder may become both a key military objective and a major source of resources to continue fighting (as in Sierra Leone). **Criminal activities are at the core of the civil war economy in Africa.**"<sup>56</sup> (emphasis added)*

One link between wealth and war is obvious: armed conflict cannot occur where there is no money for arms. During the Cold War, there was plentiful funding for insurgency, but the contemporary rebel must have something to trade other than his professed adherence to an ideology and promises of future loyalty to a superpower. Since most Africans are poor, looting opportunities are likely to be limited to food acquisition. In countries where some portion of the population is relatively wealthy, traditional crime is an option.<sup>57</sup> But in many countries, the viability of an insurrection may be directly tied to the availability of natural resources to plunder. This, it has been argued, makes states rich in natural resources especially unstable.

But there is a big difference between seeing natural resource wealth as an enabling factor and seeing criminal greed as a primary cause of conflict. It would appear that most African revolutions historically have had some root in ideology or inter-group conflict, and are something more than armed robbery writ large. The line can be blurred, however, and human motivations are rarely clear-cut, particularly when discussing large, unruly groups like rebel movements.

The matter is complicated by the fact that the motivations of outside groups can be as important as those of the local cadres. Ross coins the term "booty futures" to describe the way rebel groups sell future extraction rights to corporations or foreign governments in exchange for support and weaponry.<sup>58</sup> This allows rebel groups to become viable even before they seize the resource producing areas of the country. Just as during the Cold War, outside interests can turn a small group of discontents into a revolutionary army with considerable resources at its disposal. Since this funding enables violence that otherwise would never have occurred, the willingness of outside entities to engage in these transactions can be seen as a direct cause of conflict on the continent. Paying an agent to commit violence in order to acquire financial benefits would be considered a crime in most systems of justice.

Insurgents can succeed in acquiring access to national wealth in a number of ways. The most obvious is to murder the President and assume his office. According to the African Union

Commission, Africa experienced 186 coups d'état between 1956 and 2001, half of which occurred in the 1980s and 90s.<sup>59</sup>

Another form of rebellion is secession, where the disadvantaged group attempts to form an independent state – from the perspective of the state, a massive theft of land and resources. In order for a secessionist movement to succeed, the disadvantaged population must believe that conditions would be better under self-rule than in the present dispensation, and this is a far easier case to make when the proposed new nation contains vast resources. Since these commodities are generally extracted far from the centres of power, in the poorer areas of the country, it requires little persuasion to convince the resident population that this is a violation of their property rights, especially if they are ethnically different from the group in power. And since the division of states is rooted in colonialism in any case, there is little moral impediment to repudiating these borders.

Public corruption can also increase the likelihood of a civil war, as the perception of corruption makes it easier to mobilise the public against the government. The case for insurgency is bolstered by the perception that the country's elite is directly pocketing the proceeds of the resource extraction, and this too is often the case in natural resource dependent countries. The World Bank asserts, "Rent seeking behaviour can be especially pronounced in countries that have a high level of dependence on exports of minerals, oil, or other natural resources."<sup>60</sup> Transparency International (TI) notes in its most recent corruption index that oil-producing states are far more likely to suffer from corruption. Oil-rich Angola, Azerbaijan, Chad, Ecuador, Indonesia, Iran, Iraq, Kazakhstan, Libya, Nigeria, Russia, Sudan, Venezuela and Yemen all have extremely low scores in the 2004 TI rankings.<sup>61</sup> There are exceptions, of course, including the continent's model of stability and good governance, Botswana, which is highly dependent on diamonds. Skimming some largesse off the top of massive cash flows in countries with low capacity for state or civil society oversight is easy. The fact that this money is, essentially, growing on trees may make embezzlement more palatable for corrupt officials.

Thus, natural resources can provide fuel for both greed and grievance, and they provide a vital source of funding for rebel groups. The extent to which these motivations become blurred in the minds of participants is unclear. The smuggling and sale of the stolen resources is, essentially, an organized criminal activity, whatever the political legitimacy of the insurrection, and often involves the use of established organized crime networks, particularly for marketing the contraband overseas. What starts out as a liberation struggle can be subverted by the massive personal wealth available to rebel leaders. In the end, human motivation is rarely clear cut, and whether the refusal of insurgents to come to the negotiating table is rooted in principled differences or because democratic peace threatens the accumulation of personal fortunes is debatable in each case. Criminal intentions can thus prolong what may have started out as a political war.

In his paper 'Rebellion as a quasi-criminal activity', Collier argues that there is a "continuum in the scale of criminal violence, from the violent robbery committed by one individual on another through gangs and mafias, up to large scale conflicts with the state."<sup>62</sup> Here and elsewhere,<sup>63</sup> Collier goes on to argue that the distinction between street crime and rebellion is more than a matter of scale, however. The extent to which this is true is likely to vary from case to case. A look at three emblematic case studies is helpful in this regard: Sierra Leone, Angola, and the Democratic Republic of the Congo.

### *Sierra Leone*

Sierra Leone provides an excellent example of how what is ostensibly a civil war can substantially overlap with organized crime and interact with the interests of terrorists. When a country is so deprived that the government does not control large parts of its own territory, this land area can become a staging ground for organized crime and terror activities. This is especially true in the presence of mineral, oil, or drug wealth.

Thus when the President of Sierra Leone, Ahmed Tejan Kabbah, described the war in his country as a criminal enterprise on a national scale, he was not necessarily engaging in hyperbole.<sup>64</sup> The international community seems to agree with him on one level, and has taken action accordingly. The Special Court for Sierra Leone describes the activities of the primary rebel group – the Revolutionary United Front (RUF) as a “joint criminal enterprise” to seize control of the diamond wealth of the country, employing a range of brutal tactics to do so, including, “unlawful killings, abductions, forced labour, physical and sexual violence, use of child soldiers, burning and looting of civilian structures...” The Court holds specific individuals, including the former President of Liberia, Charles Taylor, personally criminally responsible for their part in these crimes.<sup>65</sup>

How did crime and conflict interact in Sierra Leone? From the outset, the war was somewhat confusing for outside observers, due to its diffuse nature, and spontaneous acts of looting and violence were difficult to discern from the official insurgency. Here as everywhere, the disorder of war facilitated much spontaneous crime. While the initial wave of RUF cadres, trained in a Northern African country, might have had an ideological case for insurrection given the widespread perception that the government of the day was corrupt, they were small in number and were unlikely to succeed without substantial funding. The obvious source, and the key reason they were backed by former Liberian President Charles Taylor, was the country’s diamond wealth.

The illicit market in Sierra Leonean diamonds was not generated by the conflict, however, and had existed since at least the 1950s,<sup>66</sup> with the diamond producing areas of the country having been long plagued by criminal gangs. As a result, the country’s official diamond export figures have historically borne little resemblance to the real value of the stones that show up at the Antwerp diamond exchange.<sup>67</sup> This un-regulated industry, with all its organized crime connections, was ripe to be plucked by an insurgent movement. It would appear that the focus on diamonds only came relatively late in the conflict, however. According to the UN Panel of Experts Report:

*“Until 1995, RUF diamond mining and digging was probably done on a sporadic and individual basis. By 1995, however, the RUF and its patrons were clearly taking a much greater interest in the diamond fields of Kono District, and had to be removed forcefully at that time by the private military company, Executive Outcomes. From then on, the RUF interest in diamonds became more focused, especially with the 1997 imprisonment of Foday Sankoh in Nigeria. During his imprisonment and subsequently, the diamond areas of Kono and Tongo Field became a primary military focus of the RUF, and diamond mining became a major fund-raising exercise.”*<sup>68</sup>

The Panel goes on to review claims that individual RUF leaders embezzled large amounts of diamond wealth, including allegations that at least one rebel leader bought himself houses in Liberia and France, and concludes:

*“While the total generated by the RUF, whether it is \$25 million, \$70 million or \$125 million, is very small in relation to the global annual output of diamonds, it nevertheless represents a major and primary source of income to the RUF, and is more than enough to sustain its military effort.”*<sup>69</sup>

Of course, movements like the RUF would not be able to capitalise on natural resources without a market for their produce. This market is readily found in international organized crime. Aside from evading taxes, international organized crime has a strong interest in smuggling diamonds for a range of reasons. They are a perfect way of laundering money, since, unlike many other mineral commodities, they are valued individually, not by weight. This opens an area of ambiguity in value through which funds can be laundered. They are readily convertible to cash but are lighter and easier to conceal than just about any other

commodity. This facilitates cross border movement of value. An unregulated supply of diamonds is thus of great interest to organized crime, as well as terrorist, groups.

The RUF got involved with organized crime and terrorism in a wide range of ways:

- The RUF bought guns from the Russian Mafia, as documented in the prosecution of gun trafficker Leonid Minin.<sup>70</sup>
- Al-Qaeda affiliates bought huge amounts of conflict diamonds prior to the September 11 bombings, perhaps anticipating the worldwide seizure of funds that the Americans initiated in response.<sup>71</sup>
- During Sierra Leone's civil war (1991-2002), ECOWAS peacekeepers allegedly imported drugs illegally to sell to their ostensible enemies, members of the rebel RUF.<sup>72</sup>
- The Sierra Leone police report that members of the Armed Forces Ruling Council, the junta that had power in 1997-8, themselves pioneered the use of Sierra Leone as a transit point in the international drug trade.<sup>73</sup>

Established states could be expected to confront considerable international pressure if they were known to be dealing with the Russian Mafia, Al-Qaeda, and drug lords, and so the disorder of rebellion may be required for criminals and terrorists to access desired resources. War funds crime, and criminals fund the war.

### Angola

Angola has both diamond and oil wealth, and is highly dependent on these resources in an otherwise under-developed country. Although the civil war in that country had ideological origins, in the end it came down to the leadership of one man: Jonas Malheiro Savimbi. The best evidence of this is that when Savimbi was killed, the war came to an end very quickly.

Savimbi rejected the 1992 election results and reneged on peace agreements time and again; obviously, he had more to gain from a nation at war than a nation at peace. He was the main reason that, for the first time in history, the United Nations Security Council imposed sanctions on a political movement.<sup>74</sup> He was also branded a war criminal by the Southern African Development Community,<sup>75</sup> and his criminality allegedly involved more than crimes against humanity. The Monitoring Mechanism on Angola Sanctions had little luck in tracing funds associated with the war, but noted in October 2002:

*“The criminal networks who greedily profited from this conflict, and whose participation was essential, have not been fully identified, prosecuted or eliminated. Rather, they have merely gone underground, and the likelihood is that they are operating from countries still embroiled in conflict.”<sup>76</sup>*

During the Cold War, Savimbi was supported by the US, China, and the apartheid government in South Africa.<sup>77</sup> When this funding dried up, he fought to occupy the diamond rich areas of the country, and allegedly harvested millions, and perhaps billions, of dollars in resources in this way. According to the Final Report of the Monitoring Mechanism on Angola Sanctions:

*“The closest industry estimate for UNITA's mining output for 1996 was \$800 million out of the total output from Angola of \$1.2 billion. In 1997 UNITA's output was worth \$600 million, from a total known Angola production of \$960 million.”<sup>78</sup>*

As was the case in Sierra Leone, this brought the rebel leadership into contact with great wealth and organized crime connections. As in Sierra Leone, Angola's diamond trade has been linked to Russian organized crime in the person of Victor Bout, the owner of Air Cess, a company that features prominently in the United Nations Supplementary Report of the Monitoring Mechanism on Sanctions against UNITA.<sup>79</sup>

Today, crime is seen as being a major impediment to development in the country. Angola is perceived to suffer from high levels of corruption, and, according to an IMF report, almost US\$1 billion disappeared from Angolan government funds in 2001 alone, about 10% of the country's GDP.<sup>80</sup> Angola has become a transit point for international cocaine trafficking, due in part to its language and cultural connections to Brazil. According to Jane's:

*"...Organized crime is indicated as a serious problem involving trafficking of, among other commodities, diamonds, narcotics and war surplus small arms. To a considerable extent, such criminal activity was institutionalised by UNITA as part of its war economy, which placed Angola at the hub of a network of criminal enterprise, working symbiotically with criminal elements of regional governments and security forces. Conflict in the two Congos only served to deepen criminal penetration across their remote frontiers with Angola. While UNITA was defeated on the battlefield in 2001-02, this also provided an incentive for some elements to complete the transition from military to transnational criminal activity."*<sup>81</sup>

### **The Democratic Republic of the Congo**

The role of natural resources in the conflict in the Democratic Republic of the Congo is documented in two reports to the United Nations Security Council. These reports argue that following the outbreak of war in 1998, rebels, backed by some of the country's neighbours, seized stockpiles of minerals, coffee, timber and livestock. Following this period of "mass-scale looting," exploitation of resources became more "systemic and systematic," taking the form of outright confiscation, extraction, forced monopoly and price-fixing.<sup>82</sup> These approaches demand high levels of organisation and sometimes access to expensive capital equipment. They were possible, therefore, only with the collusion or negligence of senior military, political and administrative figures in the Democratic Republic of the Congo and some of its neighbours. This further illustrates the relationship between the illegal exploitation of natural resources and public sector corruption.

While mineral wealth has been the primary source of rebel incomes, there are also other illegal commodities that can be dealt through organized crime channels. According to the 2003 Report of the International Narcotics Control Board:

*"Information gathered from war-torn countries in Western and Central Africa, in particular in the Central African Republic, Côte d'Ivoire and Liberia, indicates that the arms and ammunitions used by rebel groups and criminal organizations to destabilize those subregions may have been partly procured with the proceeds of illicit drug trafficking."*<sup>83</sup>

It is also alleged that both RENAMO in Mozambique and UNITA in Angola engaged in ivory smuggling, with the assistance of the apartheid government in South Africa. During the 1980s, an estimated 60 000 to 100 000 elephants were killed in UNITA-controlled areas. Both RENAMO and Mozambican army troops have been charged with poaching the elephant population in that country down from 65 000 to 7 000 in the 1980s. Ivory poaching is also alleged to have funded the Sudanese People's Liberation Army, through poaching safaris into the neighbouring Central African Republic, where the elephant population dropped from 80 000 in 1975 to 15 000 a decade later. Cross-border poaching safaris were also claimed as part of "economic warfare" conducted by the Barre regime in Somalia in reaction to a border dispute with neighbouring Kenya. Rhino horn was also targeted in some of these instances.<sup>84</sup>

In the end, it becomes very difficult to locate the point at which rebels stop collecting for the cause and start collecting for themselves. As Bangura has commented in relation to the conflict in Sierra Leone, "in countries rich in natural resources ... the political goals of wars often interact with the multiple logics of resource appropriation."<sup>85</sup> Since their movements are illegal in their home countries, they are left with little choice but to finance themselves by

crime. In the case of smuggling natural resources, this means establishing international trafficking connections, the use of which may spill over into peacetime, as discussed below.

Regardless of the extent to which the conflict is politically or criminally motivated, war has a devastating effect on societies and peoples. Some of the ways that conflict impacts on crime in the post-conflict period are discussed below.

### **Cycles of violence**

*“In some countries, conflicts have raged for so long that children have grown into adults without ever knowing peace. I have spoken to a child who was raped by soldiers when she was just nine years old. I have witnessed the anguish of a mother who saw her children blown to pieces by land-mines in their fields, just when she believed they had made it home safely after the war. I have listened to children forced to watch while their families were brutally slaughtered. I have heard the bitter remorse of 15-year-old ex-soldiers mourning their lost childhood and innocence, and I have been chilled listening to children who have been so manipulated by adults and so corrupted by their experiences of conflict that **they could not recognize the evil of which they had been a part.**”*

- Graça Machel, Personal Note to the UN Report on the Impact of Armed Conflict on Children, 1996 (emphasis added)

It is characteristic of the new wars that civilians are far more likely to be targeted than in the past. As Kaldor notes, “the goal is to capture territory through political control rather than military success. And political control is maintained through terror ... Population displacement, massacres, widespread atrocities are not just the side effects of war; they are a deliberate strategy for political control.”<sup>86</sup> This is true in recent conflicts both outside and within Africa.

The psychological impact of being exposed to these horrors, either as a perpetrator or as a victim, is only now being fully explored. While it is offensive to assume that those traumatised by violence will deterministically visit it up others, it is equally unwise to ignore the impact that widespread exposure to brutality is likely to have on a population. Increasingly, the civilian population is intentionally traumatised by horrific violence, including systematic rape, child rape, mutilation, torture, and being forced to perform violent or sexually violent acts against loved ones. These crimes are seen in new wars worldwide, including conflicts in Latin America, Eastern Europe, and Africa.

As the World Bank argues in its October 2004 paper “Post-conflict Peace Building in Africa”:

*“By engendering impunity and thus condoning serious crimes (murder, banditry, rape), civil war corrupts the fabric of the society, with the overall effect of lowering of ethical standards, creating an environment that breeds crime and corruption.”<sup>87</sup>*

In a review of the relationship between civil wars and homicide rates, Collier and Hoeffler found that the experience of civil war appears to raise the per capita rate of homicide by about 25% for a period of five years after the end of combat, irrespective of other changes such as to the level of income, inequality or the nature of state institutions.<sup>88</sup> Looking at the post-conflict situation in Central America, Rogers notes, “... criminal violence is now so prevalent that levels of violence are comparable, or even higher than during the decade of war that affected the region during the 1980s.”<sup>89</sup>

The impact of this trauma is clearly much greater for children. In the UN Report on the Impact of Armed Conflict on Children, two thirds of the Angolan children interviewed had seen people murdered. In Rwanda, 56% had seen children kill people, nearly 80% had lost immediate family members, and 16% had been forced to hide under dead bodies. More than

60% of the Rwandan children interviewed said they did not care whether they ever grew up.<sup>90</sup> Exposure to violence has been found by criminologists to be a common feature in the upbringings of violent criminals.

In addition to this extreme victimisation, numerous studies have found that human beings are not, by nature, killers, and that even the majority of trained combat troops do not willingly fire at the enemy.<sup>91</sup> Overcoming these instincts can be incredibly stressful for those forced to kill by duress or in self-defence. Again, the impact of being forced to kill is likely to be much greater when the perpetrator is a child. According to Gray:

*“Because of frequently truncated moral development, and psychological effects suffered, child soldiers risk involvement in continuing cycles of violence. Violence becomes a way of life...They may also become more susceptible to later recruitment into armed groups. In cases where children view conflict as normal, waves of criminal violence are likely to follow political violence because youths have been socialised into such a system...”*<sup>92</sup>

According to the Coalition to Stop the Use of Child Soldiers, up to 100,000 children, some as young as nine, were estimated to be involved in armed conflict in mid-2004 across Africa.<sup>93</sup> The Coalition notes that Africa is the worst affected area of the world in this regard, with about a third of global child soldiers being African. Child soldiers have been used in the conflicts in Angola, Burundi, Congo-Brazzaville, the Democratic Republic of Congo (DRC), Ethiopia, Liberia, Rwanda, Sierra Leone, Sudan and Uganda.

The widespread use of children in combat in Africa is partly a result of the demographics of the continent – in many countries, the majority of the population is under 18. But this does not change the fact that in conflict-ridden areas of Africa, many young people have killed at an age at which they would not be allowed to view violence in a movie theatre in developed countries. Too often, some of the first victims were their own neighbours and loved ones, including other children.

In some instances, girls are also abducted as soldiers or as sex-slaves for insurgent groups. The impact of this ongoing victimisation goes beyond the psychological. Some cultures regard raped girls as “tainted” and thus unmarriageable. As a result, the social impact of victimisation can be quite extended. Boys too may have trouble re-integrating in communities where they are viewed with suspicion and fear. Children who cannot find a home may wind up on the streets, with few other options for survival than begging, prostitution, and petty crime.<sup>94</sup>

Child soldiers are also subjected to the abuse of alcohol and drugs, which can have long-lasting repercussions. Substance dependency may become a way of self-medicating to alleviate the pain of past trauma. The creation of a market for drugs during the conflict ensures a role for organized crime after the peace treaties have been signed.

### ***The continued use of the skills of war***

The effects of dislocation caused by war can be long lasting. The use of landmines can interfere with the resumption of agriculture. Disrupted communities and markets may take a long time to recover, and disputes over land, property, and position are likely. Educational disruption and loss of parents may mean young people possess few if any skills beyond those of warfare. The most obvious peacetime application for these skills is crime.

Soldiers may recognise this dilemma even before hostilities end. “Many soldiers would rather continue to fight than to face unemployment, homelessness, loss of social status, and a highly uncertain political future in an uncertain post-war era.”<sup>95</sup> If ‘forced’ into peace, their only productive assets may be their guns. Violence may be their most viable livelihood strategy.

Speaking specifically about recovery from conflict in Africa, the World Bank asserts, “The civil war creates a cadre of young people experienced in the use of deadly weapons who, in the process of unconventional terrorizing war, develop a ‘mercenary mentality’ that would underpin criminality ...”<sup>96</sup> And there is evidence that employment opportunities do exist. Over two-thirds of the Liberian ex-combatants recently interviewed by Human Rights Watch said they had been asked to join fighting “missions” in Guinea and Côte d’Ivoire.<sup>97</sup>

As crime is increasingly a form of funding for wars, the options for ex-combatants may be wider than just continued pillaging. Skills and connections gained in natural resource smuggling may provide an alternative way of making a living, especially if the resource base continues to be vulnerable.

For example, the Nigerian Civil War was fought when minority groups situated in the Southeast of the country attempted to secede from Nigeria, taking the oil-producing areas of the country with them. The state’s response was to lay siege to the area, starving the rebels out. Smuggling became a lifeline under these conditions.

While the insurgency was eventually defeated, the smuggling continued in the form of ‘oil bunkering’. In today’s Nigeria, criminal gangs steal large amounts of crude oil from pipelines and ship it on river barges to larger craft offshore. It is a massive industry, with high end estimates of its value ranging from US\$4 billion<sup>98</sup> to US\$6 billion<sup>99</sup> a year, or over 10% of Nigeria’s oil production.

These operations are only possible because the Niger Delta remains a highly unstable part of the country. The violence there is not considered a civil war, although it arguably meets the international criteria of 1000 battle deaths a year.<sup>100</sup> It combines elements of political dissent and ethnic conflict with crime and corruption. It highlights the way that natural resources theft can fuel both political instability and transnational organized crime.

According to Vines:

*“[The Delta] provides these illicit networks with an environment which has a pool of unemployed youth and armed ethnic militias who know the terrain well. They also face a corrupt or ineffective law enforcement effort, coupled [with] a weak judicial process. These networks also enjoy patronage from senior government officials and politicians, who use bunkering as a source for political campaigning.”*<sup>101</sup>

In September 2004, the leader of the Niger Delta People’s Volunteer Force (NDPVF), Alhaji Asari, threatened to launch an “all out war” against the Nigerian government unless more control over the oil industry was given to the local Ijaw people. The NDPVF was already “at war” at that time with a rival Ijaw armed group, the Niger Delta Vigilante (NDV), for control of illegal oil revenues. The Nigerian government initially dismissed the threat, labelling Asari a “gangster,” but later he was invited by President Obasanjo with his counterpart in the NDV to negotiate a ceasefire that resulted in a quelling of hostilities.<sup>102</sup>

Violence among rival gangs fighting for “bunkering turf” and control of local towns and villages is interfering with development in the area. Schools and businesses have been closed and millions of dollars worth of property destroyed. The latest war between the NDPVF and the NDV is only the most recent in a series of conflicts in the area: while the present conflict is in Rivers State between two Ijaw groups, in 2003 violence between Ijaw and Itsekeri groups in the neighbouring Delta State also resulted in hundreds of casualties.<sup>103</sup> And the main protagonists are only the largest of more than 100 smaller groups, known locally as ‘cults’, with names like the KKK, the Germans, and the Mafia Lords. These groups trade oil for guns, and also claim to have received weaponry from local political leaders. Whatever political grievances or links may be cited, the violence is largely a product of hundreds of small operators engaged in what Human Rights Watch calls “Nigeria’s most profitable private business.”<sup>104</sup>



Of course, oil-theft would be impossible if it were not for willing buyers, and the involvement of outsiders in the trade is well-documented. The oil bunkering syndicates are highly international, including not only other West Africans, but also Moroccans, Venezuelans, Lebanese, French and Russians, for example. By these means, oil bunkering links to wider patterns of organized crime, with cash, drugs and weapons all being traded in exchange for illegal oil. A typical oil-bunkering case was reported in a Nigerian newspaper on 22 April 2004, reporting the arrest by the Nigerian navy of a ship loaded with 8,000 metric tons of crude oil without valid papers. Its crew of eight foreigners was also arrested.<sup>105</sup>

South Africa also provides good evidence that smuggling routes established during conflict times continue to be used once relative stability returns. Both the resistance and the sanctions-busting apartheid state smuggled people, arms, money, and other contraband in and out of the country during the struggle for democracy. These routes are presently being used to move drugs and stolen vehicles, among other things, out of the country.<sup>106</sup>

Thus, what had been a funding source for insurgency can quickly be converted into an organized crime activity, with new commodities dealt to existing crime connections or along existing channels, as will be discussed in the following section.

### ***Disaster, displacement, and crime***

The links between humanitarian disasters, whether they are natural or man-made, and crime are presently the subject of research. It would appear that the disorder caused by war, with its loss of livelihoods, possible famine, and spread of disease, can be as stressful as the conflict itself. According to Lacina and Gleditsch, "...many conflicts are characterized by numbers of non-violent deaths due to humanitarian crisis that far surpass the lives lost in combat." These deaths can occur during the war or after the cessation of hostilities. Lacina and Gleditsch list nine recent wars in which less than 30% of the deaths were due to combat, all of them in Africa.<sup>107</sup> In the Democratic Republic of the Congo, survey work by the International Rescue Committee indicated that battle deaths constituted only 6% of the deaths due to the war between 1998 and 2001.<sup>108</sup>

The impact of this stress can generate crime. The World Health Organisation reports the findings of studies that indicate that domestic violence, child abuse, and sexual violence all increase in the aftermath of a natural disaster. These can lead to long-term increases in crime rates. WHO lists several reasons for this effect, including post-traumatic stress, the breakdown of law enforcement, and the loss of livelihoods, all of which apply to man-made disasters as well.<sup>109</sup>

War and its aftermath can also have long ranging impact on the environment. Forestry may be accelerated in the post-conflict period as countries struggle to kick start their economies and harvesting activities progress at a rate in excess of the ability of the state to regulate them, as is predicted to be the case in the Democratic Republic of the Congo and Liberia.<sup>110</sup> Environmental degradation can have a long-term impact on the feasibility of sustainable livelihoods.

UNODC Executive Director Antonio Maria Costa has argued, "Organized crime is key to sustaining and promoting humanitarian crises in disaster and conflict zones," as it profits most in environments of instability and chaos.<sup>111</sup> For example, research indicates that conflict areas are especially vulnerable to human traffickers.<sup>112</sup> Costa goes on to add, "Many fragile societies are trapped in a vicious cycle, where organized crime creates the conditions for its own growth, and countries are gradually weakened in their ability both to fight criminality, and to achieve decent levels of security and development."<sup>113</sup>

When threatened by war or other crises, populations become displaced. The African Union Commission Strategic Plan emphasises the importance of the refugee problem, and the numbers of refugees in Africa are alarming. According to the United Nations High Commission on Refugees, in 2004 there were over 2 million refugees in sub-Saharan Africa,

including 1 million refugees in Central Africa and the Great Lakes region, 670 000 in Eastern Africa and the Horn of Africa, 220 000 in Southern Africa, and 330 000 in Western Africa.<sup>114</sup> African refugees comprised about 37% of the global total.

Even a relatively small number of war casualties can result in mass relocations. The impact of displacement is immense, and well beyond the scope of this brief section. These people leave behind much of their lifetime assets, representing in many cases their only livelihoods. Wide-scale violence can create large numbers of cross-border refugees. Just as with street children, displaced populations of low-skilled people, including farmers who no longer have land to farm, are especially vulnerable to becoming both victims and perpetrators of crime.

The World Bank argues that conflicts are increasingly taking on a regional character in Africa. "Civil conflicts often behave as cancers do in a human body, with conflict areas metastasizing (in the form of weapons, banditry, insecurity) to neighboring regions."<sup>115</sup> One of the vectors of this instability are refugee flows.

The extent to which a receiving country provides for refugees varies greatly, but most African nations are too poor to provide for their own populations, let alone for masses of dependent outsiders. Employment opportunities are likely to be monopolised by local interests. With no other means to feed themselves, the legal options for displaced people are limited.

The World Bank says the flow of refugees "...negatively affects living conditions and security in the host communities, even when substantial humanitarian assistance is provided."<sup>116</sup> For example, refugee camps can generate crime. As Jacobson argues:

*"Camp conditions often lead to high rates of conflict and violence against women and children. The presence of weapons increases the combustibility of the situation in and around the camps, as does the problem of bored and frustrated young men. These are ingredients for crime and violence, the rise of political and ethnic factions, and the increased likelihood of recruitment into militias or organized crime. In recent years, petty and organized crime have flourished in refugee camps, and several, notably in West Africa and the Thai-Burmese border, have become zones of drug smuggling, human trafficking, illegal logging, and gun running. Few camps are organized to address these problems, and most camps lack an effective system of law and order. Crimes go unpunished because there is no adequate force to back up what rule of law does exist. Perpetrators are able to elude justice by hiding amongst the refugee population, or camps fall under the control of political or military elements, and civilian authority and sources of law and order are undermined. Refugees are then more likely to be deprived of their rights, and subject to violence and intimidation."*<sup>117</sup>

In many places in Africa, refugees are not encamped, but spread into the wider society. Here the local populace may resent the incursion of foreigners, as they are viewed as sources of crime and disease. The World Bank states, "For every 1000 international refugees, the host country sees around 1400 additional cases of malaria."<sup>118</sup> The World Bank also says that conflict is a vector of HIV/AIDS.<sup>119</sup> Populations fleeing conflict may also bring their guns. Despite being poor, Tanzania has traditionally been a major receiver of refugees, and according to Tanzanian President Benjamin Mkapa, "The truth is that the proliferation of small arms is a result of refugees entering our country, a problem which is beyond our capacity to solve."<sup>120</sup>

Because they have no local connections and do not understand local institutions, refugees are easy targets of crime. In extreme cases, refugees may even be exposed to xenophobic violence. This may precipitate the formation of self-protection groups, which have a tendency to mutate into predatory gangs, as described in the section on police failure and vigilantism above.

### **What is left of the state?**

Conflict in Africa is often rooted in weak states, and civil war can weaken states further still. Physical infrastructure may be decimated, access to land and markets disrupted, massive debt accumulated, and the civil service may actually collapse altogether.<sup>121</sup> The World Bank says, “Civil war, a challenge of the authority of the regime in power, erodes the legitimacy of the institution of government, damages public facilities and weakens the provision of public services.”<sup>122</sup> State incapacity means weak law enforcement, and few checks on corruption.

Conflict can also reverse progress made prior to the hostilities in the area of governance. The reaction to insurgency can result in a significant curtailing of civil liberties and otherwise damage the relationship between the people and the state. In many instances in Africa, war atrocities are not the exclusive province of rebel groups. According to the World Bank, “Civil wars severely damage national social and economic institutional transformation in the areas of public governance, trade and commerce, and social interactions, human rights, and crime and its enforcement.”<sup>123</sup>

During civil war, compliance with the law is often secured through brute force, and when these controls are dropped as the country democratizes, the risk of crime increases. As discussed above, adjusting to a peacetime environment is also difficult for the security forces, and the police in particular have to learn a new set of skills to be effective. As military rather than civil police techniques are used to maintain order during civil war, a period of adjustment in the post-conflict period should be expected as law enforcement adopts a more democratic approach. This period reflects a window of opportunity for organized crime, which can take advantage of a weakening of controls before the police can regain the trust and cooperation of the public.<sup>124</sup>

Political groups that wrest control of the government by force may seek to compensate themselves for the sacrifices made during the struggle. Government offices may be re-staffed with political cronies. Previously disadvantaged groups may seek to benefit their constituency. In revolution, the “spoils of war” are public office, and the only way to collect is through corruption. It is not surprising, then, that many of the countries perceived as being the most corrupt in the world have recently experienced, or are experiencing, conflict.

The following section will deal with the consequences of political instability and state incapacity, especially the increased risk of trafficking in unprotected areas.

### **1.3 Organized crime**

Transnational organized crime is a virulent phenomenon that readily exploits any weakness found in global law enforcement capacity. Due to the resource challenges it faces, Africa seems to be particularly vulnerable to this incursion, and is rapidly becoming a base for a wide range of operations. Detecting organized crime on the basis of crime statistics is difficult, because organized criminals have traditionally engaged in “business-like” activities, and these are unlikely to be detected without the proactive work of the police. Organized crime is especially active in the consensual crimes (such as the sale of drugs, prostitution, gambling, loan sharking, and official corruption), as well as semi-consensual protection rackets, sale of stolen property, and forms of official corruption. The use of police statistics is complicated further by the fact that classification of a particular crime as part of organized activity is a matter of judgment.

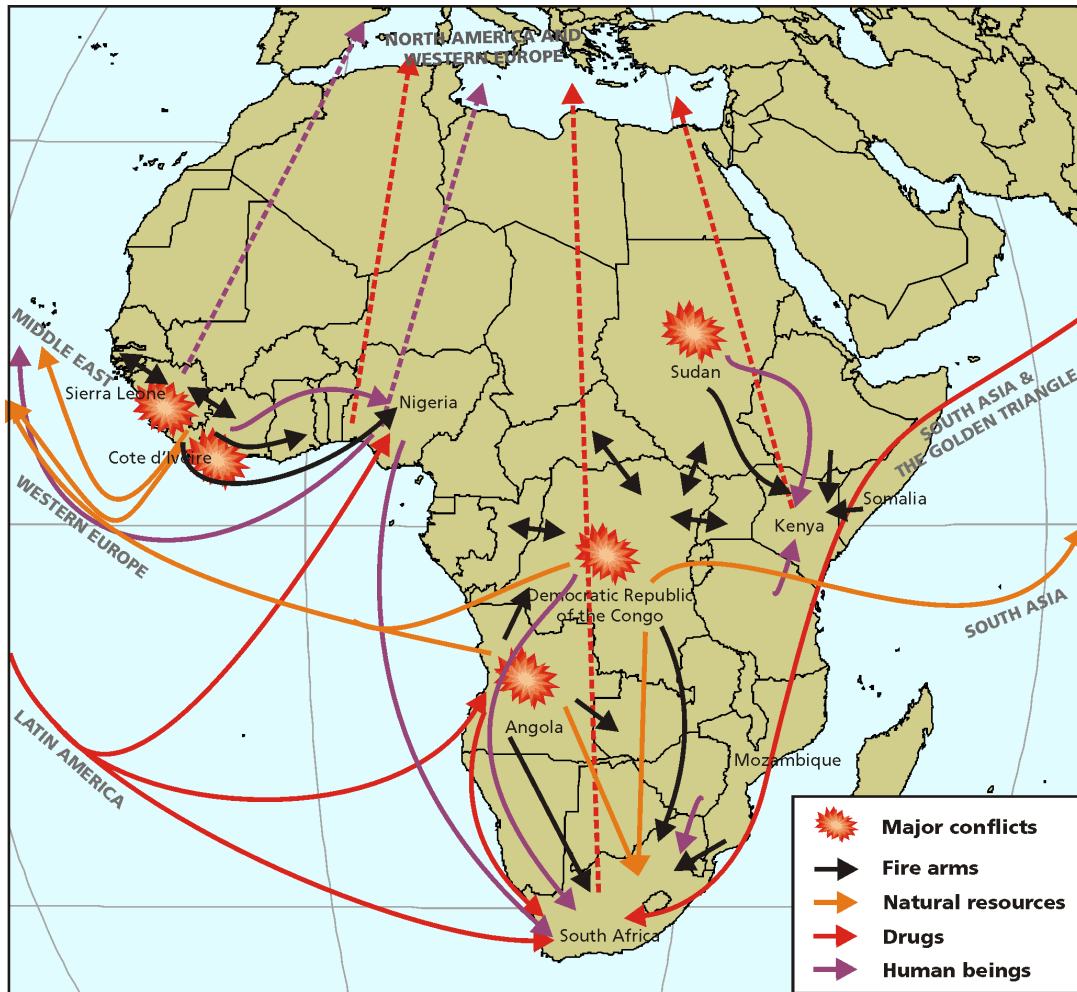
It is therefore difficult to establish the existence of organized crime on the basis of official data, in Africa or elsewhere. But perception surveys, as well as international crime intelligence and seizures of contraband, suggest that Africa may have become the continent most targeted by organized crime. The growth in international commerce and transport has made Africa, with its weak enforcement capacity and underpaid officials, an ideal conduit through which to extract and/or tranship a range of illicit commodities, such as drugs,

firearms, minerals and oil, timber, wildlife, and even human beings. Lack of official controls also makes the continent vulnerable to money laundering and corruption activities, both of which are vital to the expansion of organized crime.

### ***Drug trafficking to drug abuse***

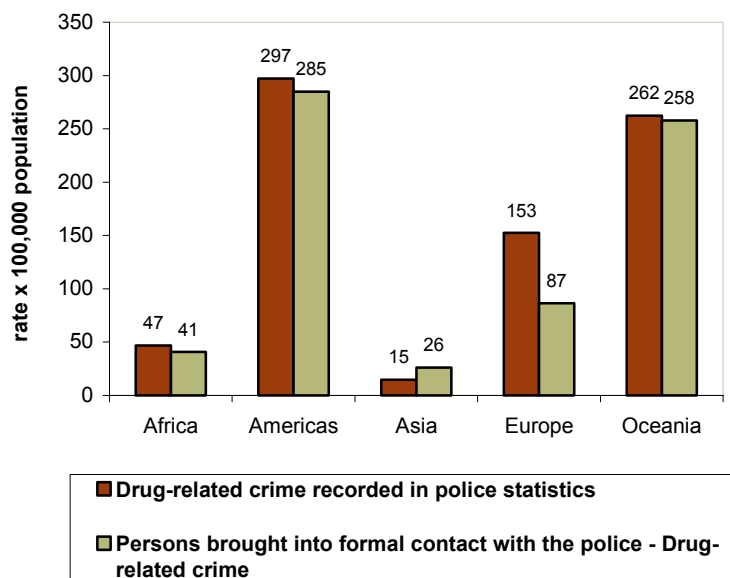
While 45 out of 53 African countries have signed all three international drug conventions,<sup>125</sup> it traditionally has been believed that Africa lacks the resources to support major drug markets, and that only local herbal drugs (such as cannabis and khat) pose much of a threat. In keeping with this view, African police statistics reflect relatively few drug arrests. But drug crimes are not the sort of offences that are reported to the police, as none of the parties to the transaction consider themselves victimised. As a result, drug enforcement is almost entirely reliant on proactive police work, and overstretched officials may have other priorities. In other words, just because few drug arrests are made doesn't mean there is no drug problem.

Figure 10: Illicit trafficking in sub-Saharan Africa



Source: UNODC

Figure 11: Drug-related crime, by regions

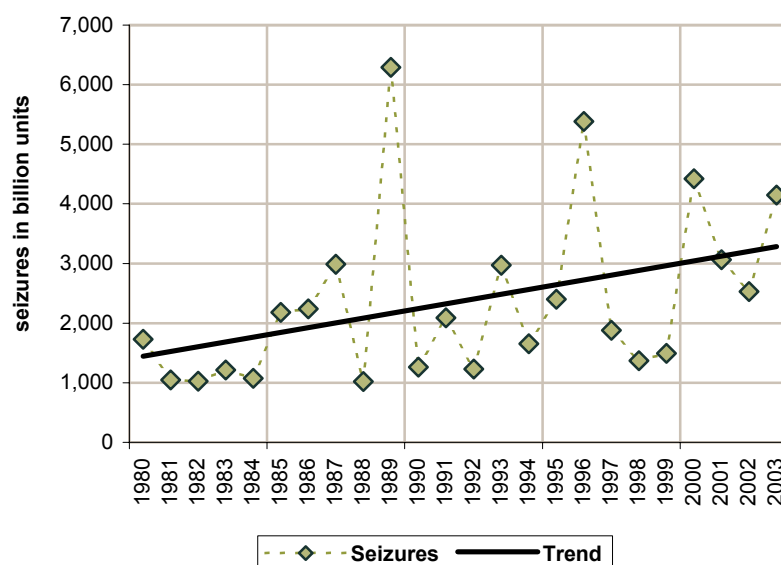


Source: CTS, 2002 or latest available year

There is now ample evidence that the drug situation in Africa is changing rapidly. International drug seizures indicate that Africa is increasingly being used to route drugs destined for other markets, and, consequently, it is becoming a destination site with a growing consumer base of its own.

Seizures of all drugs – expressed in unit equivalents<sup>126</sup> – amounted to 4.1 billion units in Africa in 2003 or 13.3% of the world’s total seizures that year (31 billion units). This proportion was almost identical to the continent’s share in the world’s population (13.5%). While they vary considerably from year to year, drug seizures in Africa have been increasing since the early 1980s.

**Figure 12: Drug seizures made in Africa in million units equivalents, 1980-2003**

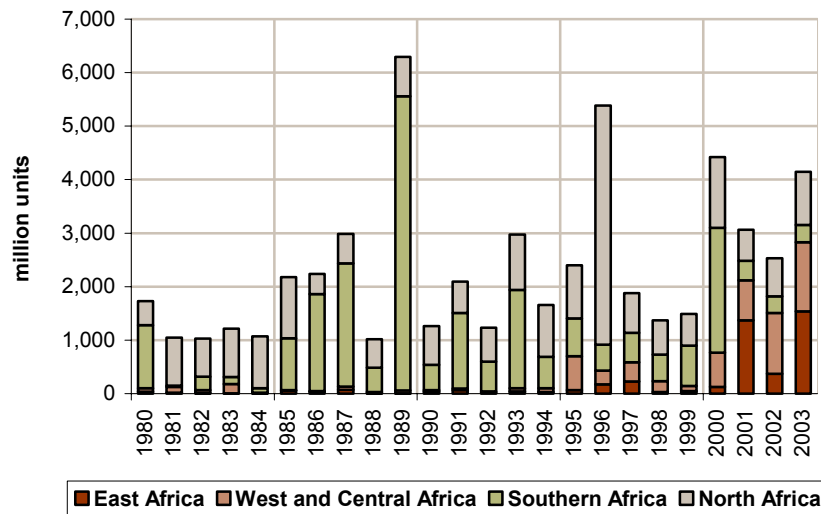


Source: UNODC, Annual Reports Questionnaire Data.

Cannabis remains Africa’s primary problem drug, responsible for more admissions to treatment than any other substance, and Africa is a major cannabis exporter, responsible for a quarter of global seizures. Over the 2000-2003 period, the bulk of the cannabis herb in Africa was seized in Nigeria (32%), Tanzania (21%), South Africa (19%), Kenya (9%) and Malawi (7%). These five countries were also among the top ten countries worldwide for seizures of herbal cannabis (as opposed to cannabis resin, or hashish) over the 2000-2003 period. During this time, most cannabis resin was seized in Morocco (83% of all seizures made in Africa). Morocco is the world’s largest cannabis resin producer and accounts for the third largest cannabis resin seizures worldwide.

But while cannabis remains key, there are many indications that the drug market is changing. For example, the location of seizures has fluctuated strongly over the last two decades. As Figure 50 shows, in the early 1980s most drugs were seized in Northern Africa. Drug seizures shifted to Southern Africa from the mid 1980s to the mid 1990s. Over the last few years, drugs seizures have increased in Eastern, Western, and Central Africa. In 2003, most drugs were seized in Eastern Africa (37%) and Western/Central Africa (31%), followed by Northern Africa (24%). Seizures in Southern Africa (8%) were rather moderate in 2003. The very volatility of these seizure patterns suggests that only the surface is being scratched by African enforcement agencies.

**Figure 13: Drug seizures made in Africa – sub-regional breakdown – in million units equivalents, 1980-2003**



Source: UNODC, Annual Reports Questionnaire Data

It is now clear that large amounts of cocaine and heroin are being trans-shipped across Africa to destination markets in the developed world. Since the drugs wind up in other markets, this may appear to be ‘someone else’s problem’, but experience shows that transshipment countries seem inevitably to develop consumer markets of their own. As a consequence of these spillovers, drugs other than cannabis have already found their way into the African market. While over the 1980-89 period just 22 African countries reported seizures of cocaine, this number went up to 42 over the 1990-2003 period. Similarly, the number of African countries reporting heroin seizures increased from 27 to 43 over the same period.

The presence of heroin in East Africa is probably attributable to transshipment, as heroin is shipped from Pakistan down the East African coast (involving Ethiopia, Kenya, Tanzania, and Mozambique) to South Africa, the UK, France, and the USA. A recent seizure of 1500 kg of cocaine in Kenya, on route from South America to Europe, illustrates how Eastern Africa can be used to move this commodity as well.<sup>127</sup> West African nations, such as Nigeria and Cote d’Ivoire, are also used to trans-ship heroin and, increasingly, cocaine. Western and Southern African countries including Nigeria, Angola and South Africa, have been identified as “major transit countries” for syndicates trafficking cocaine from South America to the UK, Spain, and the US.<sup>128</sup> Recently, new trafficking routes via several countries of Western and Northern Africa (including Senegal, Mauritania and Morocco) to Spain have been developed, making use of existing cannabis trafficking networks.

There is evidence that the situation has become quite severe in some urban areas of Western, Eastern, and Southern Africa. A recent survey of 299 youth in Old Stone Town in Tanzania found lifetime use of heroin at an alarming 9%, annual use at 4%, and past month use at 3%, while 29% described the substance as ‘easy to obtain’.<sup>129</sup>

The use of heroin is particularly frightening in the context of HIV. In South Africa, most of the heroin is smoked, but about half of heroin users in treatment at the end of 2003 in Gauteng and Cape Town said they had experimented with injection, up under a third a few years back. And once they have started injecting, users are unlikely to switch back: in Cape Town, 87% of those who had tried injecting in 2003 considered it their primary means of consumption.<sup>130</sup>

The rate at which a drug problem can develop is well illustrated by the emergence of crystal methamphetamine use among youth in South Africa over the last two years. In the last half of 2002, none of the under 20-year-olds admitted to treatment in Cape Town mentioned

methamphetamine as their primary or secondary drug of abuse. By the second half of 2004, 42% did so.<sup>131</sup>

In addition to generating a local drug problem, trans-shipment produces other forms of collateral damage. According to the Southern African Development Community Protocol on Combating Illicit Drugs:

*...the region is being increasingly used as a conduit for illicit drugs destined for international markets ... illicit drug trafficking generates large financial gains and wealth enabling trans-national criminals and organizations to penetrate, contaminate and corrupt the structures of governments, legitimate commercial and financial business and society at all levels.*

But while these macro effects are frightening, the greatest damage caused by drugs is personal. And while the emergence of cocaine, heroin, and amphetamines pose a major threat, legally available substances can be equally devastating. For example, the use of glue or other inhalants among street children is a major problem in a number of African cities.

### **Trafficking in human beings**

Human trafficking is a form of trans-national organized crime that has only recently been brought to the attention of the international community, and data sources are still in the process of development. It is by no means unique to Africa and it is seen in various forms in countries all around the world. It is defined in the international protocol as the:

*... recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.*<sup>132</sup>

As with other forms of organized crime, it is likely only to come to the attention of authorities through proactive work on the part of the police, as victims are intimidated in a variety of ways, including threats against the families they leave behind. In general, countries of origin tend to be poor, and countries of destination include the most affluent countries in the world.

Despite the lack of formal data, human trafficking in Africa has been documented by numerous sources. According to UNICEF, human trafficking is a recognised problem in about half of all African countries. The number of countries reporting trafficking in children is twice those reporting trafficking of women. In Western and Central Africa, human trafficking is a recognised problem in 70% of the countries of the region. In more than one in three of these, the problem is regarded as severe. In Southern Africa, trafficking is recognised as an issue in a third of countries, but it is generally not regarded as severe.<sup>133</sup>

In total, 89% of African countries are affected by human trafficking flows, either as source, destination, or receiving countries, according to UNICEF survey work. There is no clear-cut distinction between countries of origin and destination: in 58% of countries flows are in both directions. Cote d'Ivoire, Nigeria, and Gabon are the best-known destination countries for trafficking victims, but over half of Western and Central African countries are believed to receive victims. In addition to trafficking within Africa, trafficking to Europe is a problem for 34% of African countries, and trafficking to the Middle East for 26%. Within Africa, 91% of trafficking occurs between countries of the same region.<sup>134</sup>

Victims are trafficked for three main purposes: forced labour, commercial sexual exploitation, and forced enlistment in militaries and rebel groups. The issue of child soldiers is discussed in



Section 1.2 above. Awareness about human trafficking for labour or prostitution is highest in Western Africa<sup>135</sup>. Estimates are that 40% of the street children and hawkers in Nigeria were trafficking victims.<sup>136</sup> According to the ILO, 200,000 to 300,000 children are trafficked each year for forced labour and sexual exploitation in Western and Central Africa.<sup>137</sup> West African women are trafficked to Europe for commercial sexual exploitation, particularly members of one Nigerian minority group.<sup>138</sup>

### **Trafficking Patterns in Benin, Nigeria and Togo**

#### *Benin*

Internal trafficking occurs within Benin, but Beninese children are also trafficked to Nigeria, Ghana, Gabon, Côte d'Ivoire, Cameroon and Guinea. They are lured with promises of employment and then forced into domestic and agricultural labour. Benin also serves as a destination country for children trafficked into labour exploitation from Niger, Togo and Burkina Faso. Adult women trafficked from Niger, Nigeria and Togo are forced into prostitution in Benin, while Beninese women are trafficked to Belgium, France and Germany.

#### *Nigeria*

Nigeria is a source, transit and destination country for trafficked children and serves predominantly as a source country for trafficked women.

Victims of child trafficking originating in Nigeria are usually between 13 and 15 years of age. Foreign children trafficked to Nigeria come mainly from Benin and Togo, Côte d'Ivoire and Niger. Children as young as five and six trafficked from Benin have been found working in exploitive conditions in Nigerian mines in the Western part of the country. Trafficked girls are used for domestic service or street trading as well as commercial sexual exploitation while boys are generally forced to work on plantations or in commercial farming, construction, quarries/mines, or engage in petty crimes and the drug trade.

With respect to women trafficked for commercial sexual exploitation in Europe, a large share are from Edo State in Nigeria while the rest are from Delta, Kano and Borno States. Nigerian women trafficked abroad are sent to different destinations, including Europe (Italy, Spain, France); within West Africa (Benin, Côte d'Ivoire); Central Africa (Gabon, Cameroon) and the Middle East (Saudi Arabia). During the religious pilgrimage, the Hajj, young Nigerian children and older Nigerian women travel to Saudi Arabia and are forced into street begging, domestic service and prostitution. In terms of flows going the opposite direction, foreign women are reported to have been trafficked to Nigeria from as far away as Moldova, Belarus, Ukraine and the Philippines.

#### *Togo*

Togo serves as a source country for children trafficked to Nigeria and Gabon for forced domestic labour and prostitution, while Ghanaian children are trafficked to Togo into forced domestic servitude. Adult Togolese women have been reportedly trafficked to Lebanon and European countries for sexual exploitation.

*Source: "Measures to combat trafficking in human beings in Benin, Nigeria and Togo" UNODC 2005*

### **Firearms**

As was discussed in Section 1.2 above, crime and conflict are highly interrelated in many cases in Africa, and this is nowhere clearer than in the case of arms trafficking. Guns imported for war, legally or illegally, can be used for crime, both during and after the conflict. They are also highly negotiable commodities in international criminal commerce, and can be exchanged for a range of contraband, including minerals and oil, wildlife, and drugs.

It is nearly impossible to estimate the number of small arms circulating in Africa, and attempts to do so are complicated by the fact that weapons are "recycled" in conflicts throughout the region. Gamba and Chachua point out that in Mozambique alone, estimates of weapons imported during the civil war range from half a million to six million, and that estimates of the number of illegal weapons in use in South Africa range from 400,000 to eight million.<sup>139</sup>

In 2003, the Small Arms Survey drastically revised down past estimates on the number of small arms on the continent, from 100 million to 30 million weapons, which highlights the level of uncertainty that exists in this area. The Survey estimates that most of these weapons are in civilian hands (79%), with much smaller shares being held by the military (16%), police (3%) and insurgents (2%).<sup>140</sup> The Survey also estimated that:

- Kenya, Tanzania and Uganda each have an estimated national stockpile of between 500,000 and one million small arms;
- There are about 77,000 small arms in the hands of the major West African insurgent groups;
- The total number of illicit military-style guns is unlikely to surpass one million for all of sub-Saharan Africa, and may be considerably lower;
- While most of the arms that plague Africa are imported from the outside, at least 10 countries in sub-Saharan Africa, including Kenya, Tanzania and Uganda, have some domestic capacity to produce small arms and/or ammunition. Illicit production of small arms occurs in a number of countries in sub-Saharan Africa, including Ghana and South Africa.<sup>141</sup>

Weapons have traditionally been trafficked between countries in Africa, as conflict spreads through whole regions, or imported from overseas. The Ukraine is said to be one major source of former Soviet arms.<sup>142</sup> The impact of these weapons is discussed in Section 1.1 above. While a comprehensive discussion of gun trafficking and its effects is beyond the scope of this report, a few examples are illustrative:

- Member countries of the Economic Community of West African States (ECOWAS) pledged not to import, export, or manufacture small arms in 1998, but there is evidence that weapons have still been finding their way into the region, both into countries enmeshed in civil conflict and those nominally at peace. For example, the Nigerian Customs Service reported that it had intercepted small arms and ammunition worth more than US\$30 million at border posts in a six-month period in 2003. In a single haul in November 2003, it took in a consignment of 170,000 rounds of ammunition. These weapons are used in ethnic, religious, and political violence, as well as in criminal activity, such as that surrounding the illicit oil trade in Niger Delta.<sup>143</sup>
- The conflict in the Democratic Republic of the Congo is fuelled by weapons flows from all over the region, and foreign businessmen interested in the import and export of raw goods are allegedly involved in supplying the rebels with arms.<sup>144</sup>

Not all firearms used in crime in Africa are trafficked across borders, however. As is the case in many other parts of the continent, the most commonly used small arms in South Africa are not military weapons but handguns, and much of the criminal market is supplied through robbery and burglary of licensed guns. Between 1995 and mid-2003, almost 200,000 guns were reported lost or stolen in South Africa. Docket research has indicated that both legal and illegal firearms are used in crime in that country.<sup>145</sup>

There are also persistent anecdotes and rumours in a range of countries that the criminals rent their weapons from the local police. For example, *Small Arms Survey 2003* reported that the majority of firearm crimes in Douala in Cameroon are committed with pistols, 75% of which are alleged to come from the police themselves. Indeed, the *Survey* notes that “When the Secretary of State for Defence recalled 300 gendarme officers who had been assigned to ministers and senior state officials as bodyguards, more than 50% (169) could not account for their weapons.”<sup>146</sup>

### **Resource smuggling, wildlife poaching, and environmental crime**

The smuggling of natural resources is an activity involving both local and international organized crime groups. Africa is rich in natural resources, including oil, diamonds, other precious and strategic minerals, and timber. Ironically, it has been theorised that this wealth may be behind the political instability and poor economic performance of several nations, as discussed above. The theft and smuggling of these resources is a major organized crime activity, in countries at war as well as in countries at peace.

For example, in Nigeria, criminal gangs steal large amounts of crude oil from pipelines and ship it on river barges to larger craft offshore in a practice referred to as 'bunkering'. It is a massive industry, with high end estimates of its value ranging from US\$4 billion<sup>147</sup> to US\$6 billion<sup>148</sup> a year, or over 10% of Nigeria's oil production. Violence occurs between rival gangs fighting for 'bunkering turf', known locally as 'cults', with names like the KKK, the Germans, and the Mafia Lords. These groups trade oil for guns, and also claim to have received weaponry from local political leaders.<sup>149</sup>

Of course, oil-theft would be impossible if it were not for willing buyers, and the involvement of outsiders in the trade is well-documented. The oil bunkering syndicates are highly international, including not only other West Africans, but also Moroccans, Venezuelans, Lebanese, French and Russians, for example. By these means, oil bunkering links to wider patterns of organized crime, with cash, drugs and weapons all being traded in exchange for illegal oil. A typical oil-bunkering case, reported in a Nigerian newspaper on 22 April 2004, mentioned the arrest by the Nigerian navy of a ship loaded with 8,000 metric tons of crude oil without valid papers. Its crew of eight foreigners was also arrested.<sup>150</sup>

The poaching of wildlife, including endangered species, is an organized criminal activity with direct impact on Africa's development prospects, as it undermines tourism. Few Africans buy ivory, rhino horn, or other expensive animal products, so this slaughter is almost entirely driven by outside demand. The poachers themselves may be diffuse, but the markets for wildlife parts are very much a part of traditional organized crime, involving local gangs and well-known groups such as the Chinese Triads.

Elephant ivory is probably Africa's best-known wildlife commodity, and its illegal extraction has been tied to both conflict and organized crime. It is estimated that at least 12,500 elephants were poached in Africa and 95.3 metric tons of ivory were seized globally between 1998 and 2004.<sup>151</sup> While the largest elephant populations are found in Eastern and Southern Africa, ivory is also openly marketed in West Africa to tourists, including Americans, Asians, and Europeans.<sup>152</sup>

A good deal of ivory is also smuggled out of the continent to foreign markets. For example, between 1997 and 2002, French Authorities made at least 809 confiscations involving 18,248 elephant products, weighing 4.1 tonnes.<sup>153</sup> As with other poached wildlife parts, China appears to be a major destination, with 13,000 kg being seized in 41 seizures in Beijing in 2001 alone.<sup>154</sup> In addition, Singapore, and through it, Japan, is another large market: in June 2002, a container with 532 elephant tusks and over 40,000 blank hankos (traditional Japanese name seals) was seized in Singapore, equivalent to as many as 600 elephants.<sup>155</sup>

Rhino horn is sold in the Far East as an aphrodisiac. According to the World Conservation Union, one half the world's Northern White Rhino population, resident in a single park in the Democratic Republic of the Congo, was wiped out in the course of just 14 months by organized poachers, including cross-border groups from Sudan.<sup>156</sup> Chinese Triad groups have been involved in the extraction of this resource from Africa since the 1970s.<sup>157</sup>

Abalone, a marine snail, is regarded as a delicacy and an aphrodisiac in the Far East. Massive poaching of this ocean resource is predicted to render the species extinct in South Africa in

three to four years.<sup>158</sup> This extraction has been tied to South African organized criminals working with Chinese Triad gangs.<sup>159</sup>

Weak controls and local corruption teamed with international corporate greed leave Africa vulnerable to other forms of crime against the environment. Unregulated logging, for example, feeds erosion and can deplete a resource that should, if managed, be renewable. Equipment that does not meet the environmental or safety standards in developed countries may be exported to Africa, and trans-national corporations may allow their African workforce to be exposed to conditions prohibited in their own countries. The illegal dumping of toxic wastes by foreign countries also endangers the health of the continent.

### **Money laundering**

Organized crime requires money laundering, and Africa is vulnerable to this abuse. Africa has poorly regulated banking system alongside a large informal cash economy. Thus, large cash deposits are the norm, not the exception, and there is little capacity to trace or even question these funds. On a larger scale, natural resource extraction is an area of key importance to the continent, but one in which production is difficult to monitor on the basis of inputs alone. This allows shady accounting by corrupt officials and (often foreign) business leaders alike, and opens gaps through which illicitly gained funds can be laundered.

Fortunately, it does not appear that this criminal opportunity has been fully realized yet. The United States government evaluates the risk of money laundering in over 200 countries in its annual International Narcotics Control Strategy Report. In 2005, Nigeria was the only African country deemed to be seriously affected by money laundering. Eight others were identified as “jurisdictions of concern”: Cote d’Ivoire, Egypt, Kenya, Morocco, Seychelles, Sierra Leone, South Africa, and Tanzania.

As will be discussed in Section 3 below, the response of Africa’s sub-regional economic communities and individual states to the money laundering threat has been dynamic. Only one African country is presently on the Financial Action Task Force (FATF) of the OECD as non-cooperating: Nigeria. But Nigeria was specially commended at the last plenary of the FATF in February 2005 for its progress in strengthening its anti-money laundering regime.

Of course, the importance of criminal financial flows is relative to the size of the local economies. It is estimated that US\$22 billion was laundered through the financial systems of members of the Southern African Development Community (SADC)<sup>160</sup> between 1999 and 2001 alone. Of this, US\$15 billion was generated within the SADC sub-region. An estimated US\$7 billion infiltrated the sub-region from other regions, including East Asia (US\$1 billion), North America (US\$5 billion) and Europe (US\$1 billion).<sup>161</sup> For perspective, US\$22 billion is more than the combined annual GDPs of eight of the 14 SADC member states.

The proceeds of crime committed in Africa are also laundered abroad, most notably the monies stolen by a few notorious “kleptocrats”, such as Mobutu Sese Seko and Sani Abacha. With the help of the German, Swiss and British Governments, Nigeria was able to recover US\$240 million from the late Abacha's family in 2004. A report from the Commission of the European Communities estimates that stolen African assets held in foreign bank accounts are equivalent to more than half of the continent’s external debt.<sup>162</sup> The responsibility of foreign banks to ensure the legitimacy of monies deposited in overseas accounts and the importance of repatriating these funds is discussed further in the conclusion of this Report.

Most African nations are signatories to, and many have ratified, the United Nations’ Convention against Transnational organized Crime (see Annex C), which requires criminalization of money laundering, but the ability to implement it may be lacking. According to Goredema, as of October 2004, half of all members of the Southern African Development Community, probably the best-resourced region of the continent, had not yet criminalized money laundering.<sup>163</sup>

**West African Organised Crime**<sup>164</sup>

While much of the organised crime discussed above involves organised crime groups originating outside Africa, the continent has produced formidable crime networks of its own. The best known of these are West African in origin. Outside the continent, organized crime networks of West Africans have made a global mark. Particularly known for their role in international drug trafficking, human trafficking, and fraud and corruption, West African networks have proven difficult for law enforcement to counter, due to their highly flexible and de-centralised structure. Diaspora populations in most drug producing and drug consuming countries allow the easy interchange of controlled substances, often in relatively small amounts.

Organized crime in West Africa in its contemporary form is generally perceived to have emerged in the 1970s, contemporaneous with the oil price rises of that decade, the delinking of the dollar from gold, high inflation, and the rapid spread of debt in the developing world. More recently, the chaos in Liberia and Sierra Leone, and widespread civil conflict in several other parts of the region, exacerbated this process. Whatever its causes, transnational organized crime in West Africa, or perpetrated by West Africans elsewhere in the world, has become a matter of international concern. This has been perhaps most noticeable in regard to drug-trafficking, people-trafficking and fraud, as will be discussed below.

West African organised crime groups have proven to be very difficult for law enforcement to combat for several reasons. West African criminals tend not to organise themselves in large-scale, hierarchical organisations. Rather, the term 'network' is probably more appropriate. Individual players, with their own assets and skills, form transaction-oriented coalitions that can expand or dissolve in response to market demands and enforcement efforts. If possible, high risk operations, such as drug couriership, are contracted to outsiders, who, if apprehended, may have very little knowledge of the operations of the group. Some degree of hierarchy does exist, for example, between drug wholesalers and street dealers, organised along the traditional lines of master and apprentice, but these hierarchies are generally very shallow. This is not to say that all players are equal or that large and longstanding groups cannot form if lax enforcement allows to this to occur, but a high degree of autonomy allows these networks to be extremely flexible and resilient, able to address niche markets neglected by larger and more unwieldy crime organisations.

One of the reasons these networks can abandon traditional command-and-control relations is that many of these networks are grounded in a common ethnicity, often including blood-ties. West Africa's extreme ethnic diversity (over 250 language groups in Nigeria alone) means that members may base their identity in a relatively small community. Betraying compatriots is not only in violation of deeply ingrained values, it can result in exclusion from this vital support base. Networks based in ethnicity also allow the use of languages between conspirators that are understood by very few outsiders, and cultural practices may be employed to secure illegal business transactions. For example, Nigerian victims of human trafficking have reported to have been subjected to traditional magical ceremonies, destroying their will to escape their bondage, and business transactions may be secured by oaths consecrated by traditional religious practitioners. This makes these organizations extremely difficult to infiltrate.

Operating along the same logic as legitimate businesses, West African criminal networks will quickly abandon a commodity or a technique that is no longer profitable in favour of a new approach. They also freely intermix legitimate and criminal businesses, diversifying their operations wherever a profit is to be made. They have also managed to find a place for themselves in foreign markets traditionally controlled by local organised crime groups simply by subcontracting to perform tasks or address niches that the locals would rather avoid. In this way they tend to work alongside, rather than in conflict with, criminal groups from around the world, and rarely have to resort to violence.

### *Drug trafficking*

West African networks have taken over the cannabis, cocaine and heroin retail markets in several West European cities, and have strong market hubs in both producer countries (Brazil, Thailand, Pakistan, South Africa) and destination countries, including the US. Law enforcement is continually discovering African trafficking cells in unexpected places.

Southern Nigerian drug trafficking groups are perhaps the best known manifestation of West African organised crime. While they travel under many passports, the Igbo and, in some areas, Yoruba ethnic groups are found in both drug production areas and consumption markets around the world.

There is a small amount of trafficking within the region. For the most part, drug consumption levels are not considered high in West Africa, although this does seem to be changing in some areas. Given higher profit markets outside the region, most of the drugs that enter West Africa are on their way somewhere else. One exception is cannabis, which is widely consumed throughout the region. In Senegal, the gendarmerie reports the export of marijuana from the Casamance region, favoured by conditions of low-intensity conflict, towards other parts of the region. Nigeria is always among the top ranking countries in amount of cannabis seized within its borders annually, most of it grown for local consumption.

### *Cocaine*

West Africa has come to play a significant role as a point of trans-shipment for cargoes of heroin and cocaine that are produced in south Asia and South America respectively, destined for markets in Europe and North America. Most of these traffickers are themselves West Africans, or in the employ of West Africans. Of couriers intercepted with drugs transiting through West Africa, according to statistics compiled since 2000, 92% were West Africans and no less than 56% were Nigerians. Moreover, a few of the remaining 8% were West Africans who had acquired a second nationality through naturalization. Very large shipments via West Africa, to judge from the evidence of a handful of major seizures, tend to be controlled by non-Africans having one or more local accomplices. Most purely West African shipments tend to be smaller, often carried by body couriers – the so-called ‘stuffers and swallowers’, who secrete narcotics in their bodily orifices or swallow them wrapped in condoms, for later retrieval.

Much of the cocaine passing through the region transits Cape Verde, Nigeria, Togo and/or Ghana, on its way to Spain, Portugal and the United Kingdom. In seizure reports gathered by UNODC over the period 2000-2004, more than 1.4 tons of cocaine had been seized en route to West Africa or from West Africa to Europe, not including two unusually large seizures of 2.29 and 7.5 tons.

For example, there were 15 seizures of smuggled cocaine in 2003 in which there was a connection with Cape Verde. Several such seizures were made at Fortaleza airport in Brazil of cargoes destined for Cape Verde, each in the range of two to six kilos. One of the most impressive examples was the seizure by Spanish authorities of no less than 7.5 tons of cocaine on 11 October 2003 in a ship in international waters 128 km off the coast of Portugal, en route to Spain. This is the second-largest drug seizure ever made in Spain. The drug was concealed in a Spanish fishing vessel, *South Sea*, and had probably been loaded in international waters after the ship had anchored in Cape Verde. The *South Sea* had also spent some time anchored off the port of Dakar.

In addition, many Nigerian individuals and networks seem to be working through Casablanca, using it as a staging-post for cargoes of cocaine from South America. There appear to be two ways in which couriers can use a north-south detour to minimize the risk of detection. The first way is for a courier to travel from South America, transit for example via London, and disembark in Casablanca, Bamako or Accra. The law enforcement capacities for a thorough check at one of these latter airports are a lot weaker than in London, and therefore the risk of

detection is less. A second method is for a courier to travel from South America via a relatively low-risk country, such as Senegal, en route to Amsterdam. On arrival, there is much less attention paid to passengers disembarking from Senegal in comparison to those coming from the Dutch Antilles, for example.

### *Heroin*

Ethiopian Airlines is an airline favoured by heroin couriers, probably since it has convenient routes from Asia to West Africa. South Asian heroin enters Africa via Ethiopia or Kenya, or Egypt to a lesser extent. Cargoes are then trafficked by air courier to Côte d'Ivoire. However, since the outbreak of war in Côte d'Ivoire in 2002, there may have been a decline in heroin trafficking through that country, with a corresponding rise in neighbouring countries. Heroin trafficking routes are clearly linked to the routes of commercial passenger flights, notably Ethiopian Airlines flights from Bangkok, Mumbai and Karachi, transitting via Addis Ababa, Beirut and Dubai en route to West Africa; Kenya Airways, which flies from south Asian airports via Nairobi and Dubai; Emirates; Air Gabon, which runs a service from Dubai to Cotonou; and Middle East Airlines, which runs services from several Middle Eastern locations to West Africa. Virtually all the heroin trafficked to West Africa seems to originate from Pakistan and India, with just one seizure reported of heroin from Thailand in the period 2000-2004.

Typical cases would include for example the 26-year old Nigerian woman who had acquired 815 grams of heroin in Pakistan, and flew from Karachi via Dubai and Libreville before being arrested at Cotonou airport in Benin on 30 December 2003 as she left an Air Gabon flight. Another case was the 28-year old Nigerian man arrested on 25 July 2003 at Addis Ababa airport, Ethiopia, en route from Karachi to Abidjan, having swallowed no less than 1.266 kilos of heroin.

### *West Africans outside West Africa*

Knowledge of drug trafficking through the region is limited because it is based on seizures by local authorities. Since it is unclear how much of the flow they are intercepting, it is unclear how much is actually transitting the area. Given the challenges faced by local law enforcement in much of Africa, it is probably safe to say they are just skimming the surface.

Outside the area, however, the intelligence of better-resourced policing agencies in developed countries is available. The role of West Africans, and Nigerians in particular, is highlighted in one experiment conducted at Amsterdam's Schiphol Airport. Passengers arriving from Aruba and the Dutch Antilles, a favourite drug-smuggling route used by some of the 1,200 couriers arrested at Schiphol in 2001, were screened. When Dutch customs officers noticed the increasing numbers of Nigerians using the route, they experimented by checking every single Nigerian arriving at Schiphol from Aruba or the Dutch Antilles for a period of ten days, rather than operating the usual spot-checks only. They found that of 83 Nigerian passengers using the route over those ten days, no less than 63 were carrying drugs.

In the United States, the Drug Enforcement Administration (DEA) finds that:

*'Trafficking groups composed of West African criminals...smuggle [south-east Asian] heroin to the United States. Nigerian criminals have been most active in US cities and areas with well-established Nigerian populations, such as Atlanta, Baltimore, Houston, Dallas, New York City, Newark, Chicago, and Washington, D.C. Over the past several years, Chicago has become a hub for heroin trafficking controlled by Nigerian criminals who primarily deal in [Asian] heroin.'*

### *Human trafficking*

Human trafficking has already been discussed above, but a few words about the West African situation are relevant here. A particularly flourishing trade in prostitutes exists from Nigeria.

Many of the girls or young women involved are from Edo State and Benin City because those individuals who pioneered the trade have kept it in the hands of networks of kin and associates, thus excluding outsiders. The main destinations are Europe – especially Italy – and the Middle East. Nigeria's international trade in prostitutes is believed by analysts to have grown in the 1990s as prospects for employment in Nigeria deteriorated. The organizers of the trade are often women, sometimes former prostitutes themselves, who have succeeded in making money and graduating to the status of madams, although they depend on men for forging travel documents and escorting the girls to their destination. The networks through which girls and young women are recruited are reported to be well organized and to be relatively solid and durable, rather than merely *ad hoc*. Many girls initiated into prostitution are obliged to undergo quasi-traditional religious rituals that bind them to secrecy, before being provided with forged papers and sent abroad, often via other West African countries. It is also reported that girls may be initiated into their new trade through rape and other violence.

In Côte d'Ivoire, it is reported that some of the immigrants from Burkina Faso who work on cocoa plantations in the west of the country are in effect slaves. Cases of imported slave labour are also reported from Sierra Leone, notably of Indians, imported by Lebanese or Indian businessmen. The traditional system in West Africa, whereby an adult may place a child or other young dependent in a distant part of an extended family as a ward or apprentice is abused for purposes of monetary gain.

In Sierra Leone, it is reported that members of the country's influential Lebanese community have taken local girls to Lebanon, mostly under 18 years of age, ostensibly to work as maids. In fact, they are allegedly put into the prostitution business in Lebanon. The traffickers pay money to the girls' families 'so as to divert their attention from their children'. There was a noticeable increase of human trafficking of various types in Sierra Leone during the war of 1991-2002, as young people went abroad to Libya, Burkina Faso and Côte d'Ivoire for training as fighters, often lured with false promises of education or employment. Others were obliged to work for armed movements as forced labourers or sex slaves.

### *Fraud and corruption*

Fraud and corruption are often associated with West Africa. Maurice Ibekwe, a member of Nigeria's Federal House of Representatives, provided a kind of object-lesson in this regard when he was arrested for financial fraud, forgery and conspiracy. He had served as Chairman of the House sub-committee on Police Affairs.

In the mid-1990s, the US authorities estimated that 58% of fraudulent insurance claims in their country were made by Nigerians, and that Nigerian fraudsters were responsible for some 20-26 billion dollars' worth of fraud each year in the United States alone. The notorious Nigerian advance-fee frauds known as '419' after the relevant article of the Nigerian criminal code are estimated to be worth several hundred million dollars a year. British police in 1997 received from members of the public 68,000 reports of '419' letters sent by Nigerian gangs, with very many more being circulated but never made known to the police. Since then, the spread of e-mail has led to a massive increase. Occasional figures like these suggest little more than that fraud of various types is apparently carried out by West African gangs internationally and on a substantial scale. Some individual cases can certainly involve huge amounts of money, as indicated by the prosecution of Emmanuel Nwude and others involving a fraud of no less than US\$240 million.

A Ghanaian analyst notes two modes of operation that are typical of computer fraud. In the more hierarchical of the two, an experienced operator provides the initial resources to a small number of apprentices, notably including access to the Internet. In the second mode, an individual operator sends out his or her own '419' messages to potential victims. If the operative succeeds in attracting a response, he then engages other partners for this particular scheme, taking the lead role for the duration. Thereafter, he may revert to solitary work.



### *Music/video piracy*

The UNODC office in Senegal notes the following facts about music/video piracy in the region. Africa in general and West Africa in particular are considered by piracy/counterfeit specialist as “grey area ” used by organized piracy and counterfeiting networks based in Asia (i.e. Pakistan, Malaysia, and PR of China) for both laundering revenues from other criminal operations and facilitating the logistic of other activities such as trafficking in human being or terrorist activities<sup>165</sup>.

Intelligence gained from Interpol<sup>166</sup> investigations has also uncovered connections between organized crime gangs involved in music/video piracy in Ghana, Guinea (Conakry), Liberia and Nigeria and suspected Middle Eastern terrorist organizations. Examples of CDs and CDRs carrying propaganda messages from extremist groups have been found in Mali, Mauritania, Nigeria, Sierra Leone.

Finally, according to the World Bank Institute<sup>167</sup> production of music represents the third most important component of annual economic growth and revenue in GDP terms in Senegal, Mali, Ghana and other countries in the West African sub-region. In this context it is worth highlighting that in Senegal, the criminal procedure code, the criminal code and other relevant laws do not appear to contemplate piracy as a punishable offence. The same situation appears to sustain in the Gambia, Ghana, Guinea (Conakry), and Mali.

### *Money laundering*

Finally, the laundering of the proceeds of crime in West Africa appears to occur through a wide variety of methods. There are indications that some of the wealthiest individuals, including those who have gained wealth through massive corruption, such as the late Sani Abacha, may enjoy the complicity of major international companies to move their wealth to bank accounts outside Africa. Some of the world’s largest banks are known to have been complicit in such schemes, including the notorious Bank of Credit and Commerce International (BCCI), which had more branches in Africa than in any other continent, as well as some private banking operations. Seasoned observers of Nigeria consider that money-laundering was greatly facilitated, at a time when the drug trade in particular was in rapid expansion, by the growth of unlicensed finance houses, especially in the period 1988-91. Other businesses regarded as particularly suitable for money-laundering include second-hand car dealing and fashionable clothes’ boutiques, the latter favoured particularly by female entrepreneurs.

Throughout West Africa, almost all car purchases are of second-hand vehicles, often with few or no documents attached. This clearly offers possibilities for money-laundering through the motor trade. The diamond trade is also widely regarded as a particularly suitable medium for money laundering. A report issued in March 2004 by the US State Department’s Bureau for International Narcotics and Law Enforcement Affairs lists several countries as ‘vulnerable’ to money laundering via the diamond trade, including Liberia and Sierra Leone.

## **1.4 Corruption**

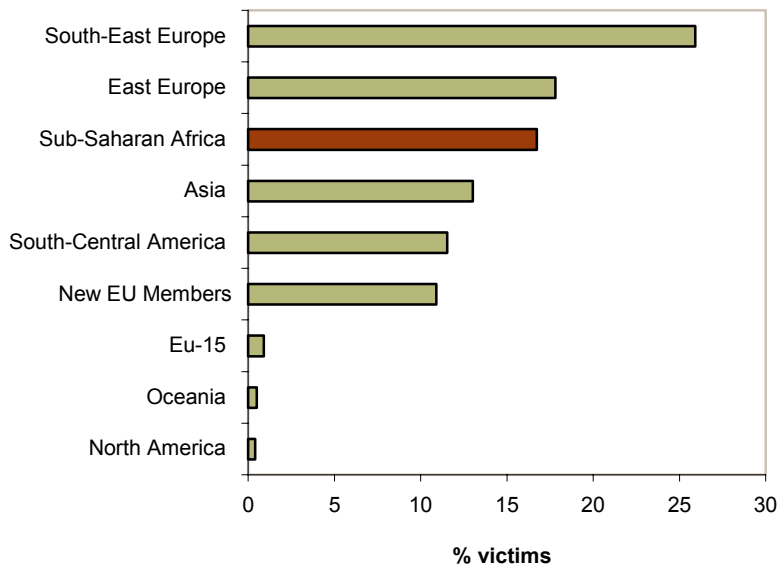
The term “corruption” includes a wide range of offences, from high-level embezzlement of public funds to the petty sales of documents and licenses. The most commonly encountered form of corruption is the transfer of bribes to public officials to influence their actions. The parties involved can be trans-national, as is often the case when foreign businesses seek a competitive advantage in their African operations, or entirely local, as seen, for example, when traffic police accept a bribe to ignore an infraction.

Statistics based on the number of police-recorded cases provide little assistance in assessing the true incidence of corruption, because neither the person paying or receiving the bribe is likely to go to the police about the matter. Survey work is again the best supplement to the deficiencies of the official statistics, but most surveys focus on only one kind of corruption.

This can lead to a great deal of confusion when results of surveys on the perception of corruption among foreign business leaders are compared to surveys of ordinary Africans on how often they are asked to pay a bribe, for example.

According to ICVS results, 16.7% of Africans polled in their homes said they had been asked to pay a bribe to a public official in the previous year, more than any other region. In contrast, only a small amount of bribery cases are reported to the police (0.002% in Africa). This is not surprising because, in most surveys in Africa, the police are generally rated as the public officials most likely to ask for a bribe. As in the case with many other crimes, there is thus a major discrepancy between citizens' experiences and the official figures for corruption, both in Africa and elsewhere.

**Figure 14: Survey respondents who suffered from corruption in the previous year**

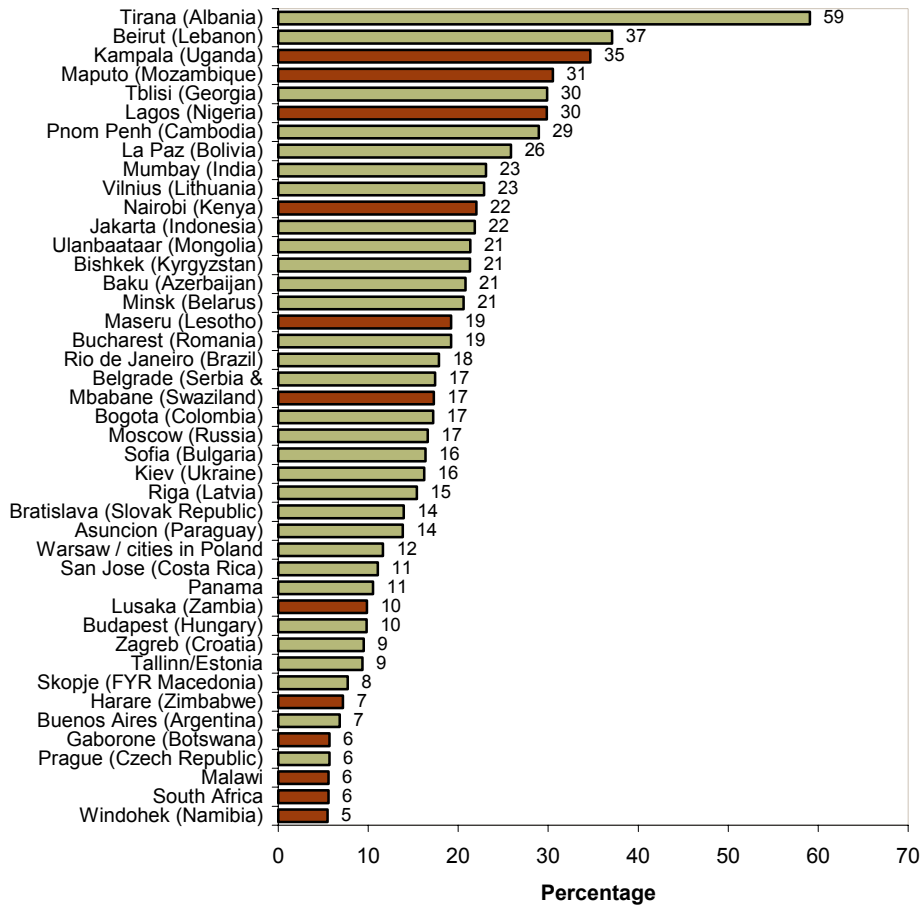


*Source: ICVS 2000 or most recent year available*

This aggregate figure conceals great divergence in the victimisation rates between countries, however. Looking at the ICVS data for specific cities, African cities are clustered on both ends of the spectrum (Figure 15). The Figure, however, omits 20 countries that have corruption rates of less than 5%. Thus, the “low” corruption African countries shown are only relatively so, with all of them clustered in Anglophone Southern Africa. Mozambique, Uganda, and Nigeria show very high victimisation rates, with levels of 30% or more.

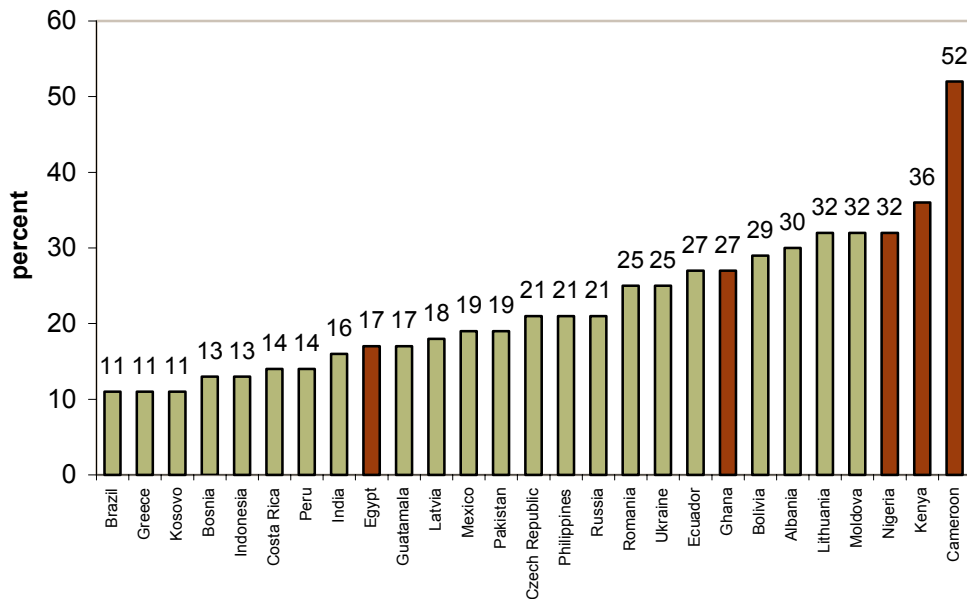
This ranking is roughly consistent with survey data on bribe taking collected in Transparency International’s Global Corruption Barometer 2004, in which five sub-Saharan African countries were featured. Respondents were asked whether they had paid bribes, as well as a range of opinion questions about the nature of corruption in their countries. Cameroon, Kenya and Nigeria edged out Albania in reporting the top three victimisation rates in the world (Figure 16, only countries with more than 10% positive response shown), while South Africa reported a rate comparable to many European countries (3%).

Figure 15: Survey respondents who were asked to pay bribes in the previous year



Sources: ICVS 2000 or latest available year and other victim surveys

Figure 16: Have you or anyone who lives with you paid a bribe in the last 12 months?



Source: TI, Report on the Global Corruption Barometer 2004

This ranking differs in some respects from the results of a World Bank Survey done in 1996 in preparation for the 1997 World Development Report, which focused on the experiences of African business people. Survey respondents were 3600 entrepreneurs from 22 African countries, who were asked to evaluate the statement “It is common for firms in my line of business to have to pay irregular ‘additional payments’ to get things done.” Though dated, this survey also sheds light on a number of countries that are often left out of African survey samples, and, alarmingly, these countries showed even higher levels than the better-known situations. South Africa and Malawi again ranked well, Botswana, Lesotho, and Namibia were not included, but Kenya only ranked 9th, Mozambique 13th, and Uganda 14th of the 22 African countries. Survey respondents said they had to pay these ‘irregular payments’ more frequently in Congo-Brazzaville than in any other country, followed by Cameroon, Guinea, and Madagascar.<sup>168</sup>

Perceptions surveys are clearly more controversial. The most prominent of these is Transparency International’s Corruption Perception Index, which focuses on the opinions of business leaders. This is thus an entirely different measure than the household surveys, but again African countries scored lower as a group than any other region of the world in 2004 (Map).<sup>169</sup> Even if Africa is compared to sub-regions of other continents where corruption is widespread, such as South America (including Central America and the Caribbean) or Eastern Europe, Africa still fares slightly worse in perceived corruption. Out of 36 African countries evaluated, only four (Botswana, Tunisia, South Africa and the Seychelles) received more favourable ratings than the global average (4.2). Botswana and South Africa also score relatively low in the household survey findings. Corruption is perceived as being particularly widespread in Western and Central Africa.

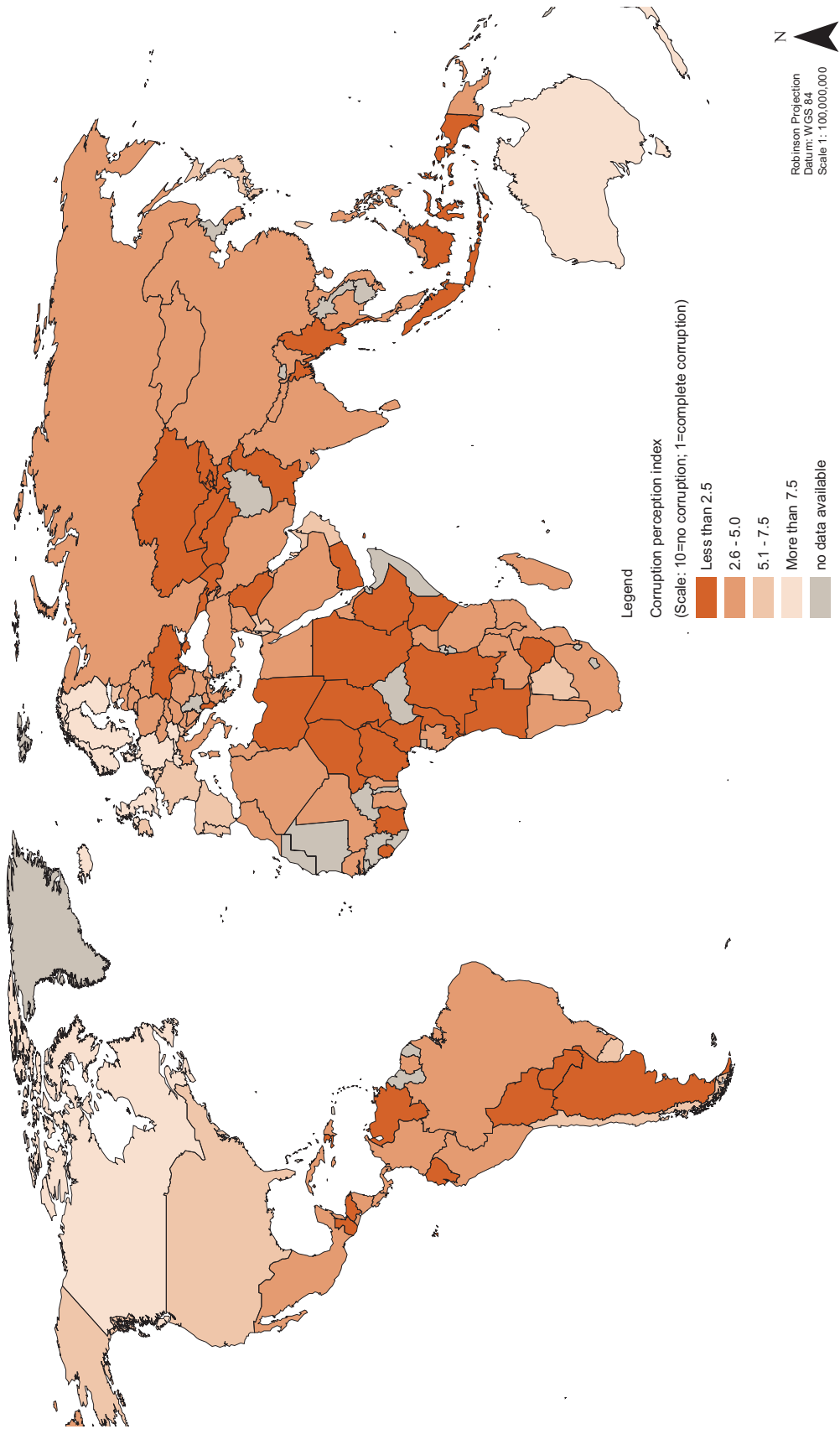
Whatever the merits of the perception data, it is perhaps not surprising that corruption would exist in Africa, as some have argued that it is deeply related to poverty. Sachs and his collaborators at the Millennium Project argue that the quality of governance is proportionate to the amount of money available for it. Adjusting a number of corruption-related indicators for poverty, they found that, if poverty is controlled for, African governance is not bad by international standards.<sup>170</sup> Poor countries presumably cannot afford the corruption controls available in better-resourced ones, and public corruption in Africa is often attributed to the low pay received by officials, which is obviously tied to national income. In some instances, public servants are paid very irregularly, and their ability to resist temptation may be weakened when trying to support a family under these circumstances.

Another way of looking at this is to rank countries not by perceptions of corruption, but by their perceived level of control of corruption, as the World Bank has done. The World Bank puts the majority of African countries in the lower half of the world rankings (Map).

Of course, there would be no bribe taking if there were no bribe paying, and multinational corporations have taken advantage of Africa’s weak controls and under-paid officials to gain a competitive advantage, if not outright criminal gains. As will be discussed in the conclusion of this report, solving Africa’s corruption problems will require the participation of corporate interests committed to transparency.

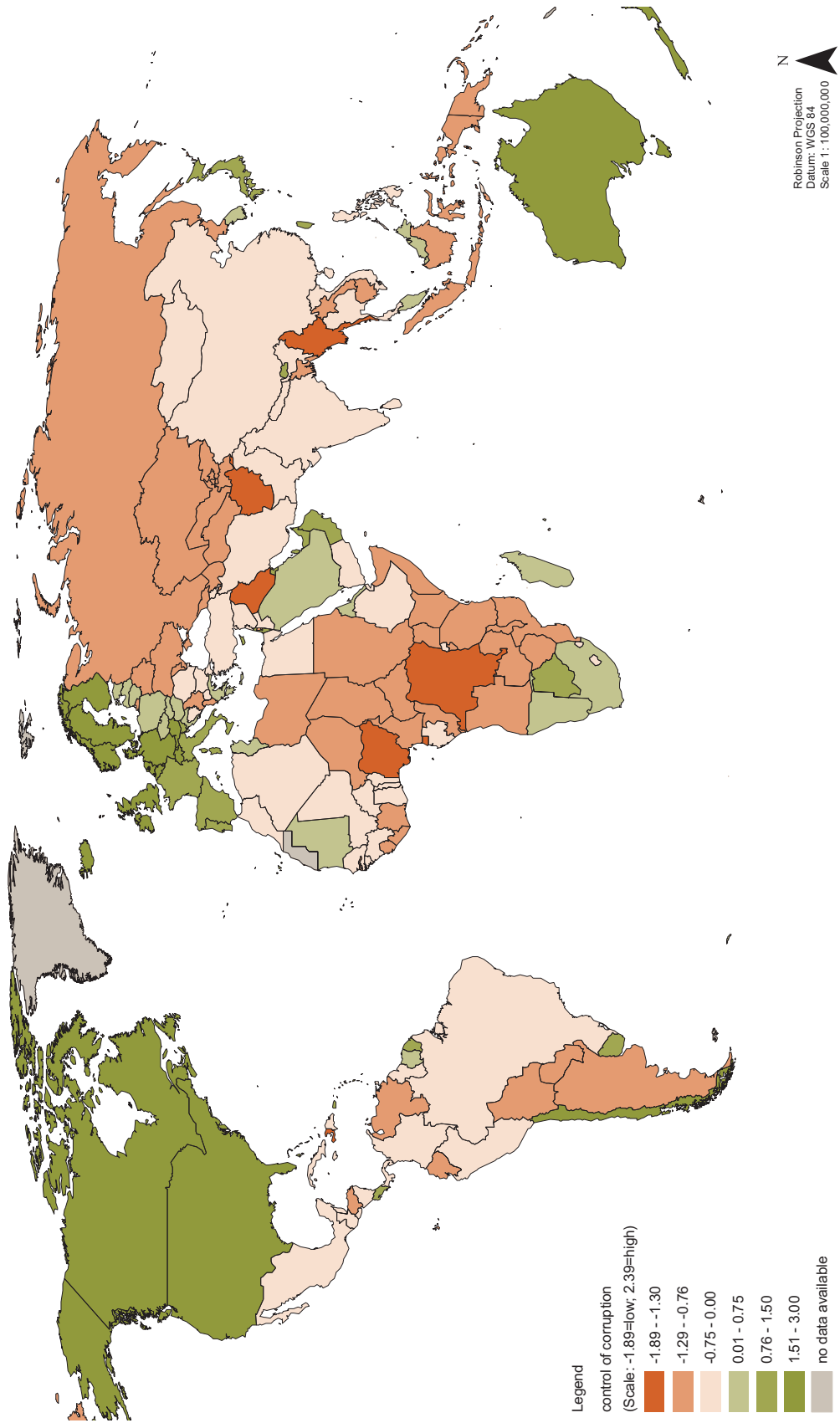
Finally, no discussion of corruption in Africa would be complete without an acknowledgement of the great progress that has been made by many nations on this front. Most recently, action has been taken against high-level government officials in Nigeria, including serving Ministers and the former national chief of police, sending a signal to the world that a new generation of African leaders are serious about ridding the continent of corruption.

Global corruption perception index



Source: Transparency International (2004) Transparency International Corruption Perception Index, Passau: Germany [[http://www.transparency.org/cpi/2004/cpi2004.en.htm#cp\(2004\)](http://www.transparency.org/cpi/2004/cpi2004.en.htm#cp(2004))]  
Note: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Global control of corruption in 2002



## 1.5 Conventional crime

Having looked at the associates of crime, including conflict, and the evidence on organised crime, there remains the question of how all this impacts on the ordinary African citizen. Are Africans truly more at risk of falling victim to crime than people from other parts of the world?

The word “crime” calls to mind a range of offences, including murder, rape, burglary and robbery. These are termed “conventional crime” to differentiate them from crimes that have only emerged more recently in the public discourse and have been criminalised through specialised legislation, such as the various forms of organized crime. Our knowledge of the state of conventional crime is primarily based on two sources, both seriously deficient in the case of Africa:

- The statistics recorded by the police;
- Data from specialised household surveys (victim surveys).

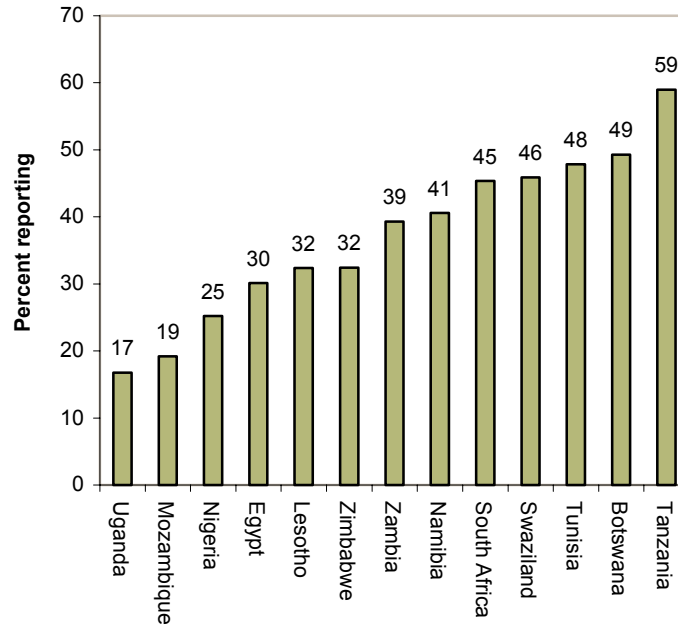
A more comprehensive discussion of the weaknesses of these information sources is found in Annex C of this Report.

Police-recorded crime figures are not available for about half of all African countries. There are also problems with the reliability of such statistics. Definitions of crimes vary greatly between countries. Many people do not report their victimisation, and reported crimes are not always recorded by the responsible authorities (usually the police). There are two primary sources for police statistics at the international level: the UNODC and Interpol. Member States submit police statistics to the UNODC in response to its Crime Trends Surveys (CTS).<sup>171</sup>

The International Victims of Crime Surveys programme (ICVS) has conducted surveys in major urban centres all over the globe, and a number of nations have participated in national victim surveys as well. In either case, pollsters visit representative samples of households and ask respondents directly about their experiences of crime. In addition to providing direct evidence of crime levels, these surveys also reflect on the accuracy of the police statistics, as respondents are asked whether they reported the crimes they have suffered to the police.

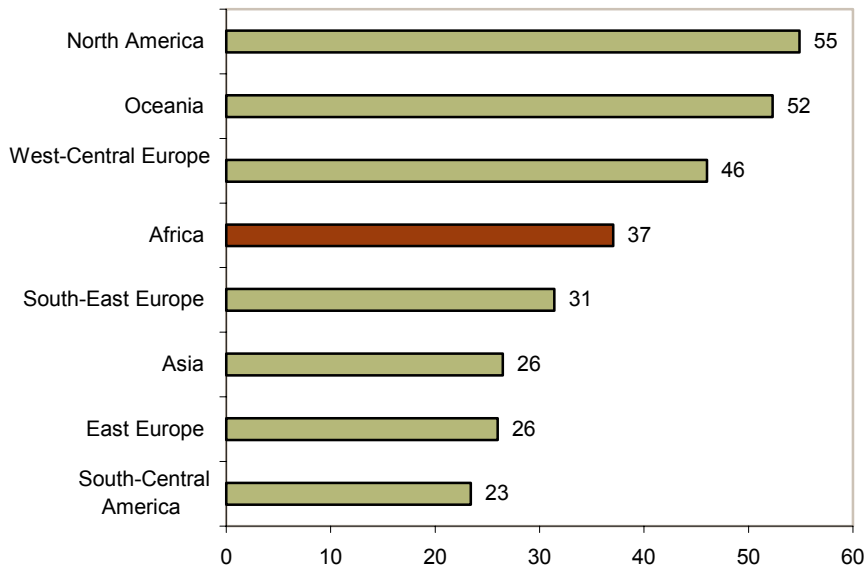
The ICVS has conducted surveys in thirteen African nations, and it appears that the police statistics greatly underestimate the scale of crime in Africa. When asked whether they reported their crime experiences to the police, there was a great deal of variation between rates of reporting in different African countries, from 17% in Uganda to 59% in Tanzania (Figure 17). On average, 37% said they reported the crime to the police. While this suggests only a fraction of crime is reported, it still looks good by international comparison (Figure 18).

**Figure 17: Share of crime victims who reported the offence to the police**



Source: ICVS, 2000 or latest available year

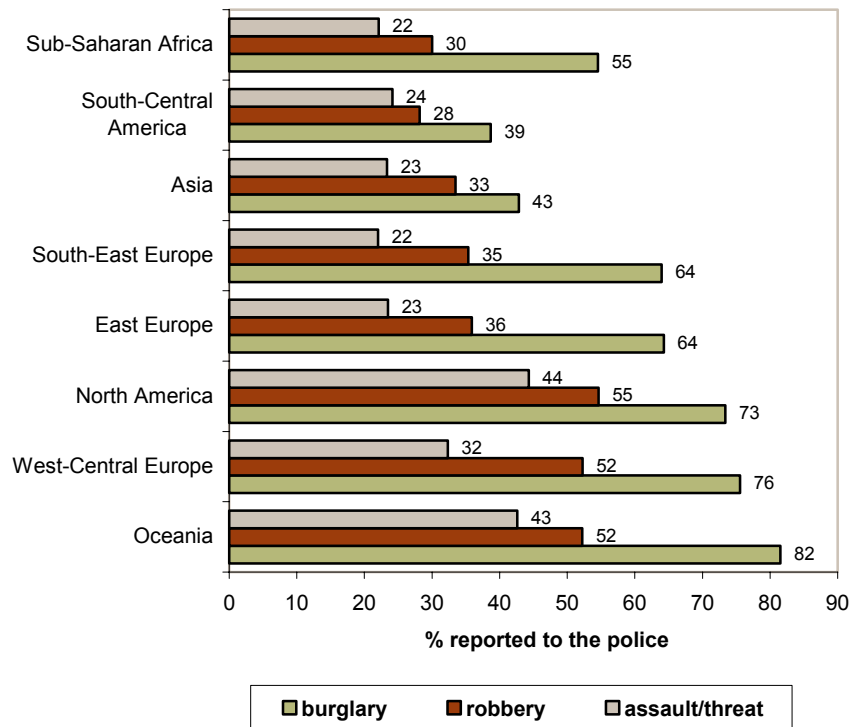
**Figure 18: Share of crime victims who reported the offence to the police**



Source: ICVS, various years

But people in developed countries are more likely to report less serious crime, both to the police and to pollsters. Looking at specific types of serious offences, rates of reporting were lower in most developing areas, including Africa (Figure 19). This is not surprising given weak institutional capacity, access to justice issues, and an often-troubled relationship between the police and the public.



**Figure 19: Share of crime victims who reported the offence to the police**

Source: ICVS 2000 or most recent data

The surveys highlight the deficiencies of the police figures, but too few have been conducted to stand as a complete data source on their own. In addition to only involving thirteen countries, these surveys have occurred in different years, and most are not nationally representative.<sup>172</sup> Keeping these deficiencies in mind, it is possible to combine these two major sources with other information to generate a coherent picture of Africa's crime situation.

ICVS survey data suggest that African urban areas polled show the highest rate of burglaries and assaults and the second highest rate of robberies compared to other urban areas worldwide. African victimization rates were 8% for burglary, 6% for assault, and 4% for robbery. Adding together these three major crime types, which are responsible for a large share of total recorded serious crime in any country, African countries have the highest total figure.

Using both UNODC and Interpol police figures, it is possible to divide African countries by their levels of overall recorded crime (Table 2). Rates vary enormously – if taken at face value, wealthy Southern African countries would appear to have more 50 times the crime of poor West African nations. But as discussed in Annex C of this report, low crime rates in poorer countries may be related to the incapacity of the state to record this information, and, as the reporting rate figures above demonstrate, reporting rates in some African countries are twice those of other countries. This effect is not small – bear in mind that the best developed countries in the world have overall total recorded crime rates four times those of highest category listed below, in the neighbourhood of 20,000 crimes per 100,000 per annum. Clearly, better-resourced countries are more likely to have the capacity to record minor offences, and these overall figures do not capture the seriousness of crime in a country.

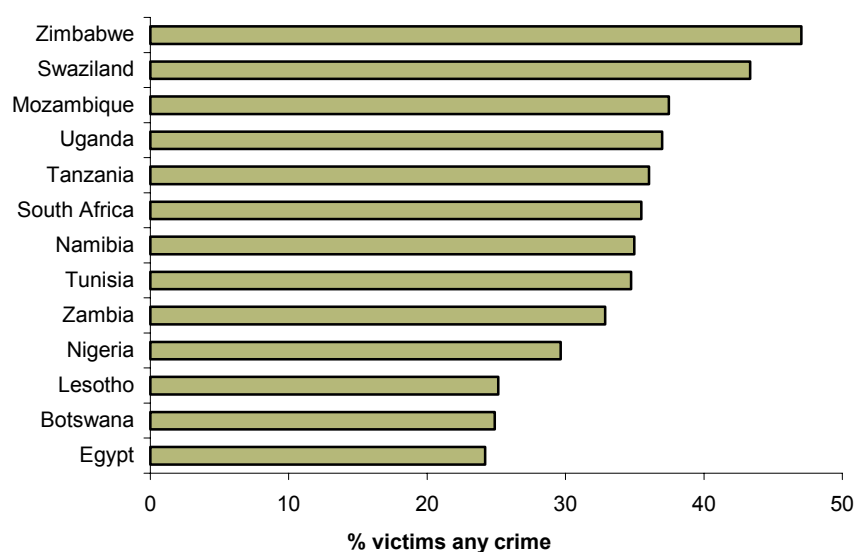
**Table 2 Total recorded crime in African regions**

Total recorded crime per 100,000	North Africa	Western and Central Africa	Eastern Africa	Southern Africa
<b>High (More than 5000)</b>				South Africa, Botswana Zimbabwe and Swaziland
<b>Average (1000-5000)</b>	Tunisia	Gabon and Ghana	Mauritius, the Seychelles, Sudan, Tanzania	Lesotho, Namibia
<b>Below average (500-1000)</b>	Libya	Côte d'Ivoire ; SãoTomé and Príncipe		Malawi, Zambia
<b>Low (100-500)</b>		Benin, Nigeria, Senegal, Uganda,	Djibouti, Ethiopia, Eritrea	
<b>Very low (Less than 100)</b>	Mauritania, Egypt	Niger, Cameroon Mali, Burkina Faso	Madagascar	

Source: CTS, latest available data

The International Crime Victim Surveys (ICVS) data on urban areas do not support the extreme variations in crime rates between countries seen in the police figures. Overall victimisation rates vary from 24% in Egypt to 47% in Zimbabwe (Figure). Note too that the ordering of specific countries differs dramatically. Egypt, for example, shows up at the bottom of both rankings, while Botswana has a high level of police recorded crime, but a low level of survey victimisation, as would be expected from a relatively well-developed country. Swaziland ranks highly in both data sets, while in Uganda the police record little crime, despite the fact that a large share of citizens report being victimised in surveys. By weighing both sources of information, a clearer picture emerges.

**Figure 20: Overall victimization in the year preceding the survey**



Source: ICVS 2000 or latest available year

Differences in the extent of crime among towns of various countries are often less important than differences among towns within the same country. In Mozambique, for instance, 28% (City of Nampula) to 49% (City of Quelimane) of the respondents in different towns claimed to have been a victim of crime.<sup>173</sup> High levels of crime reported from urban areas are also not necessarily representative for the country as a whole. In South Africa, for instance, the 2003 national crime victim survey found a victimization rate of 23% for the country as a whole, which is 40% less than the victimization rate found in urban areas (39% in Johannesburg). A clearer picture can be derived from both police statistics and victim survey data on specific violent and property offences.

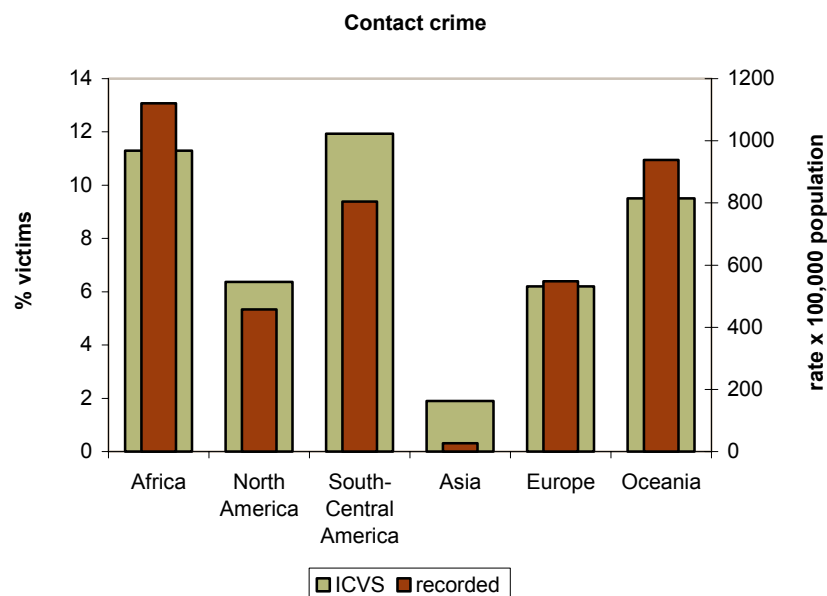
Given the prominence given to African conflicts in the media, few people would be surprised to hear that the continent suffers from high rates of violent crime. According to police statistics provided to the UNODC by African member states, Africa's violent crime rates are among the highest in the world. In addition, when polled, Africans are more likely to say they have been victims of a range of violent crimes than people from other parts of the world.

On the other hand, it might be assumed that most Africans, being poor, would be less subject to property crime than people from more affluent countries. This is indeed what the police statistics reflect. But surveys have showed that very few citizens from developing countries report to the police when they have been the victims of property crime. In surveys, on the other hand, Africans are more likely to say they have had their property taken by various unlawful means than survey respondents in other regions.

### **Violent crime**

Police statistics gathered by the UN show that, overall, Africa suffers from the highest rates of violent crime in the world, with a 1.1% victimisation rate. This places Africa slightly ahead of the Oceania region or the Americas (0.9%), according to the police figures. According to the victim surveys conducted in urban areas under the ICVS, Africa also ranks highest (11.3%), narrowly edging out the Americas (10.8%). If North America is removed from the analysis, South and Central America score slightly higher than Africa (11.9%) (Figure 21).

**Figure 21: Violent crime, by regions<sup>174</sup>**



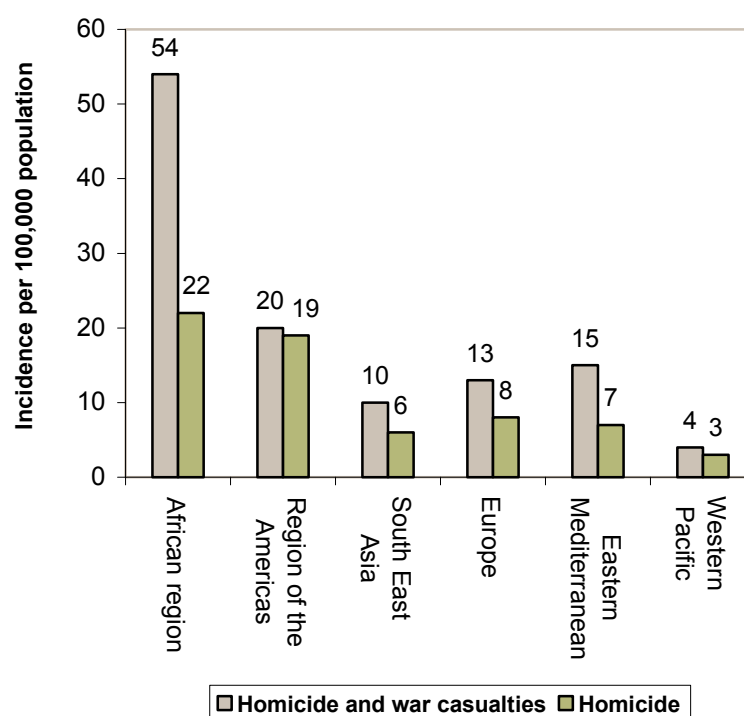
Source: CTS, 2002 or latest available data and ICVS, 2000

However, definitions of violent crime vary between these two data sets. For the police figures gathered by the UN, the category “violent crime” contains recorded robbery, major assault and rape. For the victim surveys conducted under the ICVS, it includes robbery, assault with force and sexual assault.

**Intentional homicide** (murder) is one crime category that should be fairly accurately captured in the police statistics, due to relatively consistent definitions around which many countries are able to provide information and high rates of reporting. Information can also be gathered through mortuary surveillance projects aimed at gathering information on causes of death for public health purposes. Murder is usually excluded from victim surveys, as no one can personally report being the victim of this crime, and, given limited sample sizes, the number of positive responses from households are usually so small that the figures are subject to error.

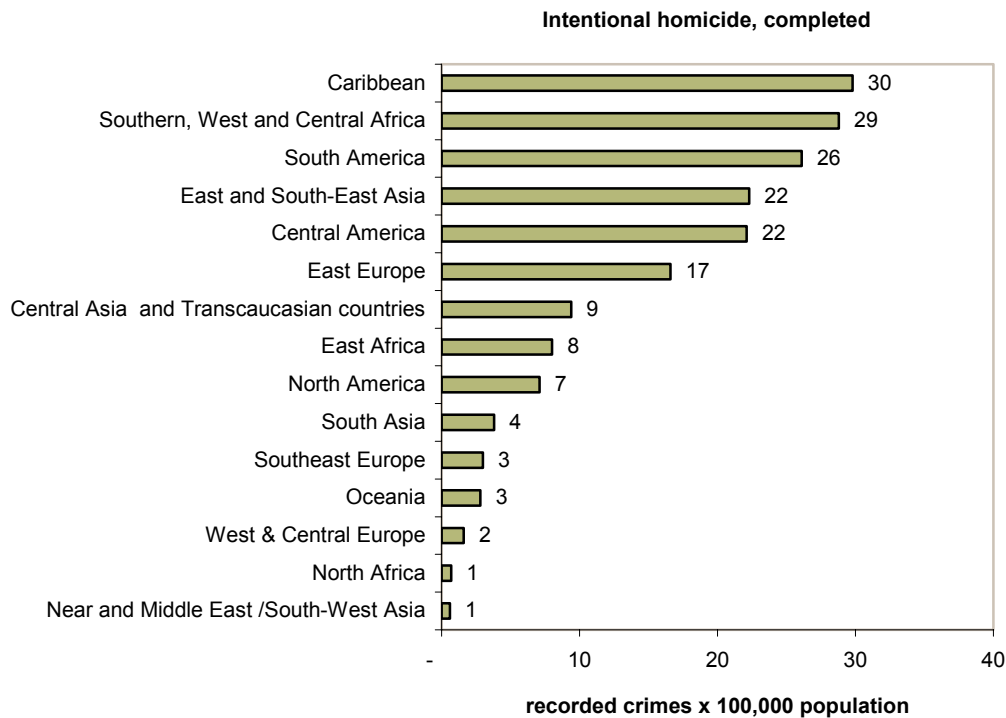
Though highly limited, public health data from the World Health Organization places Africa at the top in terms of both war deaths and homicides (Figure 22), and aggregated police statistics from across the continent support this ranking: homicide rates – as reported by official sources to UN – were highest in Africa (followed by the Americas, while other regions showed much lower rates. But there were a large number of countries that did not report in Africa, so the basis for this finding is thin.

**Figure 22: Homicides and war casualties**



Source: WHO, *World Report on Violence and Health*, 2002

A sub-regional analysis, however, places the Caribbean slightly above Southern, Western, and Central Africa, with Eastern African appearing with a much lower rate (Figure 23).

**Figure 23: Police-recorded intentional homicide, by sub-regions**

*Source: CTS, 2002 or latest available year*

Thus, it would appear that homicide is not uniformly distributed throughout the continent, with some countries reporting relatively low rates and some reporting the highest rates in the world. If the data set used in this paper is extended to include Interpol figures, these police statistics indicate that 20 African countries, including Nigeria, Côte d'Ivoire, Ghana, Tanzania and Zambia, seem to have lower police-recorded murder rates than the global average. The only African countries reporting a homicide rate above the global average to either the UN or Interpol have been Angola, Botswana, Ethiopia, Lesotho, Namibia, South Africa, Swaziland, Uganda and Zimbabwe.

It would appear that, according to the police figures, the highest murder rates in Africa are found in Southern Africa. The highest rates in recent years have been reported from Swaziland – though apparently using a different definition (including attempted murder cases instead of intentional homicides only). The rate in Swaziland amounted to 89 per 100,000 inhabitants in 2000 and thus topped the world's ranking of homicides, even exceeding the rates reported from Colombia (63 per 100,000 inhabitants in 2000) and South Africa (50 per 100,000 people). Excluding attempted murder cases, the highest rate among African countries is probably found in South Africa. But South Africa's figures have also been improving since the consolidation of democracy, declining from 68 per 100,000 inhabitants in 1995, to 50 in 2000, 48 in 2002 and 44 in 2003/04.

At the same time, some of the very low figures are possibly also a recording issue rather than a true reflection of the level of violence in a country. A recent UNICEF report found that less than half of all children born in sub-Saharan Africa are officially registered.<sup>175</sup> It is not likely, then that all violent deaths that occur in some countries are properly captured by the authorities. For example, Nigeria's extremely low recorded murder rate, comparable with many wealthy European countries with aging populations, seems unlikely to be an accurate

reflection of reality today given the well-publicised civil strife in that country. This is discussed further below.

In some countries, violent killings may be attributed to political violence rather than intentional homicide. In Sudan, for instance, only 0.3 murders per 100,000 citizens have been reported (1994), while most estimates place the number of people killed in civil war in that country at more than two million since 1983. As was discussed above, the line between crime and conflict is not always clear.

There are visible inconsistencies in the figures reported by the UN and Interpol. On occasions, data may correspond (in the countries where data are produced according to the same definition for the two sources), otherwise major discrepancies may be observed, as was the case, for example, with regard to data reported by Namibia, Swaziland and Uganda (see Table 2). This further draws into question the accuracy of the police-recorded figures.

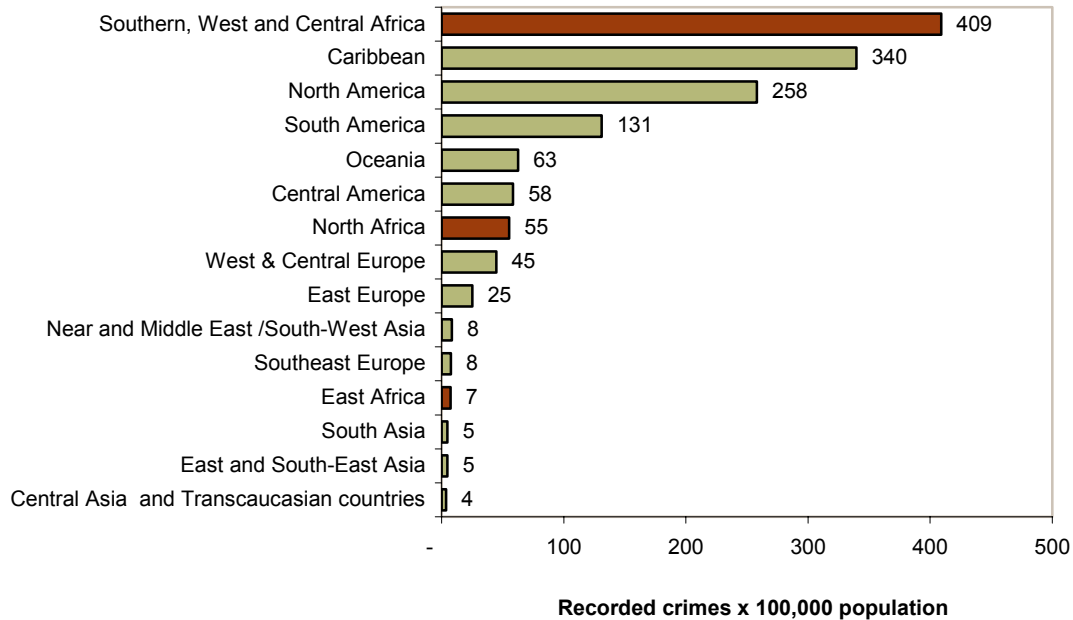
**Table 2: Homicide rates for African countries where data are available**

Source	UNODC Crime Trends Survey, various years	Interpol, latest available	Source	UNODC Crime Trends Survey, various years	Interpol, latest available
Algeria		1.0	Mauritius	2.2	3.5
Angola		9.4	Morocco	0.5	
Benin		4.5	Namibia	6.3	26.3
Botswana		12.9	Niger		0.9
Burkina Faso		0.4	Nigeria	1.5	
Cameroon		0.4	Rwanda		4.5
Côte d'Ivoire	4.1	2.4	São Tomé and Príncipe	6.2	
Djibouti		3.5	Sénégal		1.2
Egypt	0.4		Seychelles	7.4	1.3
Eritrea		2	South Africa	47.5	42.5
Ethiopia		5.5	Sudan	0.3	
Ghana		2.1	Swaziland	88.6	13.2
Lesotho	50.7	50.5	Tanzania	7.5	8.1
Libya		2.3	Tunisia	1.2	1.2
Madagascar	0.5		Uganda	9.0	32.8
Mali		0.7	Zambia	8.1	
Mauritania		0.8	Zimbabwe	7.2	7.2

High levels of murder are usually associated with high levels of other forms of violence, and both the police statistics and the survey data show that rates of **assault** in Africa are higher than on other continents. Looking at sub-regions, police in Southern, Western, and Central Africa record more assaults than police elsewhere (Figure 24). When polled, the people of

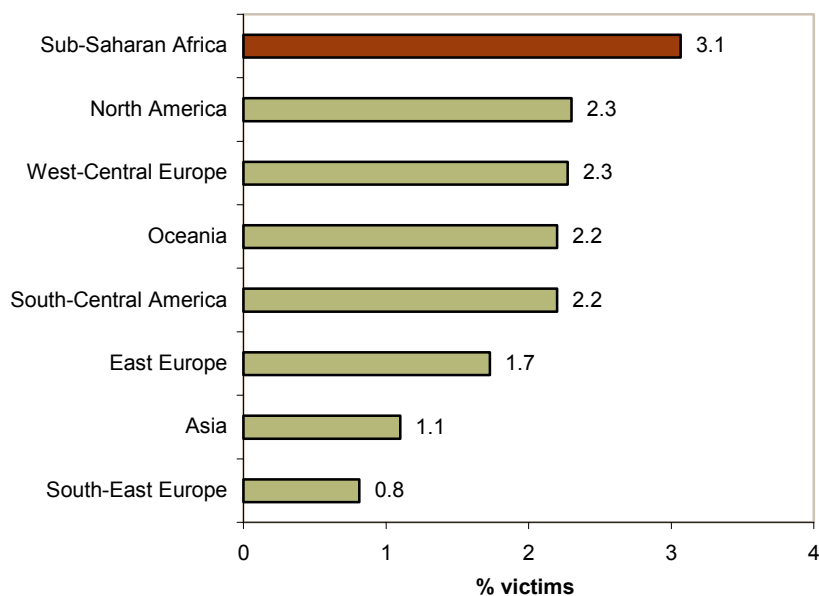
sub-Saharan Africa are more likely to report having been assaulted in the previous year than other people (Figure 25).

**Figure 24: Police-recorded assault**



Source: CTS, 2002 or latest available year

**Figure 25: Survey respondents assaulted with force in the previous year**

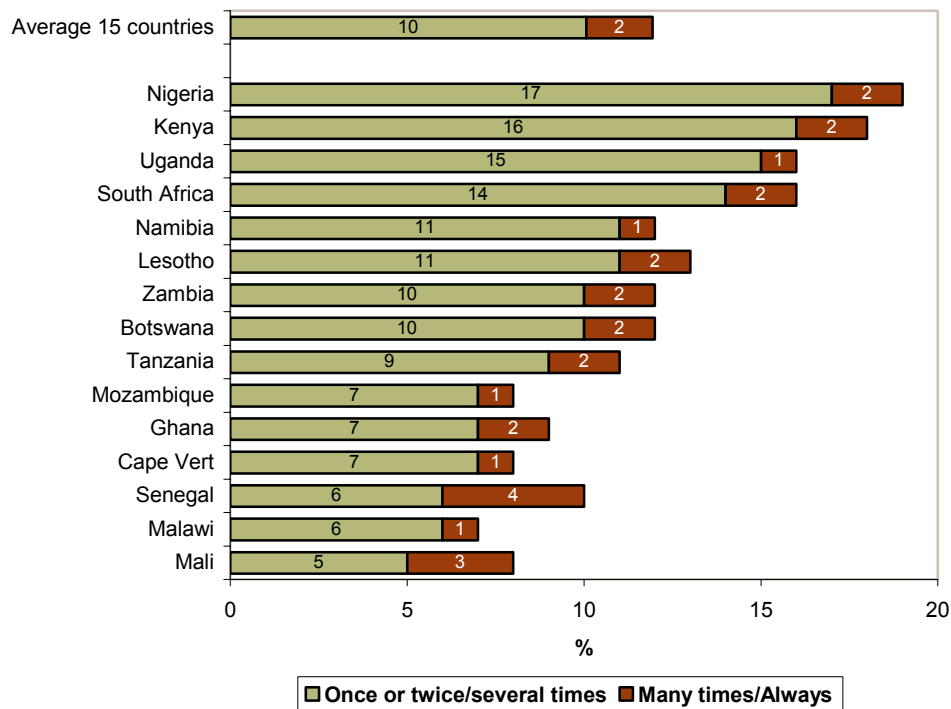


Source: ICVS 2000 or most recent year

The most recent “Afrobarometer” survey included two victimization questions, thus providing some indications on crime experienced by African citizens in fifteen countries. Data from the Afrobarometer cannot be compared with other survey data because of the different methodology, but they provide information on a number of African countries from which crime data are hardly available. Results indicated that respondents in Nigeria, Kenya, and Uganda were at the highest risk of assault.

Both the Afrobarometer and the ICVS indicate that South Africa, a continental leader in police-recorded murder, did not rank highest in assault. This is surprising, because high levels of assault and murder tend to go together. Nigeria, which has very low murder rates according to the police (less than a twentieth of South Africa), scores highest on the Afrobarometer and equally high as South Africa in the ICVS survey for assault. One possible explanation is that some killings are conflict-related and thus do not show up as murders, whereas victim surveys do not distinguish politically motivated assaults (Figure 26).

**Figure 26: Over the past year, how often (if ever) have you or a member of your family been physically attacked?**

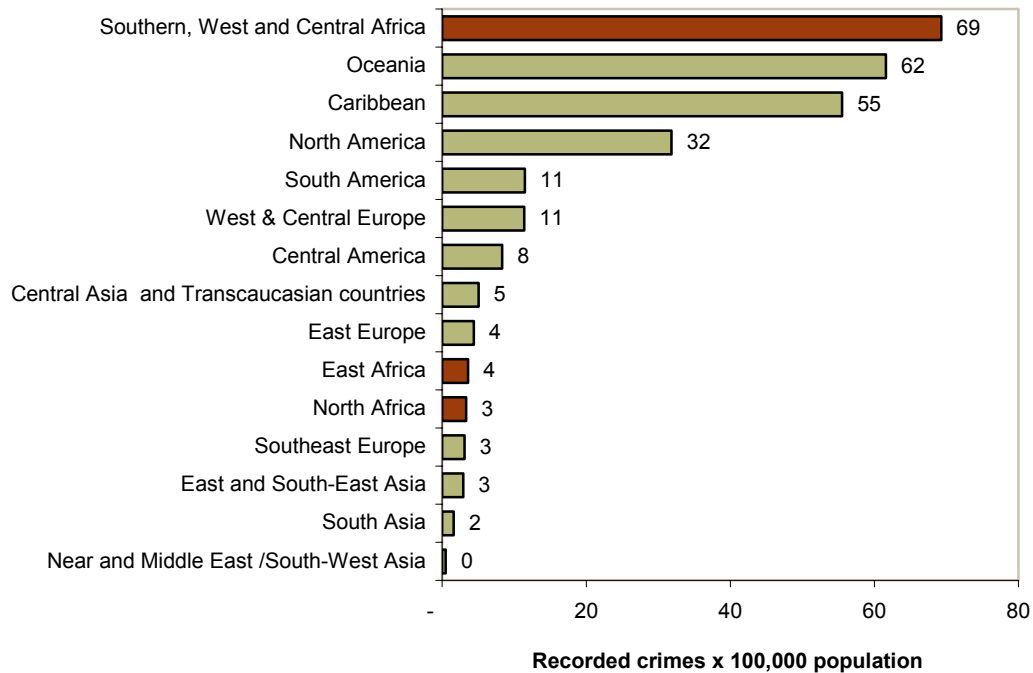


Source: Afrobarometer, 2003

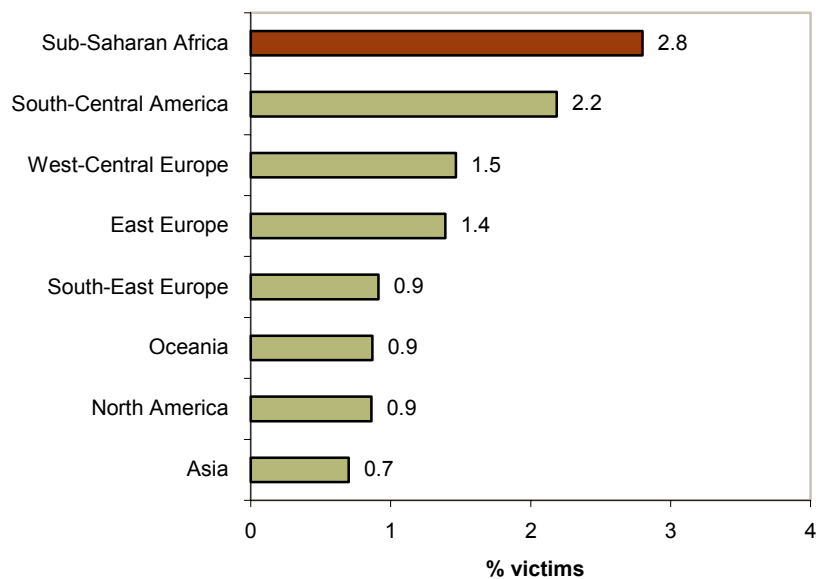
Globally, data on rape and sexual assault are especially dubious, because of low rates of reporting and the difficulty in discussing the topic in the context of a household survey. But there is no reason to believe that African women are more likely than women in other parts of the world to report this crime to either the police or to pollsters. It is therefore disturbing, though not conclusive, that more rape per capita is reported to the police in Africa than in other regions, and that more women polled said they had recently been sexually assaulted (Figures 27 and 28).

There have been other surveys indicating high levels of sexual violence in some African contexts. In a survey of 269 705 South African school pupils aged 10-19 years in grades 6-11, CIETAfrica found 11% of males and 4% of females claimed to have forced someone else to have sex, and 66% of these males and 71% of these females had themselves been forced to have sex.<sup>176</sup>



**Figure 27: Police-recorded rape**

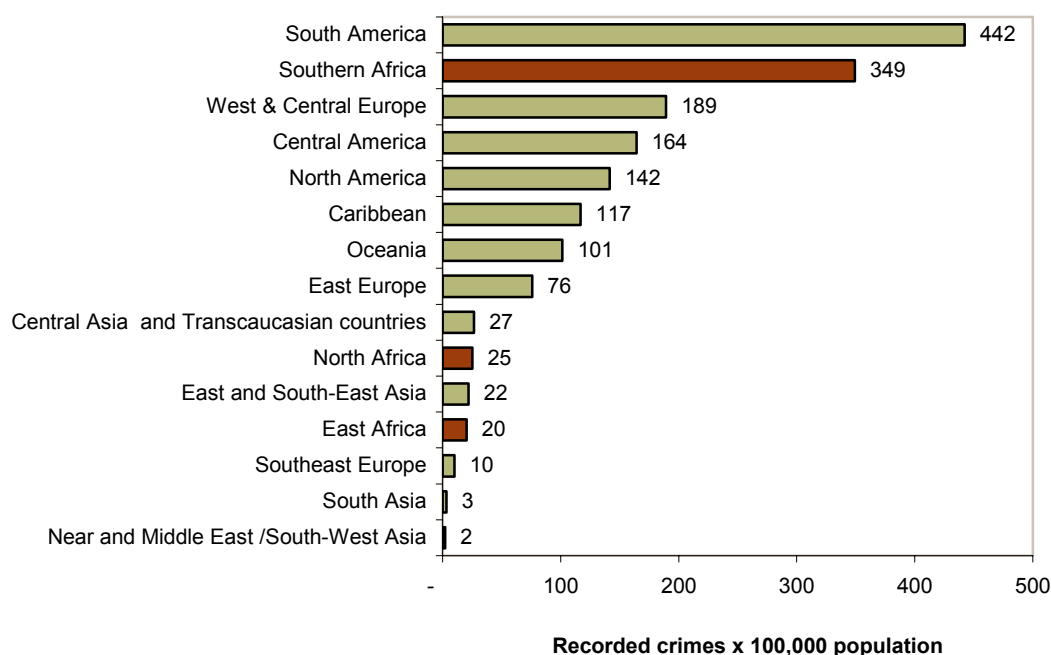
Source: CTS, 2002 or latest available year

**Figure 28: Share of survey respondents sexually assaulted in the previous year**

Source: ICVS 2000 or most recent year

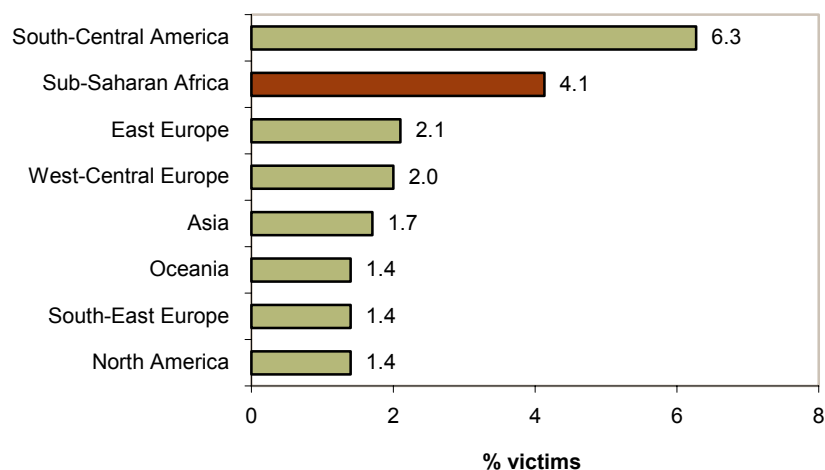
Robbery is the crime of taking property by force or threat of force. It is therefore arguably both a violent and a property crime. The incidence of this crime in Africa ranks second after South and Central America, according to both the police and survey statistics. Looking at sub-regions, Southern Africa remains second to South and Central America (Figures 29 and 30). Robbery rates in some urban areas can be much higher, though – one large survey in central Johannesburg found robbery rates close to 30%. This figure would be unbelievable if it did not conform to the police statistics in the area.<sup>177</sup>

**Figure 29: Police-recorded robbery**



Source: CTS, 2002 or latest available year

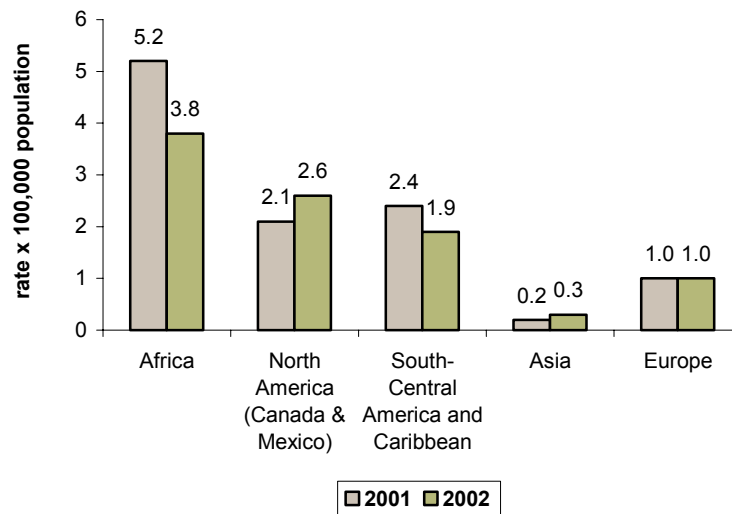
**Figure 30: Share of respondents robbed in the previous year**



Source: ICVS 2000 or most recent year

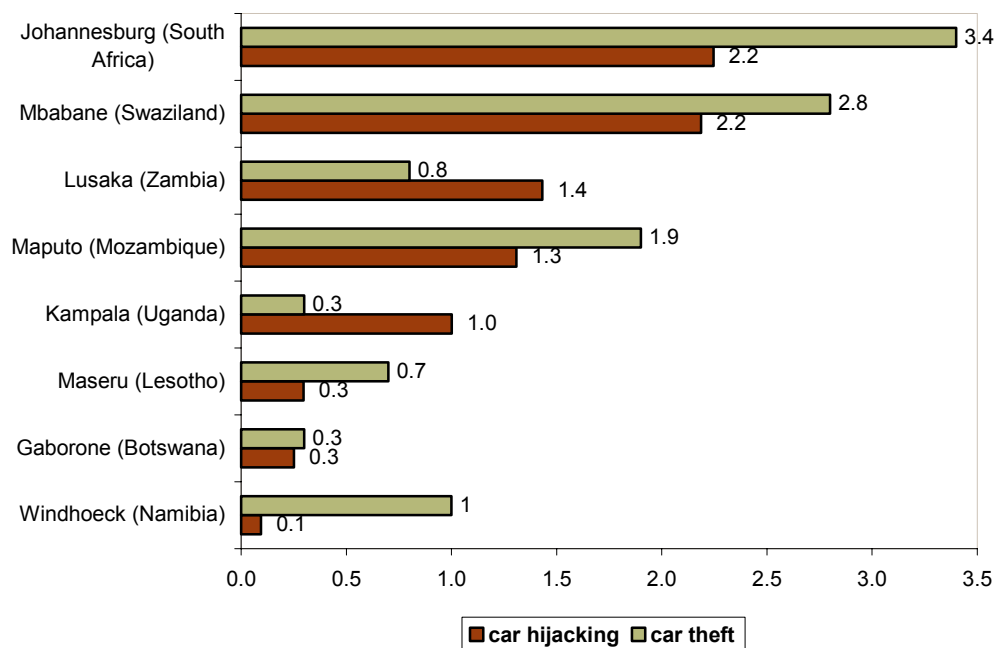
Another type of violent crime relatively prominent in Africa is **kidnapping**. Based on police statistics supplied to the UN (comprehensive survey data are not available), Africa appears to be the continent most affected by kidnapping, ahead of the Americas. However, only thirty-five countries have supplied data on kidnappings to the UN, and some key countries known for high levels of kidnapping in South America did not supply a report. Thus, as is always the case with crime data, the picture may not be complete, and sub-regional analysis is impossible. Nonetheless, existing data are sufficient to establish that this crime could be a serious problem for Africa.

**Figure 31: Kidnapping, by regions**



Source: Eighth CTS and UNODC, *International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims*

**Figure 32: Car theft and car hijacking in African cities**



Source: ICVS 2000 or most recent year

It would also appear that **car hijacking**, or the taking of a personal vehicle by force (usually at gunpoint), is a relatively serious problem in Africa. In some large African cities, car hijacking may be even more common than stealthy theft of vehicles (Figure 32). This

suggests the impunity with which criminals can commit violent crime in Africa, as it is easier for them to use force than to overcome vehicular security.

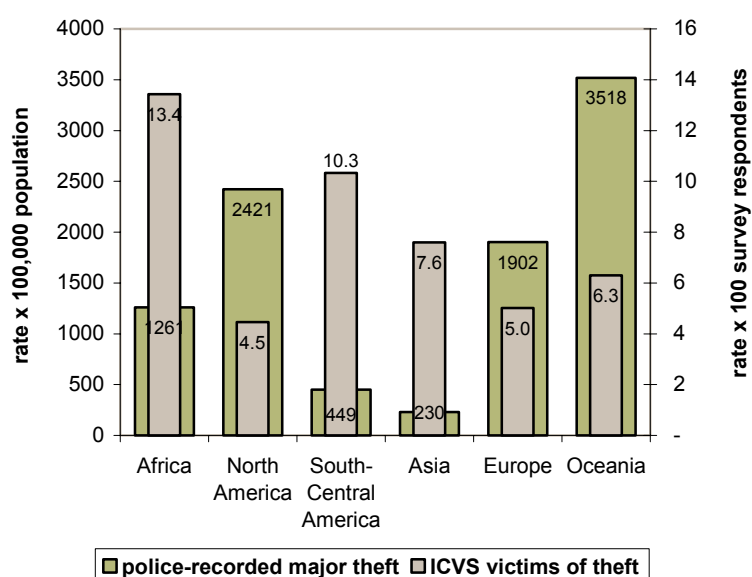
In summary, all available indicators suggest that Africa suffers from serious levels of criminal violence. According to at least one source, it has the highest levels of murder (police figures), assault (police figures and victim survey data), sexual assault (police figures and victim survey data), and kidnapping (police figures), and the second highest levels of robbery (police figures and victim survey data). In those categories where a data source does not place Africa highest, it comes second. While neither data source is perfect, the fact that they agree on the state of crime in violent crime in Africa should be taken seriously.

### Property crime

Police statistics indicate low levels of property crime in Africa, with a victimisation rate of less than 1% per annum. This is undoubtedly a result of under-reporting, related to issues of access to justice, as the survey data highlight. In the urban ICVS surveys, only 14% of those who said they had been victims of property crime said they had reported it to the government authorities. In contrast, victims of property crime in the regions where developed countries predominate were much more likely to report: 94% in Oceania and 53% in Europe. Other areas containing large number of developing countries showed low reporting rates for property crime, but not as low as Africa: 23% in the Americas and 18% in Asia.

The case of theft provides an example. Figure 33 shows both the police recorded and the survey findings with regard to this crime. Africa scores in the middle in terms of the police statistics (green bars) but highest in the survey findings (grey bars). For this reason, the discussion of property crime is best based on the survey findings exclusively.

**Figure 33: Theft, police-recorded and survey response rates**

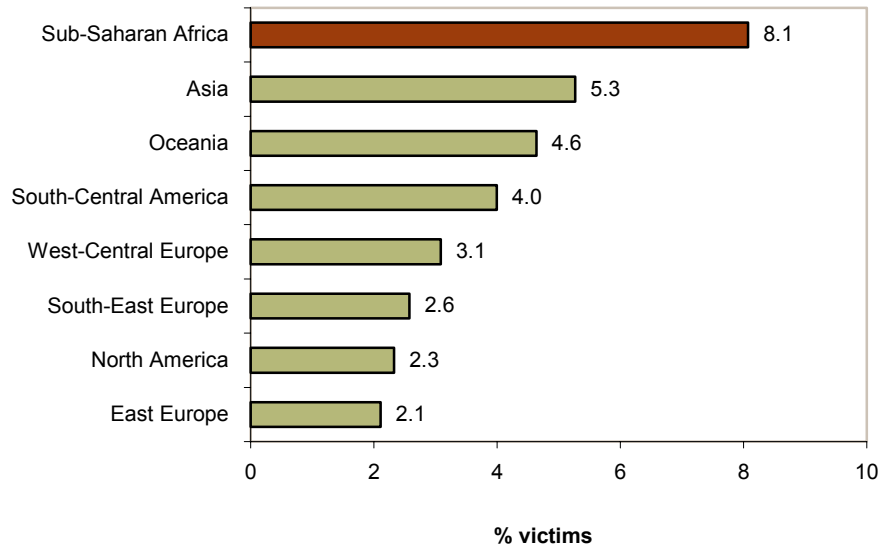


Source: CTS, 2002 or latest available data, and ICVS, 2000<sup>178</sup>

It might be expected that as the majority of Africans have little to steal, they might be spared the experience of having their homes burgled, but unfortunately this is not the case. Africans report being burglarised more than people of other areas – over twice the international average (Figure 34). This is reflected in public perceptions, as measured by the ICVS surveys. Africans are more likely than people from other regions to believe that they will fall victim to burglary in the next year. While the value of the goods taken is generally small, the impact of this crime on poor households can be great. Just over half (55%) of these incidents are

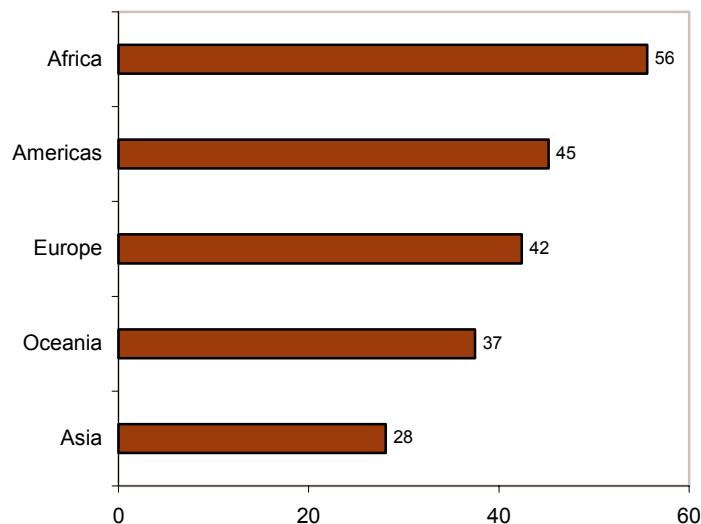
reported to the police, compared to 84% in Oceania, 72% in Europe, 59% in the Americas, and 40% in Asia.

**Figure 34: Survey respondents who suffered burglary in the previous year**



Source: ICVS 2000 or most recent year

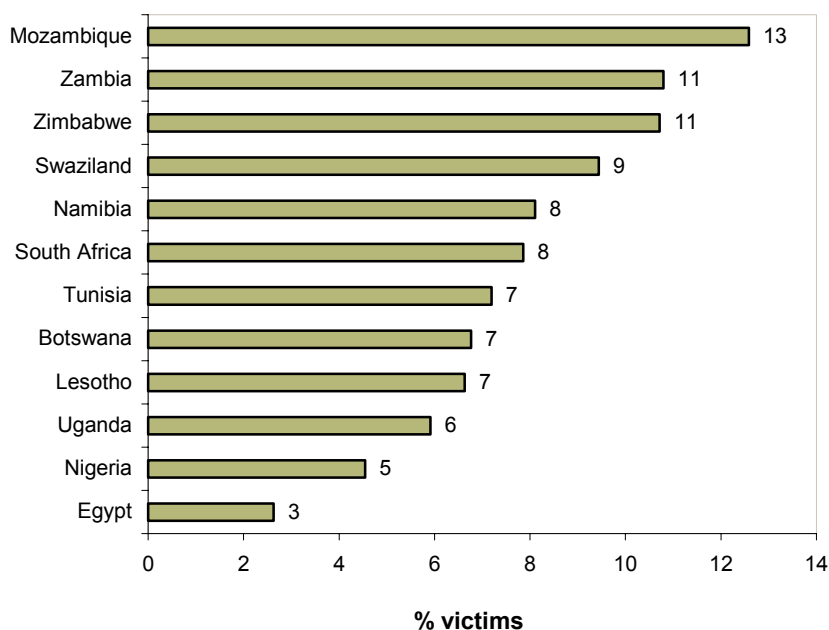
**Figure 35: Share thinking burglary is likely in the next year**



Source: ICVS 2000 or most recent year

According to ICVS surveys, levels of burglary are most acute in Southern Africa. The Afrobarometer also asks “over the past year, how often (if ever) have you or a member of your family had something stolen from your house?” Here, the rankings change, with the highest levels appearing in Kenya, Zambia, Nigeria, and Tanzania.

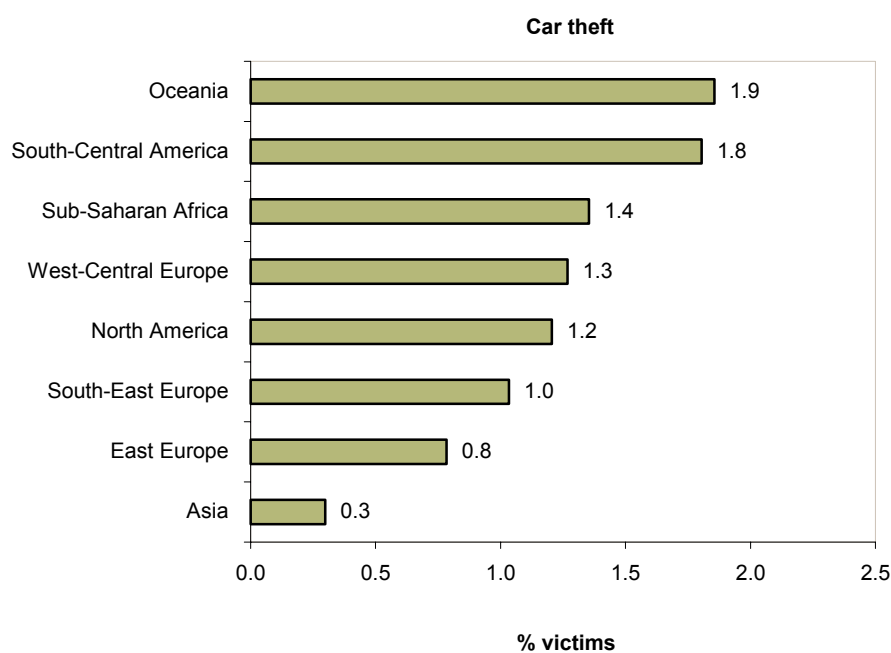
**Figure 36: Survey respondents who suffered burglary in the previous year**

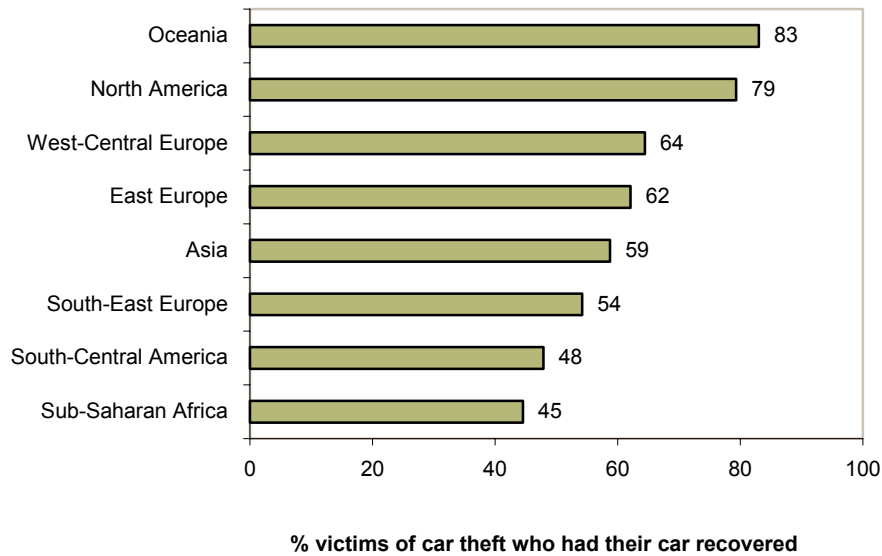


Source: ICVS, 2000 or latest available year

**Car theft** rates in Africa are only 1.4%, which is about the same as in Europe. While the overall rate is not high, the crime is considered very significant in Africa, because it can represent the loss of a livelihood. The recovery rate of stolen cars in Africa is also low – just 43%, the lowest rate worldwide. This is particularly problematic in Africa, as many of these vehicles are likely to be uninsured. On average, 87% of the stolen cars are recovered in Oceania and approximately half of the cars stolen are retrieved in the Americas, Europe and Asia (Figure 38).<sup>179</sup>

**Figure 37: Survey respondents who suffered car theft in the previous year**

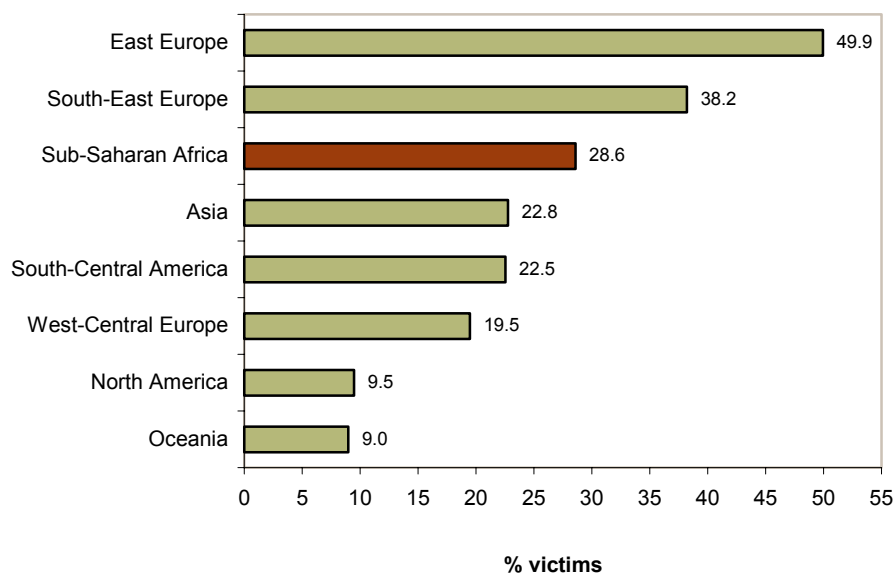


**Figure 38: Share of car theft victims who had their vehicle recovered**

Source: ICVS 2000 or most recent year

Another apparent problem for Africa is **fraud**. Comparing information on fraud from the various data sources may suffer from slightly differing definitions to describe the incident. The police statistics compiled by the UN define fraud as the acquisition of another person's property by deception, while the ICVS definition refers to cheating. Fraud is a highly under-reported crime everywhere, because the victim is often somewhat complicit, but the general issues around under-reporting in developing countries also apply here. For these reasons, it is not surprising that the police statistics do not show a high rate of annual victimization in Africa (0.07% of total population per annum).

According to the victim survey data, however, fraud would appear to be more common on the continent than anywhere else besides Eastern Europe, with nearly 30% of Africans polled saying they had been defrauded in the previous year (Figure 39).

**Figure 39: Survey respondents who suffered fraud in the previous year**

Source: ICVS 2000 or most recent year

### ***How much crime in Africa?***

In summary, the limited data available support the contention that Africa has a serious crime problem. Both police statistics and survey figures show high levels of both violent and property crime. Taking into account the earlier discussions about the social context of crime and the data on organised crime, it can be said with some confidence that Africa's crime situation should be considered in development planning.

But how might crime be affecting African development? The following Chapter explores this issue in some detail.



## II. HOW CRIME HINDERS AFRICAN DEVELOPMENT

The previous chapter showed that Africa suffers from high rates of crime, among the highest in the world. It also showed that many of the social factors associated with Africa's poverty are precisely those associated with high crime areas internationally. These facts raise a most important question: is Africa's crime problem partly responsible for its persistent poverty? Three possible impacts of crime are discussed in this paper:

- ***Crime destroys Africa's social and human capital:*** Crime degrades quality of life and can force skilled workers overseas; victimisation, as well as fear of crime, interferes with the development of those who remain. Crime impedes access to possible employment and educational opportunities, and it discourages the accumulation of assets.
- ***Crime drives business away from Africa:*** Investors see crime in Africa as sign of social instability, driving up the cost of doing business. Corruption is even more damaging, perhaps the single greatest obstacle to development. Further, tourism, of large and growing importance for Africa, is an industry especially sensitive to crime.
- ***Crime undermines the state:*** Crime and corruption destroy the trust relationship between the people and the state, undermining democracy. Aside from direct losses of national funds due to corruption, crime can erode the tax base as the rich bribe tax officials and the poor recede into the shadow economy. Corruption diverts resources into graft-rich public works projects, at a cost to education and health services.

### 2.2 The impact of crime on society

The most profound impacts of crime are personal. Becoming a victim to crime can change people's lives forever. Coping with the emotional and practical costs of victimisation can be extremely burdensome in Africa, where access to health and social services is limited and governments cannot afford to lend a hand. The effects of a single incident of victimisation can ripple outward through households to affect whole communities. Fear of crime can paralyse development at the grass roots. If development is the process of building societies that work, crime acts as a kind of 'anti-development', destroying the trust relations on which society is based.

To again adopt the language of development economics, crime erodes social and human capital. The World Bank defines "social capital" as "the norms and networks that enable collective action."<sup>180</sup> World Bank research suggests that social capital is essential for development<sup>181</sup> and that crime can destroy social capital.<sup>182</sup> In essence, this work shows that crime is a major source of unfreedom in developing societies that directly inhibits the efforts of individuals to better themselves. In Latin America and the Caribbean, one analysis found that the "net accumulation of human capital" had been cut in half in the past 15 years because of crime and violence.<sup>183</sup>

Fear of crime restricts mobility, which interferes with social and economic interaction, as well as education. Even more concretely, crime may prevent the installation or maintenance of infrastructure, as criminal groups depend on the disempowerment of local communities.<sup>184</sup> At its most extreme, social relations break down altogether, as people minimise their exposure to possible victimisation.

#### ***The human costs of violent crime***

Violent crime can have a disproportionately large impact in Africa. Death and disability can rob households of their only breadwinners, and government supports are limited. In 2004, the World Health Organisation released a report on the economic effects of interpersonal violence which sought to document and quantify the economic impact that exposure to violence has on

individuals as well as the impact of violence on the rest of the economy.<sup>185</sup> Based on an extensive review of the literature dealing with the costs of violence, the report argued that there were a number of ways in which the experience of violent crime resulted in a victim's incurring direct and indirect financial losses. These costs include the loss of productivity associated with death or injury, the costs of medical care and legal services, as well as the non-monetary losses such as the lost investment in human capital, and the impact of the psychological harm inflicted on the victim.<sup>186</sup>

Placing a dollar value on the cost of violent crime is extremely problematic, not the least because any attempt to do will have to factor in lost earnings, and this will have the unfortunate consequence of placing a lower value on life in the developing world. One example of this kind of problem is reflected in the fact that an estimate of the economic costs of a homicide based on the discounted value of the lost productivity of the typical victim in Cape Town, South Africa suggested an average economic cost of \$15,319. Using similar assumptions, the cost of the typical homicide in New Zealand was calculated to be in the order of \$829,000. The difference between the two arose because the predicted income of the typical victim of a homicide in New Zealand was much higher than was that of the typical murder victim in Cape Town.<sup>187</sup>

On the contrary, loss or disablement of a breadwinner can have far greater impact in Africa than in the developed world. For one thing, more people are affected: given the shape of the age curve and the level of unemployment in Africa, dependency ratios are substantially higher. Secondly, few Africans have life insurance or other private safety nets, and the level of public provision is much weaker. According to the ILO's Social Security Index, Africans are offered lower levels of social protection than other people.<sup>188</sup>

The impact of physical injury is obviously greater for those who rely on physical labour to make a living, such as farmers and miners, and many Africans fall in this category. And the same injury can have very different long-term consequences when experienced in a developing country than in a developed one, due to the accessibility of medical services. The *Small Arms Survey 2003* reports, for instance, that in northern Uganda, "most victims of gunshot injuries take hours, sometimes days, to reach a health facility. More than 24% of all gunshot victims in a recent survey did not receive medical treatment within the first seven hours of their injury, and more than 34% had to wait two days or never reached a medical facility."<sup>189</sup> Thus, injuries that might mean a few days off work in developed countries can end a career in poorer areas, or even be life-threatening.

The cumulative impact of this trauma also has implications for the state. Given Africa's many health challenges, it can scarcely afford the additional burden imposed by intentionally inflicted injuries. For most African countries, data on the contribution of violence to the public health burden do not exist. The World Health Organisation is working with the governments of Ethiopia and Mozambique to develop systems for monitoring the causes of injuries, but data on the causes of death and trauma are not collected in most African countries.

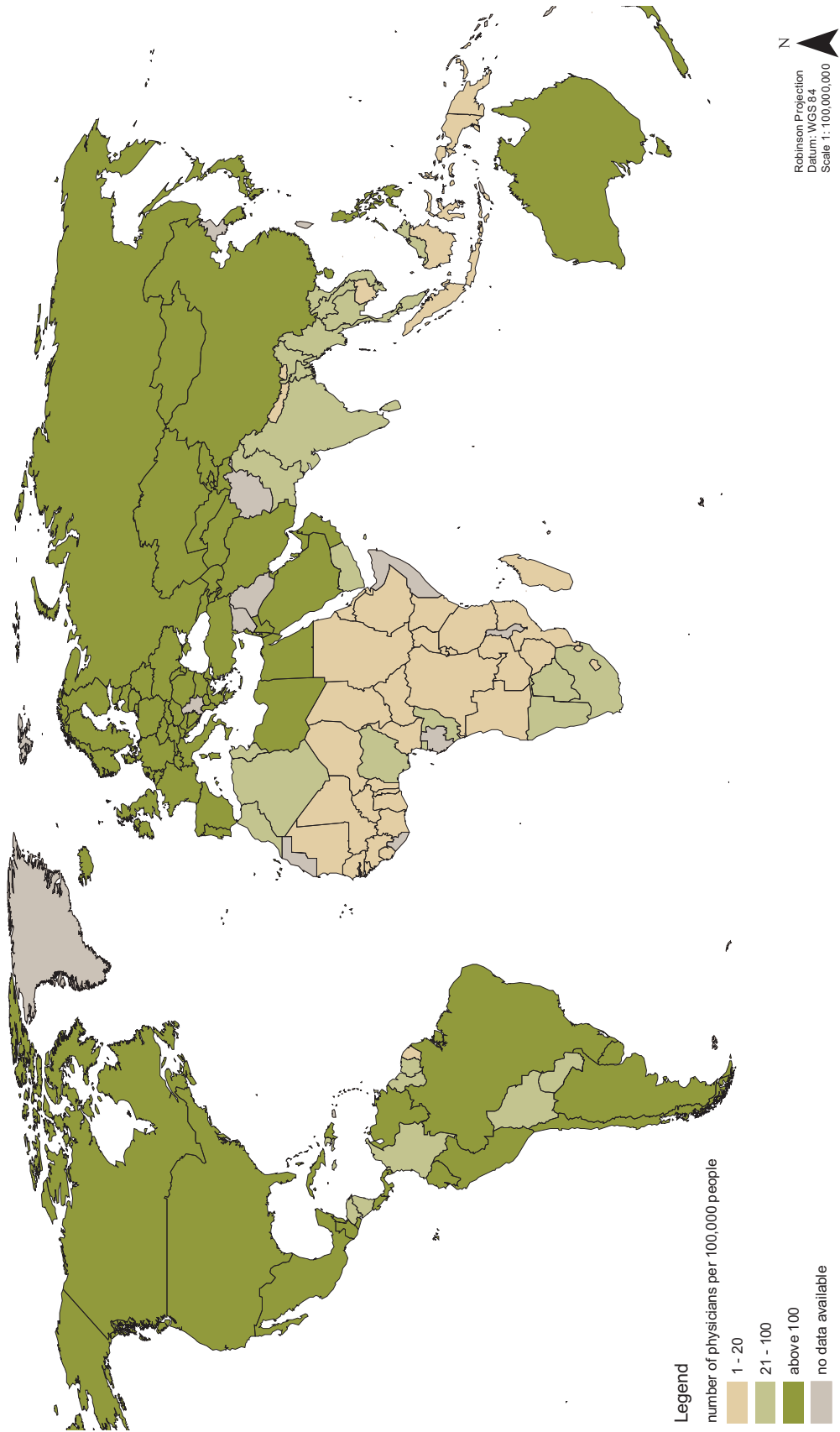
South Africa is an exception, as it has a well-developed National Injury Mortality Surveillance System (NIMSS), which produces annual national estimates. According to NIMSS, murder is the number one cause of non-natural death in South Africa, outpacing suicide, vehicular accidents, and other accidents. Similarly, trauma unit studies show that violence is responsible for about half of all non-lethal injuries presenting at trauma units, and suggest that South African public hospitals treat over one million violence related injuries a year.<sup>190</sup> Treating a single gunshot wound can cost nearly \$US1500,<sup>191</sup> and over half of all murders in South Africa are due to firearms.<sup>192</sup> Gunshot wounds are more likely to be lethal than other forms of injury, however, and small pilot studies suggest that less than a fifth of non-lethal injuries presenting are due to firearms.<sup>193</sup> Looking just at this share, treating firearms-related injuries at public hospitals could cost the South African taxpayer \$US300

million a year, or SAR 1.8 billion. This is more than the entire 2004/5 budget of the South African Department of Land Affairs.

In contrast, data from a mortuary surveillance pilot project in Ghana showed much lower levels of intentional violent death. Violence accounted for only 47 of the 1898 injury deaths analysed by the project (3%). The vast majority (84%) were due to motor vehicle crashes (650) and pedestrian accidents (953). This low level of violence is suggested by the country's official crime statistics (as recorded by Interpol), which recorded a murder rate of 2.48 per 100,000 in 2000.<sup>194</sup> South Africa's official rate is some 20 times this figure.

Thus, while levels of violence in Africa vary, they can pose a significant drain on public funds in some areas. The extent to which this is true is unclear, but given the fact that Africa as a whole has the highest levels of violence and homicide in the world, these costs are likely to be considerable in many parts of the continent.

Physicians per 100,000 people in 2002



### ***The human costs of property crime***

Assessing the larger impact of property crime is difficult, because the asset itself is rarely destroyed, and it is hard to say to what extent its redistribution results in a net social loss. But on a household level, it can be devastating, particularly if productive assets are targeted. The dollar value of the assets lost may greatly underestimate their significance. A 2003 victimisation survey in Mozambique found that the average value of goods stolen in an incident was only about US\$13.<sup>195</sup> This finding is supported by the results of a number of victimisation surveys conducted in Africa. The low absolute value of this loss might be interpreted to mean that property crimes committed in that country are trivial. However, the average annual income of Mozambicans is just \$1,050, so this loss represents 1.24% of a year's wage. This is actually a higher share than the average loss suffered by an American victim (\$410, about 1.14% of average annual income), and, given the lack of social and private insurance, the impact is likely to be much greater.

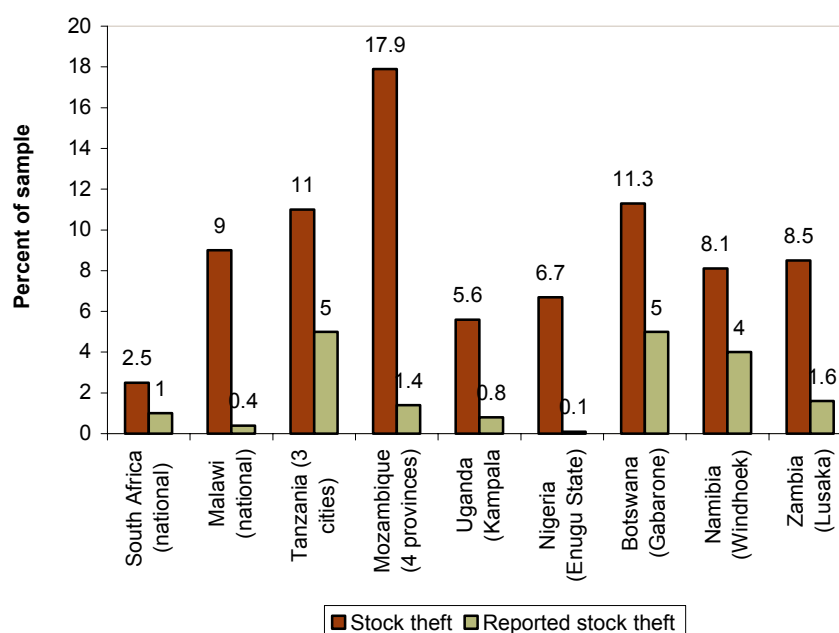
The serious impact of property crime is reflected in survey responses on which crimes are considered the most serious by the public. In developed countries, sexual assault is generally considered more serious than vehicular theft, whereas in countries like Uganda and Tanzania, as well as many Asian countries, the opposite is true.

### ***The significance of livestock theft for Africa***

Since a large share of Africans are farmers, perhaps the best single example of the importance of property crimes is stock theft. Farming is a risky enterprise anywhere in the world, and it is all the more so in Africa. In response to fluctuations in year-to-year income, farmers must devote resources to building up stocks of liquid assets on which the family can rely during bad seasons. In Africa, this usually means livestock. But accumulating a herd exposes the farmer a new risk: livestock theft.<sup>196</sup>

Most of the ICVS surveys are done in capital cities, usually the most metropolitan areas of the respective countries, where livestock theft would be relatively rare. But a recent national victim survey conducted in Malawi found that 40% of all crimes experienced were incidents of crop theft, and another 20% were incidents of livestock theft, two-thirds of which involved the loss of poultry.<sup>197</sup> In a survey of three urban areas in Tanzania, three of the five most commonly reported crimes were crop theft, livestock theft and the theft of a bicycle.<sup>198</sup> It is likely that livestock and crop theft would figure even more prominently if the survey were done in rural areas. A recent survey of four provinces in Mozambique, which included rural areas, found nearly a fifth of the sample had fallen victim to livestock theft, but less than 2% had reported a case of livestock theft to the police (Figure 40).

**Figure 40: Share of sample experiencing and reporting livestock theft**



Source: ICVS, various years; ISS, 2004

In part, livestock theft is as common as it is for cultural reasons: cattle raiding is an important rite of passage in many parts of Africa. But the cultural means of coping have been lost in some areas, and, given the unlimited greed of some rustlers, the impact is likely to be worse today. In addition, the acquisition of modern weaponry makes feuds over cattle far more lethal than in the past.

### **Fear of crime and human potential**

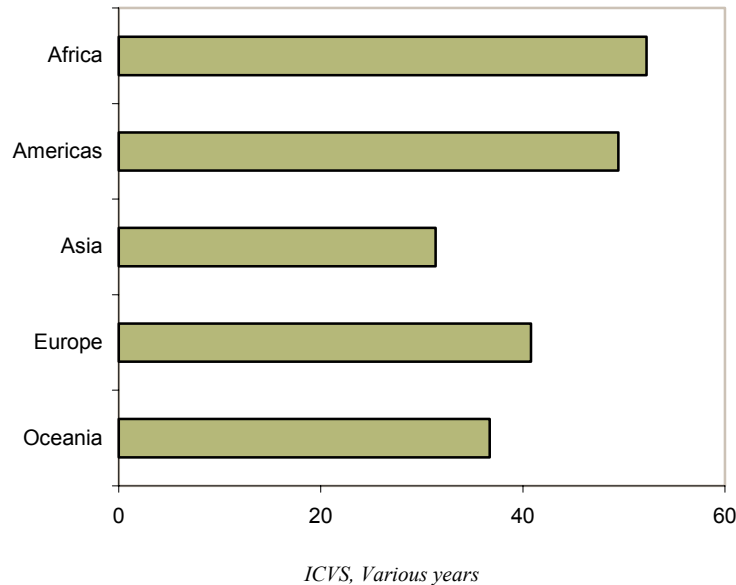
While the direct impact of crime on poor victims is great, the indirect effects of crime have a far wider reach. Victimization or fear of victimisation can cause people to withdraw from social interaction in order to limit their exposure. This manifests itself in some very concrete ways. There are many opportunity costs involved in living a life designed around avoiding criminal vulnerability. Some people simply refuse to go out at night, or to make use of public transport, which may limit access to productive and educational activities.

Women, who also have to face the additional threats of sexual violence and harassment, may be more strongly affected than men. World Bank research in Jamaica found that girls were afraid to go to school because of violence.<sup>199</sup> In Brazil, schools that serve rival drug gang territories can become no-go zones.<sup>200</sup> Returning to Africa, research in South Africa highlights how education opportunities can be limited when attending class means exposure to sexual violence, even at the hand of teachers.<sup>201</sup>

In Zambia, a World Bank study found that fear of crime was limiting the movement of women in one poor community, where 93% said they felt unsafe, and that fear of crime was preventing teachers from showing up at work. Crime was rated as the second most pressing concern by women of the community, after water supply. The report noted that evening school classes had been terminated because the electrical fixtures had been stolen from classrooms, and that public facilities were regularly looted and vandalised. As a result, parents in this poor community were fundraising to put fences around schools – an unusual priority given that many did not have access to adequate supplies of water.<sup>202</sup>

ICVS data show that Africans feel the least safe walking in the area where they live at night compared to respondents in other regions.<sup>203</sup> Given that walking is the only means of transport available to many Africans, this could prevent social and commercial interaction after dark.

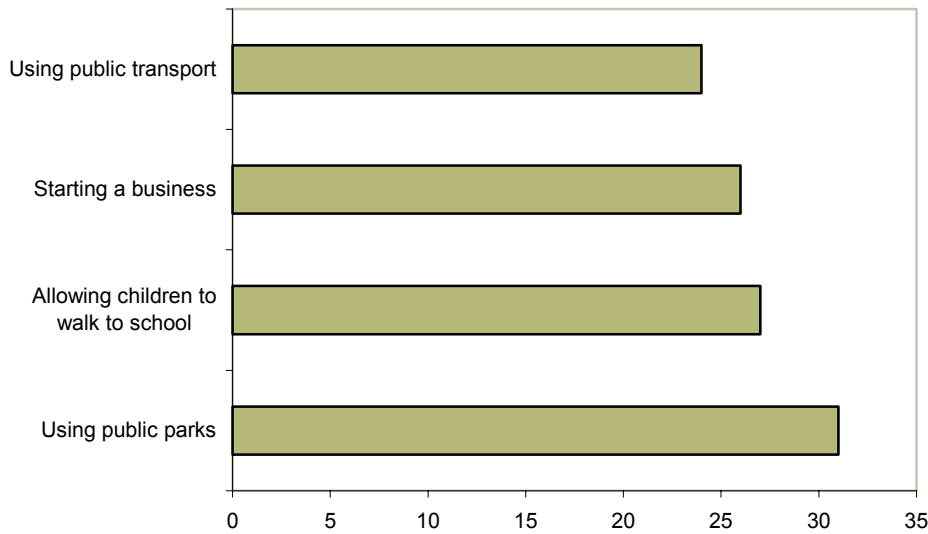
**Figure 41: Share feeling unsafe walking alone after dark in their area**



In addition to the high-level effects mentioned above, crime also impedes economic development at the grass roots. Vulnerable groups may find many of basic transactions essential for small business to be too risky. Starting a business may not be worth the trouble if it increases the visibility of the entrepreneur as a possible target, or if capital is likely to be pillaged. Speaking specifically about poverty reduction in Malawi, the IMF says, “insecurity makes it too risky for the poor to accumulate assets and wealth, particularly in a rural setting, as any assets or wealth are likely to be stolen.”<sup>204</sup>

South Africa may represent an extreme case once again, but a World Bank survey of small, medium and micro enterprise (SMME) firms found that 94% felt that crime should be given priority by local governments, and 77% indicated that action against crime was the most important action local government could take. Approximately 61% of SMMEs polled said they had suffered from some form of crime in the previous financial year. The study also found that these small firms spent as much on security as they did on training, “an allocation with a high opportunity cost.”<sup>205</sup>

Similarly, in Tanzania, a survey of small business entrepreneurs found that 82% held the opinion that any petty trader is a potential victim of crime. Losses included the deliberate destruction of property, theft, and robbery, with victimisation levels running in excess of 50%. Vendors polled were more likely to advocate the use of violence in response to crime than reporting victimisation to the authorities.<sup>206</sup>

**Figure 42: Share of respondents abstaining for fear of crime**

Source: Burton et al, 'National Victims of Crime Survey: South Africa 2003' (Pretoria: Institute for Security Studies), p.56.

In a national victim survey conducted in South Africa, respondents were asked a number of questions about how crime affected their everyday activities. Over a quarter of respondents (26%) said that they felt that crime prevented them from starting their own business. Nearly as many (24%) said they could not use public transportation for fear of crime, a very serious issue in a country where the majority of black people have no other means of accessing urban markets or work opportunities.<sup>207</sup> In a very real sense, fear of crime has paralysed the economic development of many South Africans, both victims and non-victims. The same is surely true in conflict areas, and may also be true in countries where crime levels are also high.

### **Brain drain**

When quality of life declines, those who are able to emigrate do so. According to the World Bank:

*“At the beginning of the 21<sup>st</sup> century, more than 130 million people live outside the country of their birth, and that number has been rising at about 2% a year... Cross-border migration, combined with the “brain drain” from developing to industrial countries, will be one of the major forces shaping the landscape of the 21<sup>st</sup> century... A brain drain can hamper a developing country’s ability to harness modern agricultural and industrial technology. Some countries in Sub-Saharan Africa...have lost one third of their skilled workers.”<sup>208</sup>*

Loss of skilled labour is particularly painful for a continent where, according to UNECA, “both the volume and the quality of human capital are widely acknowledged to be grossly insufficient to meet the challenges of the 21<sup>st</sup> Century.”<sup>209</sup> According to the Strategic Plan of the African Union Commission, “(a) quantitative and qualitative human resource deficit persists in some key areas, arising from slow progress in education and health.”

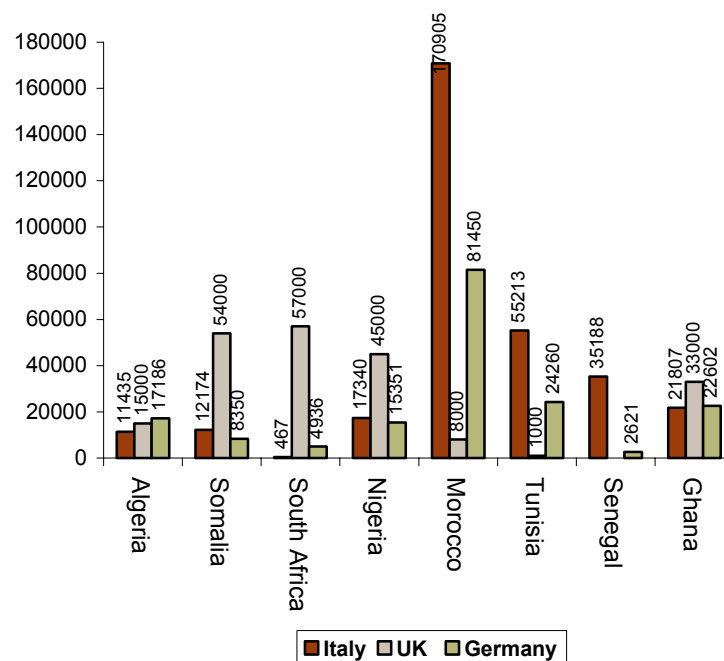
Unfortunately, for a variety of reasons, large numbers of skilled Africans choose to leave their home countries for better prospects in the developed world. The International Organisation on Migration (IOM) estimates that 3.8 million Africans live in Europe, North America, and Australia, and some 80,000 highly qualified people leave the continent every year to take up work overseas, not including students.<sup>210</sup>



Africa is not unique in this regard, of course. Albania, another area stricken by crime and corruption, has lost an estimated one third of its population since 1990.<sup>211</sup> Further, the impact of skilled labour migration is presently being debated, and possible positive effects of skilled migration include an increase in remittances and the creation of well-placed African diasporas.<sup>212</sup> But as one of the primary barriers to growth in Africa is a shortage of skills, this movement has serious implications for development. Nations invest in training skilled personnel through subsidies to universities, as well as educational grants and subsidised loans. These inputs are lost when skilled personnel emigrate, and still more must be spent on training replacements, costs developing countries are ill equipped to absorb. *The Lancet* estimated the cost of losing 600 South African medical school graduates to New Zealand to be US\$ 37 million.<sup>213</sup> Skilled emigrants take their money with them, and the skills shortage keeps the wages of those who remain artificially high. In fact, many developing countries in Africa and elsewhere are forced to pay premium salaries in order to import skills from abroad, as much as \$US4 billion per annum.<sup>214</sup>

The number of emigrants leaving Africa is hard to calculate. It is certainly not a new phenomenon, and is often tied to periods of political repression or civil conflict. Many countries do not maintain records of emigrants, and many emigrants do not notify their home countries of their departure. Indeed, even in South Africa, which maintains some of the best records in this regard, research indicates that the official emigration figures may capture less than 35% of the true outflow.<sup>215</sup> In addition, some migrate for a limited period of time, intent on returning to their home countries at some point in the future. The rate at which they fulfil these intentions remains unclear, as does their economic productivity after returning. Figure 43 gives some estimates in 2000 for the number of Africans resident in selected European countries. Comparable 2000 data for France are not available, although the IOM indicates that it hosts one of the largest African diaspora communities: an estimated 614 200 Algerians, 572 700 Moroccans, 206 300 Tunisians, and 43 700 Senegalese were resident in that country in 1990.<sup>216</sup>

**Figure 43: Sizes of selected African diasporas (2000)**



Source: IOM, 'World Migration 2003'

South Africa is again a unusual case, both in the quality of the information available and the historical roots of migration in that country. A survey done of medical school graduates in South Africa indicates that a third to half of all graduating doctors leave the country,<sup>217</sup> and similar concerns have been voiced in the banking sector.<sup>218</sup> Another study found that between one eighth and one fifth of all South Africans with tertiary education now reside abroad.<sup>219</sup> While in the past skilled emigration was seen primarily as ‘white flight’, more recent studies have indicated that members of all ethnic groups are presently involved.<sup>220</sup>

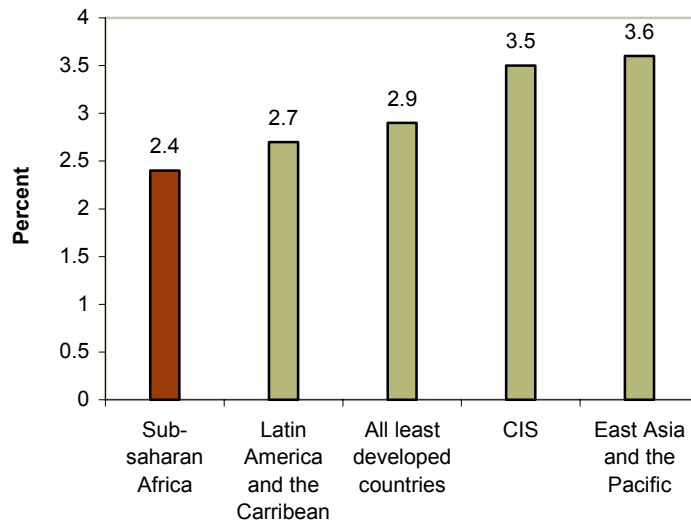
But these problems are not unique to South Africa. The IOM has estimated that skills flight has left Africa with only 20,000 scientists and engineers to serve a population of 600 million. The value of this labour is placed at \$67 billion between 1997 and 2001 and is directly tied to retarding growth. Zambia is cited as an extreme example, where the number of doctors declined from 1600 to 400 in the course of a few years.<sup>221</sup> It is estimated that 18,000 Zimbabwean nurses work abroad,<sup>222</sup> and a recent report from Swaziland indicated that 700 nurses left the country in the space of 12 months.<sup>223</sup> Various large estimates have been made as to the share of professionals emigrating from countries such as Ghana, Sudan, and Kenya over the years.

Why do they leave? One review of medical brain drain listed lack of security and the threat of violence as push factors, although this review was not limited to Africa.<sup>224</sup> Many of the reasons seem to be economic, but larger lifestyle issues are involved. Looking specifically at the continent, Hatton and Williamson argue that “rapid growth in the cohort of young potential migrants, population pressure on the resource base, and poor economic performance are the main forces driving African emigration.”<sup>225</sup> But this and similar studies involve all out-migration, not just skilled migration. Surveys of skilled emigrants from Africa are rare, but the International Organisation on Migration was able to interview many in the framework of its Return of Qualified African Nationals Programme in the mid-1990s. “Poor socio-economic living conditions” topped the list of push factors, and “corruption” was specifically noted.<sup>226</sup> “Crime” is conspicuously absent from this list, but may be associated with poor living conditions.

In South Africa, on the other hand, in a World Bank survey of 325 large manufacturing firms in Johannesburg senior executives reported the shortage of skilled labour and crime and violence as the main impediments to growth.<sup>227</sup> The labour market research institute FSA-Contact found that 96% of skilled emigrants from South Africa mentioned crime and violence among their reasons for deciding to leave the country.<sup>228</sup>

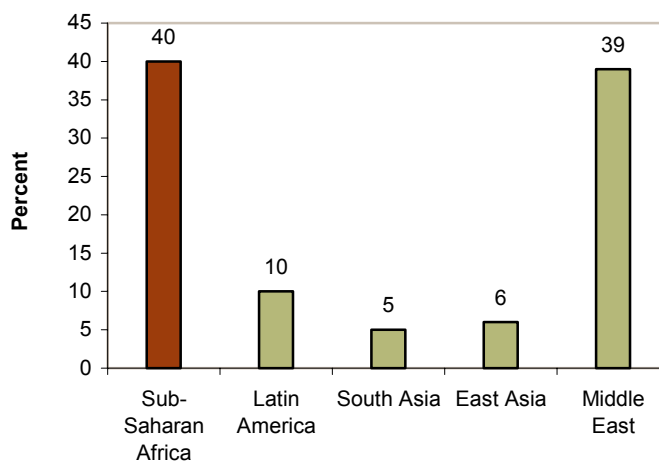
## **2.2 The impact of crime on the economy**

Most capital inflows into Africa are in the form of aid. Total private inflows to sub-Saharan Africa as a percentage of GDP are lower than for all other developing regions.<sup>229</sup> At the 2004 Africa Economic Summit, it was noted that this had not always been the case: in the early 1970s, Africa attracted a higher percentage of world FDI than Asia or Latin America. By the turn of the century, flows into Latin America were 5.5 times higher, and those into Asia were nine times higher, than flows into Africa.<sup>230</sup> Even looking at FDI as a share of GDP, Africa comes up short (Figure 44), a demonstration that Africa continues to suffer from low levels of investor confidence.

**Figure 44: FDI as a percentage of GDP**

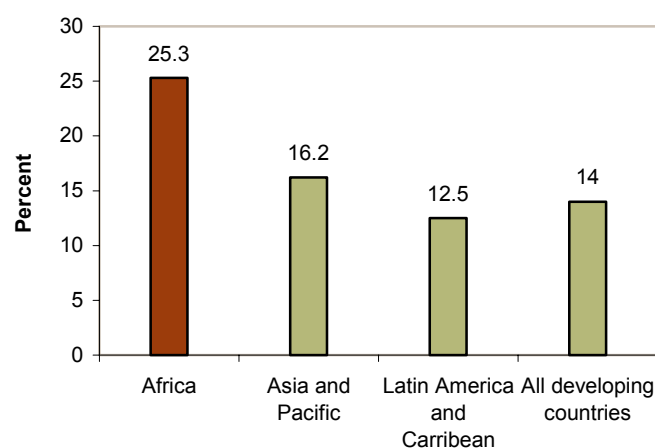
Source: UNDP Human Development Report 2004 Data

One of the reasons FDI is so important in Africa is that few Africans save, and many of those that do so choose to invest their wealth overseas. Africa has the world's highest incidence of capital flight, with 40% of private portfolios being held outside the continent: were Africa able to attract back this component of private wealth, the private capital stock would increase by around two thirds.<sup>231</sup> Domestic capital flight is estimated to reduce continental GDP by some 16%. Since private capital stock is more significant than public capital stock (it takes almost \$2 of public capital to offset the loss of \$1 of private capital), 60% of public capital stock in Africa is required simply to offset private capital flight.<sup>232</sup>

**Figure 45: Share of private wealth invested abroad**

Source: Collier, Hoeffler, and Pattillo 2001<sup>233</sup>

The paucity of capital formation in Africa is perplexing. According to Collier *et al*, "Africa has been rated by international investors as the riskiest continent," but "Africa is regarded as more risky than is warranted by the fundamentals."<sup>234</sup> People are afraid to invest in Africa, despite the fact that rates of return on FDI have generally been much higher in sub-Saharan Africa than in other regions (Figure 46).<sup>235</sup>

**Figure 46: Rate of return on investment**

Source: UNCTAD

The gap between the economic fundamentals and investor confidence is puzzling. It has been attributed to the perception among investors that the rule of law does not prevail in Africa. African countries score poorly on international indices of governance and rule of law.<sup>236</sup> Although some of these indicators used by the World Bank in the compilation of its governance ratings are controversial, they attempt to measure how effectively the state fulfils its law enforcement functions. The World Bank has rule of law ratings for 50 African states and 195 countries worldwide. Only one African state ranks in the top 50 countries in terms of rule of law and only 14 African states appear in the top 100 in 2004. Overall, African states are rated among the most lawless in the world.<sup>237</sup> In 2000, the United Nations Economic Commission for Africa identified “rule of law” as one of the most robust indicators in explaining differences in growth performance among countries.<sup>238</sup>

Of course, “rule of law” encompasses both civil and criminal matters, and it might be expected that investors would be more concerned about predictable resolution of commercial disputes than street crime. Why do investors care about crime levels? There seem to be several reasons, including direct losses, fear for the safety of expatriate staff and facilities, concern over the unpredictable ways crime increases the cost of doing business, and the specific impact of corruption.

The safety of people and assets invested in Africa is a real concern for foreign businesses. As United States Ambassador John Campbell cautioned in a recent speech on US investment in Nigeria to the Lagos Chamber of Commerce, “US firms will only invest in Nigeria if the physical security of their personnel and property is assured.”<sup>239</sup> He went on to mention many specific examples of security concerns, which included both political and criminal violence, without making any distinction between the two.

The Economist Intelligence Unit (EIU) runs a service called “Riskwire” that evaluates the safety of a number of countries for foreign business. Out of 59 countries evaluated, only six are African: South Africa, Nigeria, Kenya, Egypt, Morocco, and Algeria. These represent the largest open economies and a substantial portion of the population of the continent.

Of these, South Africa receives the most favourable risk evaluation, ranking 29<sup>th</sup> of 59, ahead of the North African countries. Nigeria is rated as the riskiest country for business in the world (59<sup>th</sup>), and Kenya (54<sup>th</sup>) doesn't fare much better.<sup>240</sup> In the individual country evaluations, crime and criminal justice are featured prominently as concerns for all the sub-Saharan countries. In South Africa:

*“Violent crime is a major problem, and remains a serious concern for business... Many in the police are inexperienced, poorly trained, and corrupt: the institution itself cannot be relied upon to enforce the law adequately and to protect the public... High levels of crime are one of the main obstacles to economic growth.”*

In Nigeria:

*“Nigeria is an insecure environment for commercial operations. Security risk arises on three levels. The first comes from rising violent crime, [from] simple armed robbery [to] carjacking and violent attacks... Second, companies can be subjected to direct attack or blackmail... facilities can be vandalised and staff kidnapped. Third, incidences of inter-communal violence have risen... Nigeria's ill-equipped police force... has been ineffective in stemming the crime wave.”*

In Kenya:

*“Violent crime and extortion will continue to pose a risk to business... Armed assaults on houses and businesses are likely to remain... The police force, which is poorly equipped and inadequately trained, under-paid and corrupt, cannot be relied upon for protection.”*

Whatever the accuracy of these evaluations, they show that conventional crime is one of the most important factors to be considered by foreigners before directly investing in the major economies of sub-Saharan Africa.

In the three EIU examples above, all emphasise the inadequacy of the police in coping with the problem. Lack of confidence in the police prevails among local businesspeople as well, as reflected in the World Bank firm survey in Zambia, where only half the losses suffered were reported to the authorities. This lack of confidence seems to be justified: of those incidents that were reported, only a quarter were solved. In Kenya, the figures were even worse: while 79% of the offences were reported, less than a fifth (18%) were solved.<sup>241</sup>

The obvious alternative for interested firms is to spend money on self-protection. In the EIU threat assessment for South Africa, the analysts recommend:

*Expatriates are strongly advised to take the necessary security precautions at home and at work. For instance, the use of electric fences and gates, high walls, installation of security alarms... security gates that separate sleeping and living areas... video surveillance systems to identify criminals... remote tracking devices in cars...”*

In another report, the EIU sums it up: “Crime ... is partly responsible for the high business costs in [South Africa].”<sup>242</sup>

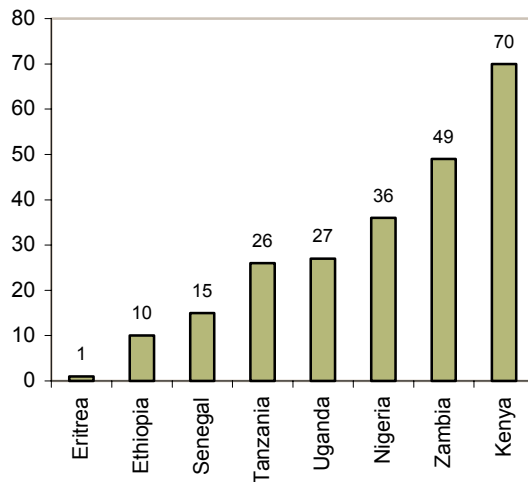
As the United Nations Economic Commission for Africa notes, social disorder increases the costs of doing business as private citizens divert scarce resources to protection and self insurance.<sup>243</sup> “When government is not strong enough to protect property rights,” the World Bank says, “private organisations selling ‘protection services’ fill the void.”<sup>244</sup> South Africa is an excellent example, with nearly three times as many private guards (900 per 100,000 inhabitants), as police officers (312 per 100,000).<sup>245</sup> In essence, the private sector has assumed a large share of the costs of maintaining order in the society. This cost is

considerable: the security industry in South Africa is estimated to turn over between R10 billion and R18 billion (about US\$ 3 billion),<sup>246</sup> equivalent to about 3% of GDP.

In a World Bank study of Ugandan firms, costs of security were about equal to direct losses to crime: about 3% of gross sales or 28% of investment in plants and equipment.<sup>247</sup> Similar figures were found in the studies of Zambia and Kenya.<sup>248</sup> As the World Bank argues, “crime ... increases the costs of business, whether through the direct loss of goods or the costs of taking precautions such as hiring security guards, building fences, or installing alarm systems. In the extreme, foreign firms will decline to invest, and domestic ones will flee the country for a more peaceful locale.”<sup>249</sup>

The 2005 World Development Report, entitled *A better investment climate for everyone*, discusses crime as barrier to business at length. According to the Report: “...the costs associated with crime, corruption, regulation, unreliable infrastructure, and poor contract enforcement can amount [in Africa] to 25% of sales – or more than three times what is typically paid in taxes.” This finding is based on global Investment Climate Surveys, which included polling businesses in nine African countries on how seriously crime impeded investment. While the rate varied considerably between countries (Figure 47), over 29% of business people reported that crime was a major constraint on investment, about 50% more than the global average.<sup>250</sup> Those reporting direct losses to crime varied from 11%-80% of respondents in each country, and the cost of these losses varied between 2%-12% of total sales.

**Figure 47: Share of businesses reporting crime as a ‘major constraint’**



Source: World Development Report 2005

South Africa was not included in the poll, but a UNODC study found that 80% of business people polled said that crime was a major impediment on business. Eighty-four percent of businesses polled had experienced some form of crime in 2001, with theft by employees being the top crime experienced (49% having experienced at least one incident in the previous year), and burglaries close behind (47%).<sup>251</sup>

### **Corruption and investment**

Corruption is probably an even more important concern for investors, and the negative impact of corruption on investment has been well documented. In a review of the role of corruption in development, UNDP reports the findings of empirical work that demonstrates the negative impact of corruption on growth, concluding “corruption affects growth predominantly through its effect on the level of investment...”<sup>252</sup> The World Bank agrees that, by distorting the rule of law and weakening the institutional foundations of economic growth, corruption is the single greatest obstacle to economic and social development. The harmful effects of corruption are especially severe on the poor, who are hardest hit by economic decline, are most reliant on the provision of public services, and are least capable of paying the extra costs associated with bribery and fraud.<sup>253</sup>

According to the Investment Climate surveys conducted for the 2005 World Development Report, corruption is listed the number one obstacle to doing business in Africa, outpacing taxes, infrastructure, and inflation.<sup>254</sup> The IMF notes, “there is a close association between corruption and slow growth, as well as between corruption and political instability...”<sup>255</sup> Speaking specifically of Kenya, the IMF says “corruption hampers a country’s ability to attract investment, the effectiveness of its institutions, and revenue generating ability.”<sup>256</sup>

Of those forms of corruption likely to have an impact on investment, one of the most common forms is the demand for bribes from government officials in order to receive services, licenses, or access to benefits. The demand for bribes raises transaction costs and uncertainty in an economy.<sup>257</sup> These demands seem to impact more heavily on small businesses.<sup>258</sup> The World Bank Investment Climate Survey data show that bribes as a share of sales are 50% larger for small firms than large ones. Large firms pay larger bribes in absolute terms, but their impact is smaller.<sup>259</sup> This may make smaller firms less competitive, reducing innovation and promoting monopolization. Corruption in the courts is also of concern to foreign investors. The results of a judicial integrity study conducted by the UNODC in Nigeria found companies with foreign capital investment generally perceive the country’s justice system less accessible than domestic businesses, and they are also by far more likely to experience corruption in the courts.<sup>260</sup>

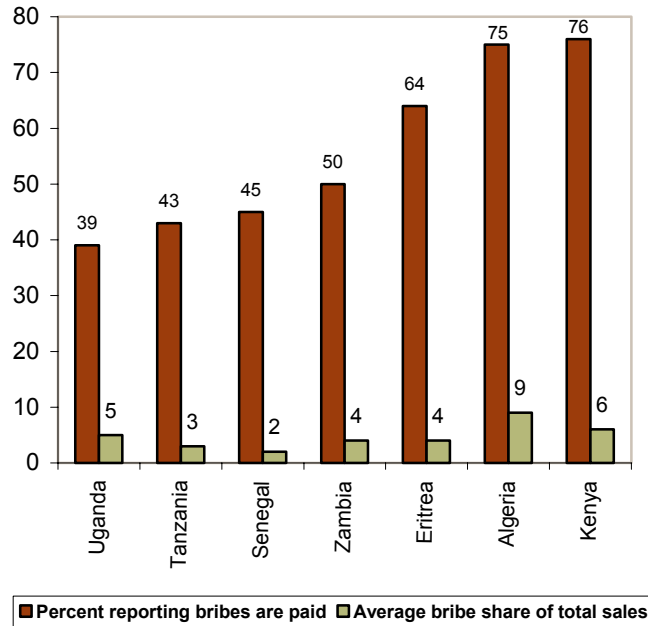
In addition to deterring investment, corruption may be behind another formidable barrier to business in Africa: red tape. As the World Bank notes “In many [African] countries restrictive regulations and practices, often aimed at generating rents for officials and favoured groups, constrain business activity, affecting both agriculture and industry.”<sup>261</sup> The maps show the number procedures and the number of days required to enforce a contract. While the correlation with perceived corruption is not perfect, countries generally rated as the least corrupt countries on the continent have either the fewest number of procedures required (Tunisia) or the shortest waits (Tunisia, Botswana), while countries widely regarded as most corrupt (Nigeria, Chad, DRC, Angola, Cote d’Ivoire, Cameroon) have either a high number of procedures or very long waits or both. Ironically, very poor countries can have very elaborate bureaucracies.

African businesses themselves view corruption as a serious impediment to business. In the World Bank African firm surveys noted above, 35% of Algerian firms, 38% of Ugandan firms, 39% of Ethiopian firms, 40% of Senegalese firms, 46% of Zambian firms, 51% of Tanzanian firms, and 73% of Kenyan firms said corruption was a major or very severe constraint on business.<sup>262</sup> In a UNODC study in South Africa, 64% of firms described corruption as a major obstacle to business.<sup>263</sup>

Complying with the demands of corrupt officials can be very costly. Figure 48 shows the results of the most recent World Bank Investment Climate surveys for Africa: many firms are losing between 2% and 9% of their total sales to bribes.<sup>264</sup> Put another way, the cost of bribes

in Uganda was found to comprise just under 8% of total costs, compared to other essential expenditures like fuel (6%), interest payments (7%) and wages (18%).<sup>265</sup> It is almost impossible to estimate the impact of bribery on the economy because it can kill business ventures before they are even born. In South Africa, 12% of businesses polled said they had refrained from making a major investment because of fear of being required to pay excessive bribes.<sup>266</sup> Looking at economic crimes more broadly (including corruption, embezzlement, and extortion), a survey of 189 organizations in Kenya, Tanzania, and Zambia found that, between them, US\$206 million was lost over two years.<sup>267</sup>

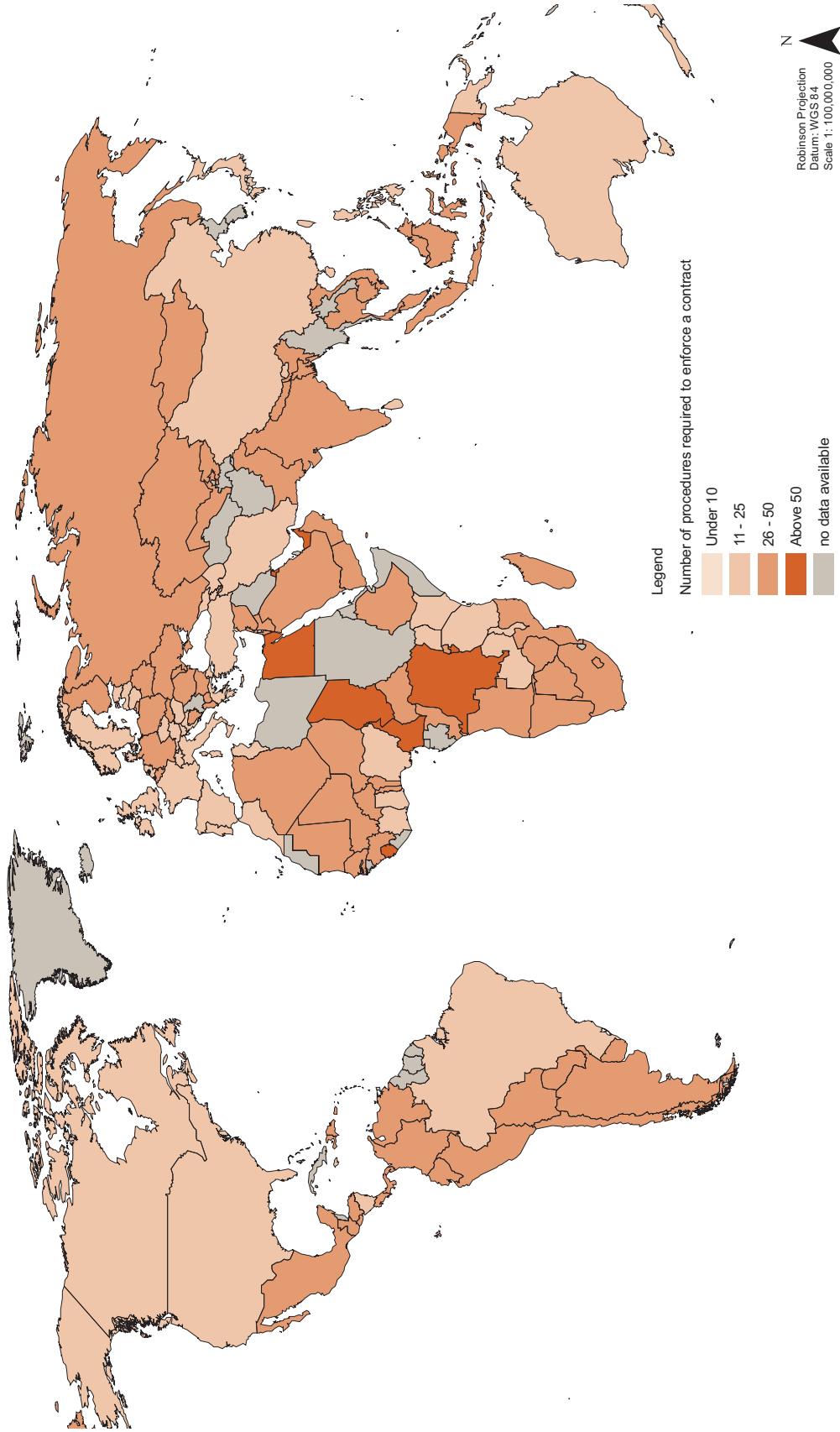
**Figure 48: Firms paying bribes and share of sales spent on bribes**



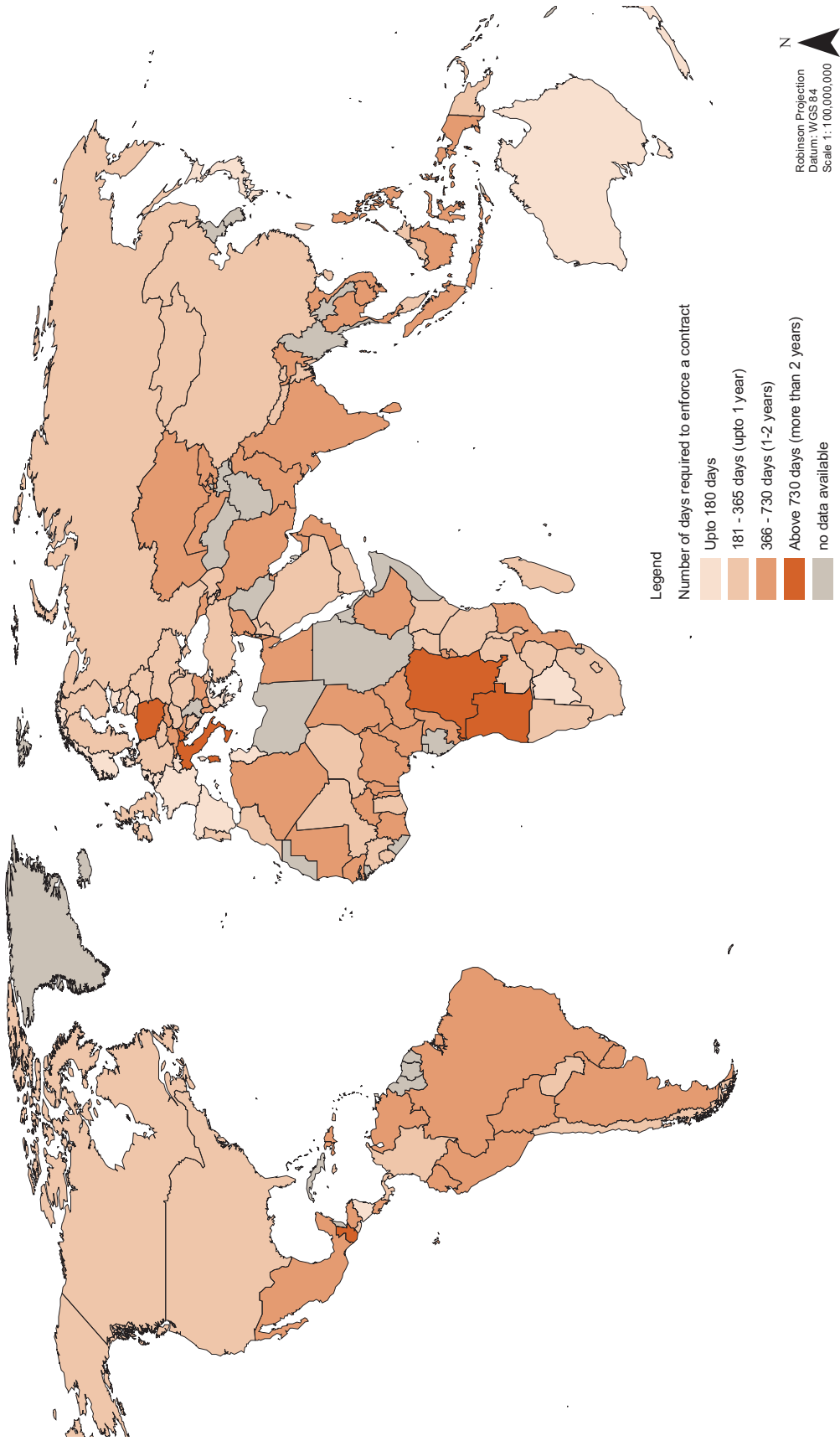
Source: World Development Report  
2005



Number of procedures required to enforce a contract



Number of days required to enforce a contract



Source: World Bank (2004) World Development Report: Doing Business in 2005, World Bank: Washington DC.  
Note: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

### Crime hampers tourism

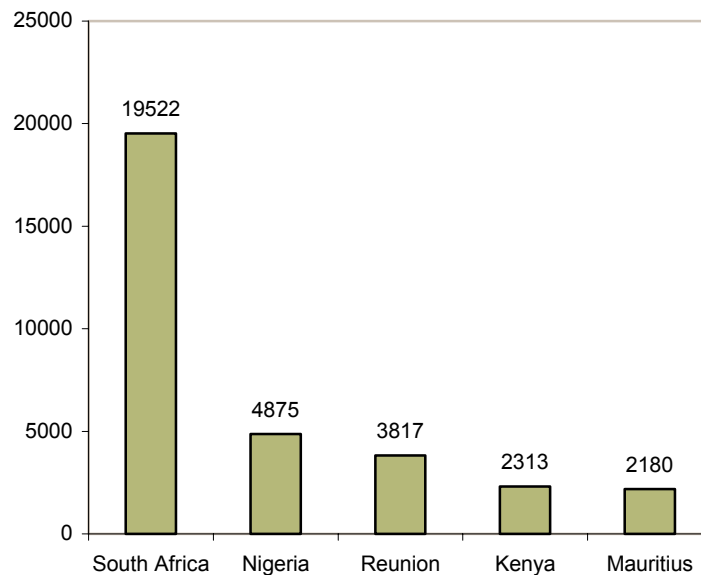
*“...tourism [is] the world’s largest and fastest growing industry, which on account of its socio-cultural and economic dynamics also forms an excellent instrument for promoting economic development, understanding, goodwill, and close relations between peoples.”*

- Southern African Development Community (SADC) Protocol on Tourism

While crime and corruption drive away investment and drive up costs, some business people are, apparently, able to cope with these limitations and carry on. But crime threatens other industries more directly. One form of business that is particularly sensitive to crime issues is tourism.

While it is not a panacea for all development woes, tourism comprises a major part of the economies of both developed and developing countries. According to the World Travel and Tourism Council (WTTC), it is responsible for over 10% of global GDP and over 12% of exports, and provides over 8% of global employment.<sup>268</sup> Africa’s tourism industry has grown faster than the global average since 1995, with Southern Africa in general and South Africa in particular (responsible for 22% of continental tourist arrivals) taking the lead.<sup>269</sup> In 2004, the WTTC estimates tourism in sub-Saharan Africa was expected to directly generate almost US\$55 billion of economic activity. Directly and indirectly, it estimated to be responsible for 6% of employment and over 7% of GDP. Tourism GDP was expected to grow nearly 10% in 2004, and the employment generated by it by just under 9%, far outpacing total growth on the continent.<sup>270</sup>

**Figure 49: Total tourism demand (US\$ millions)**



Source: WTTC, 2004

Thus, tourism is already an important and growing part of Africa's economy. The World Tourism Organisation projects that tourism in Africa will grow four-fold between 1995 and 2020. According to a report of the British Department for International Development:

*“80% of the world's poor (below \$1 a day) live in 12 countries. In 11 of these, tourism is significant and/or growing. Of the 100 or so poorest countries, tourism is significant in almost half of the low income countries and virtually all the lower-middle income countries (accounting for over 2% of GDP or 5% of exports).”*<sup>271</sup>

The significance of the sector for some of the best performing economies on the continent is even greater. The direct tourism share of total GDP in the Seychelles (21%), Mauritius (13%) and the Comoros (9%) is remarkable, and indirect benefits are even greater.<sup>272</sup> According to the OECD, 2002 hotel and restaurant income alone in Mauritius exceeded that of the country's primary agricultural product, sugar.<sup>273</sup>

In South Africa, the biggest economy on the continent, the tourism economy is said to provide direct and indirect benefits to the value of 7% of GDP in 2003, projected to grow to 9% by 2013. It is estimated to provide 7% of jobs, expected to grow to 8% by 2013. It is estimated to provide 12% of exports, growing to 15% by 2013. Between 1998 and 2002, tourism was the only sector of the South African economy to show both positive growth in employment and contribution to GDP.<sup>274</sup>

In its Protocol on Tourism, SADC speaks of “the Region's rich tourism potential which offers an array of natural features and a number of sites containing natural wonders of the world; added to all these being the diversity of history and cultural lifestyles of the peoples of the Region.” Of course, the same applies to all the other regions of Africa.

Tourism is particularly valued for the number of low-skill jobs it generates in the hospitality and food service industries. A good deal of work has been done on how “eco-tourism” can benefit poor rural populations.<sup>275</sup> Tourism is likely to increase in importance as primary commodity prices drop and as the continent faces stiff international competition in low-wage manufacturing. Africa can offer the world something found nowhere else – access to the African continent itself, with its unique wildlife, landscape, and cultural attractions.

Crime, and crimes against tourists in particular, are anathema to the industry. The New Partnership for Africa's Development (NEPAD) specifically prioritises “consumer safety and security issues” in its discussion on tourism in Africa.<sup>276</sup> Crime warnings are prominent in travel guide descriptions of most African countries, and consular safety advisories are issued against tourist destinations on the continent with frightening regularity. It is estimated that Egypt lost \$1 billion in revenues following a spate of attacks on tourists over a 12-month period.<sup>277</sup> South Africa's lost bid to host the 2004 Olympics has been blamed on the crime situation in the country<sup>278</sup> and South Africa's former Minister for Tourism and Environmental Affairs, Pallo Jordan, has said, “the chief impediment to tourism growth is the perception that South Africa is an unsafe place.”<sup>279</sup> Hotel bookings dropped 75% after violence erupted in Zimbabwe, despite massive depreciation of the country's currency.<sup>280</sup> A recent Economist Intelligence Unit report blamed Cameroon's “reputation for crime and corruption”, among other things, for the poor performance of its tourism sector.<sup>281</sup> In 2005, the Kenya Tourism Board estimated that adverse travel advisories cost the country nearly US\$200 million in recent years.<sup>282</sup>

Still, African tourism continues to grow despite all these troubles, but would doubtless perform even better if the continent were viewed as a safe destination.

### 2.3 The impact of crime on governance

Crime, and especially corruption, directly undermines democracy by destroying the trust relationship between the people and the state. The most basic obligation of the state is to ensure the safety of its citizens. When the state fails to fulfil this obligation or, worse, provides protection to some groups but not to others, the people effectively reclaim their right to use force in the resolution of disputes, often with disastrous consequences. When state officials are seen to be corrupt, the citizenry sees no moral compulsion to pay taxes or otherwise participate in democracy. The state effectively becomes an occupying force, an enemy to be avoided, if not actively undermined. It cannot facilitate development under these circumstances.

When crime rates are high, people everywhere tend to blame the police. This effect is obviously stronger when the police are perceived to be part of the problem. As discussed in Section 1.1 above, survey data show African people regard the police as the most corrupt sector of government, with the courts often close behind. When rule of law becomes suborned to rule by connections and wealth, marginalised populations are unlikely to report victimisation to the police or otherwise assist in their investigations. Without the cooperation of the public, the criminal justice system cannot function, and so societies can get locked into a downward spiral of criminality and public withdrawal.

If the police cannot be trusted to effectively and impartially enforce the law, the people may take measures to protect themselves. Arguably, one of the best indicators of state failure is the rise of vigilantism. ‘Justice’ executed by community members may be a major source of violence and even political instability in some areas. As discussed in Section 1.1 above, what begins as self-protection can eventually degenerate into a protection racket and then expand into other areas of criminality.

For example, the vigilante group “People Against Gangsterism and Drugs” in South Africa began as a popular movement in an ethnic minority community. The initial goal of the group was to pressure the state to take action against well-known local gangsters and drug dealers who operated with impunity in their areas, allegedly due to widespread police corruption. When the group felt their demands were not given sufficient attention, members took action against the gang leaders directly, demanding they end their criminal activities and, when they refused, publicly executing them.

This violence, and consequent counterattacks by the gangsters, eroded much of the group’s popular support, but a core of vigilantes continued to wage war on gang leaders for an extended period of time. The group eventually took on a religious extremist character and began a terrorist bombing campaign throughout the city of Cape Town, targeting tourist areas. When the state took action, the group assassinated public officials and witnesses against them alike.<sup>283</sup> The militarised response of the state, while ostensibly successful, has deeply affected criminal justice strategy since that time. It also led to the passage of highly controversial anti-terror legislation that, in its early stages, included tactics employed by the apartheid state in its own ‘war on terror’.

Another group, called Mapogo a Mathamaga, began in the rural Limpopo province of South Africa when a group of about 100 small business owners decided to take direct action in response to a string of armed robberies. Suspected criminals were beaten, tortured, and often executed, but property recovery rates were said to be high. The group spread to urban areas and attracted membership across ethnic groups, who supported the methods of Mapogo as ‘African justice’. The leader of the group was snapped up by an opposition political party and almost won a place in the provincial legislature. Today, the group markets itself as a private security company and claims tens of thousands of paying members.<sup>284</sup>

For South Africans who cannot afford these services, there are plenty of alternative groups willing to avenge wrongdoing, from spontaneous community uprisings to (often criminalised) minibus taxi associations. South Africa has a long tradition of brutal community vigilantism, rooted in the days when traditional police services were not available to black South Africans, and expanded during the struggle for democracy, when alleged “informers” were often burnt alive.

Nigeria also has a long history of self-protection groups, and provides numerous examples of vigilante organisations that combine elements of trade associations, ethnic interest groups, traditional warrior cults, religious bodies, and official law enforcement agencies. One of the best known examples is the Bakassi Boys, originally formed by a local shoe maker’s association to defend merchants against criminals. After a brutal campaign against local thugs reduced crime in their area, the “success” of the group led to a demand for their services in other communities. In the end, the Bakassi Boys were recognised by the state government as an “official” vigilante group, receiving funds from both the government and from the public. The police in Nigeria are federal, so the endorsement and funding of vigilante groups allows local politicians to create their own private armies, which are allegedly used to intimidate political opponents and secure their positions as sources of patronage. With its extreme ethnic and religious diversity, Nigeria is also afflicted by a variety of ethnic protective associations and, in the north, Sharia law enforcement groups, whose activities often involve violence.<sup>285</sup>

Even groups that are arguably better integrated into state and traditional structures, such as the sungusungu groups in Tanzania, may lapse into brutality and, literally, witch hunting.<sup>286</sup> While traditional justice systems can provide a valuable supplement to the criminal justice system in the African context, their activities must be closely monitored to ensure compliance with international human rights standards. In the end, there is no substitute for a functioning criminal justice system in the modern world.

Police corruption is also a key part of the growth of organised crime. Criminal markets cannot flourish unless officials turn a blind eye. Corruption allows criminal commodities to be cross borders with ease, allows money to be laundered without question, and allows well-known criminals to walk the streets without fear. And in turn, as noted by United Nations Secretary General Kofi Annan said in his March 2005 report entitled *In Larger Freedom*, “Organized crime contributes to State weakness, impedes economic growth, fuels many civil wars, regularly undermines United Nations peacekeeping efforts and provides financing mechanisms to terrorist groups.”

### **Official corruption**

In Section 2.2 above, it was illustrated how corruption can drive away investment, but this is not the only way it interferes with development. Both petty and grand corruption interfere with the ability of the state to promote development by blocking the delivery of services, undermining the tax base, and distorting public spending. As South African President Thabo Mbeki recently put it, “...corruption is inimical to development. It constrains our ability to fight poverty, negatively affects economic development, damages social values and undermines democracy and good governance.”<sup>287</sup>

On a day-to-day level in many parts of Africa, corruption blocks the delivery of development services to the public. The 2004 Transparency International (TI) Global Corruption Barometer survey covered 64 countries, including five from sub-Saharan Africa. Respondents were asked whether in the last 12 months they had been asked to pay bribes. The three countries with the highest positive response rates were all African: Cameroon (52%), Kenya (36%), and Nigeria (32%, in a three-way tie for third). In Cameroon, a further 14% answered “don’t know” (the second-highest non-response rate), so that only about a third (34%) denied having

to pay a bribe in the last year. Thus, it would appear that the citizens of some of the world's poorest countries could have to pay out more bribes than the citizens of any other region.

According to Transparency International's Kenya Urban Bribery Index, 67% of the respondents' interactions with public institutions involved bribes, and the average urban Kenyan pays 16 bribes a month, 99% of which are to public officials.<sup>288</sup> Kenya is not unique in this regard. In a survey in Uganda, 40% of respondents said they had been forced to pay a bribe in order to receive a basic service, including access to primary education and health care.<sup>289</sup> In Ghana, two thirds (66%) in one survey said they paid 10% of their incomes in bribes to public officials.<sup>290</sup> Empirical research shows that the poor Africans pay a higher share of their income to bribes than do the rich,<sup>291</sup> although it is the rich that truly benefit from corruption.

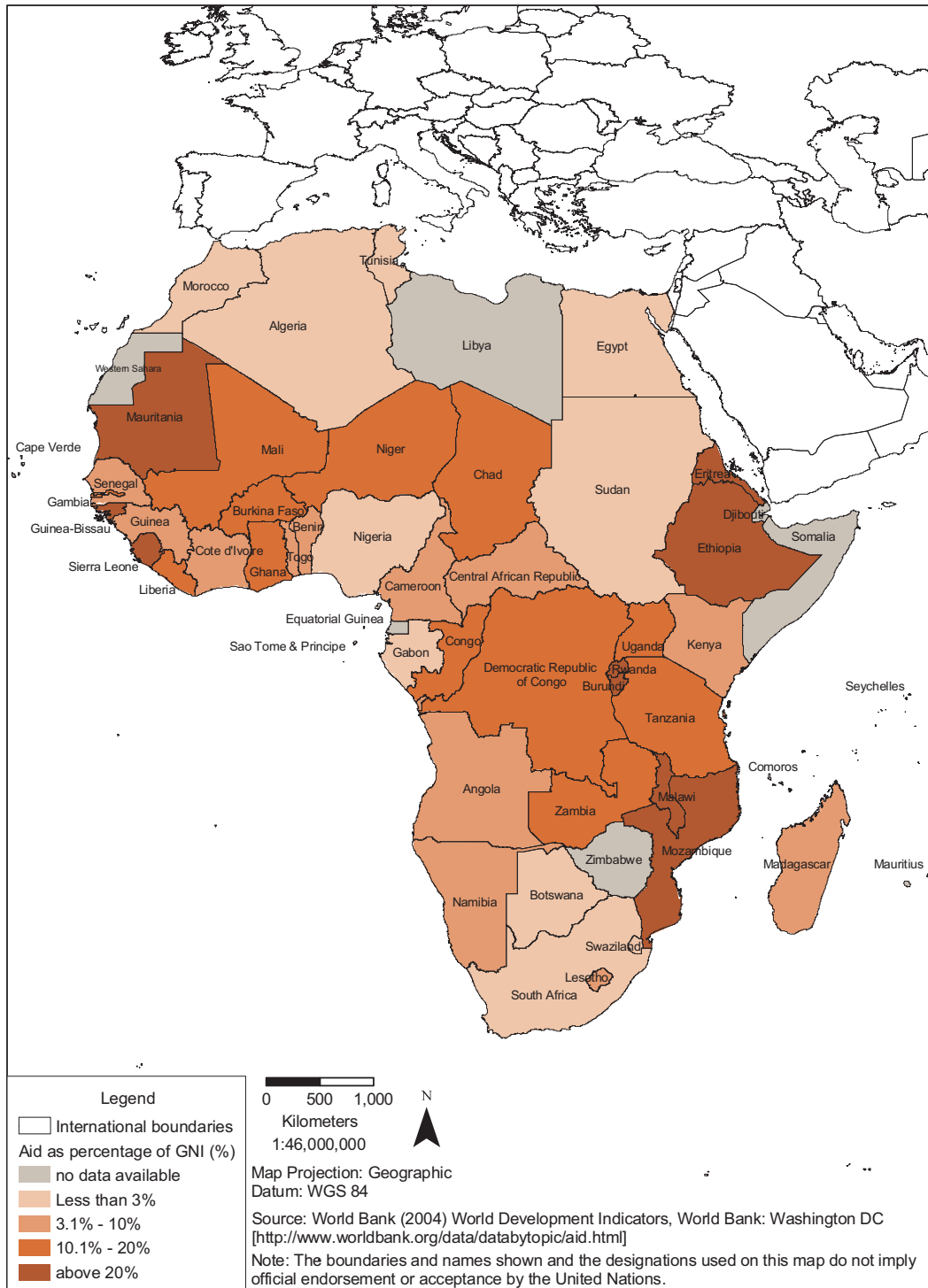
While Africans are harassed and denied service at the grassroots, there have been well-publicised stories of much higher-level corruption. Corruption allows favoured groups to monopolise the benefits produced by the state and to demand extra rents from the public. Predictably, this tends to alienate those who are not part of the inner circle. In Africa, the division between the privileged and the disadvantaged masses is often drawn on clan, ethnic, religious, or regional lines, sometimes dressed in political trappings. In extreme cases, this can lead to civil conflict or insurgency. Senior politicians have been implicated in embezzling their countries' wealth, for their own benefit and to support extended patronage networks. Two key areas for graft are natural resource extraction and public procurement.

As discussed in Section 1.2 above, it has been argued that natural resource wealth can actually promote corruption, as it allows the state to operate without the need to keep the taxpayers pleased or spend in an efficient manner. The World Bank asserts, "Rent seeking behaviour can be especially pronounced in countries that have a high level of dependence on exports of minerals, oil, or other natural resources."<sup>292</sup> Theft of natural resource wealth by officials is particularly problematic in Africa, where many economies are reliant on resource extraction. Aside from robbing the people of the benefit of their country's wealth, unregulated resource extraction can have a devastating effect on the environment, undermining sustainable livelihoods for generations.

Ironically, development aid, another form of 'free' money, can also become a corrupting factor.<sup>293</sup> Renewed interest in the continent is set to reverse trends of declining aid experienced in recent years. Global aid disbursements declined through the 1990s, from .33% of donor GDP in 1990 to .24% in 1999.<sup>294</sup> The share of global aid assigned to sub-Saharan Africa also declined during that period, from 37% in 1990 to 27% in 2000, largely due to increased funding to Eastern Europe.<sup>295</sup> Despite this decline, aid flows are still very important to African countries (Map) when considered as a share of gross national income.

The World Bank has determined that, overall, foreign aid has not helped development in Africa much<sup>296</sup> but, teamed with good governance, aid can be very effective, and can even 'crowd in' private investment.<sup>297</sup> Oddly enough, indications are that corruption does not reduce the amount of aid a country receives – the opposite may be true.<sup>298</sup> And there are indications that aid can actually reduce the amount of public spending while simultaneously encouraging rent seeking.<sup>299</sup> Although the correlation is far from perfect, countries in Africa that are generally regarded as highly corrupt tend to have either high levels of natural resources (Nigeria) or high levels of aid (Mozambique) or both (Angola, Sierra Leone). The fact that aid as a share of gross income for sub-Saharan Africa exceeds 6% – six times as much as any other region in the world, could be seen as a risk factor for corruption.

Aid as percentage of gross national income (GNI) in 2002





In addition to embezzlement, direct losses are also seen, for example, when public officials accept inflated tenders in exchange for kickbacks. In these cases, the public ends up paying more for less, with the difference being split between corrupt public servants and the tender recipient. According to Transparency International (TI) Chairman Peter Eigen, “Corruption in large-scale public projects is a daunting obstacle to sustainable development, and results in a major loss of public funds needed for education, healthcare and poverty alleviation, both in developed and developing countries.” TI estimates that the amount lost due to bribery in government procurement alone is at least US\$ 400 billion per year worldwide<sup>300</sup>

According to a survey of 1000 firms in South Africa, 74% reported government procurement as an area in which bribery is perceived to be required.<sup>301</sup> In Morocco, the majority of firms polled in 2001 said that bribes were often required in procurement, about a third of which exceed 10% of the contract’s value.<sup>302</sup> A government contract is said to cost 3.7% of the value of the contract in bribes in Zambia.<sup>303</sup>

Procurement fraud can also distort public spending, as corrupt officials pursue graft-rich projects, such as large public-works ventures and defence procurements, at a cost to social programmes. Countries with higher levels of corruption tend to have lower levels of social spending in general.<sup>304</sup> The IMF, speaking specifically of Kenya, notes: “corruption affects the way public money is allocated, diverting expenditures away from sectors such as health and education to sectors such as public works where contracts can be manipulated and bribes more easily secured.”<sup>305</sup>

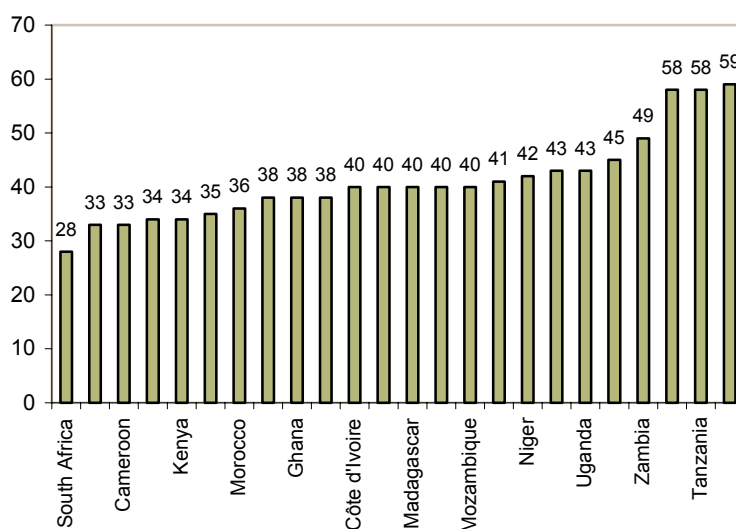
In addition, the quality of large-scale public works projects may also be lacking, because contractors who win their tenders through bribery may not feel compelled to stick to specifications. Thus, corruption may result in still more costs to the country, as corrupt officials seek immediate benefits to the detriment of the public interest.<sup>306</sup>

Siphoning off of funds by wealthy elites is doubly problematic in Africa, as much of this graft is immediately invested outside the continent. As indicated above, about 40% of all African private portfolios are held overseas, and this share is likely to be even greater when the funds were obtained through corruption. The illicit gains of many of Africa’s past dictators have still not been recovered from their foreign hiding places: the recently agreed UN Convention against Corruption has provisions aimed at recovering these stolen assets.<sup>307</sup>

Another way elites can be favoured in corrupt regimes is through tax avoidance. Due to a longstanding patronage networks,<sup>308</sup> many African countries have tax regimes that favour the wealthy and powerful, and corruption exacerbates this effect. Studies of The Gambia, Mozambique, and Ghana suggest that corruption allows the rich to avoid paying taxes.<sup>309</sup> This fuels further income inequality,<sup>310</sup> which, as noted above is highly associated with crime<sup>311</sup> and has a negative effect on growth<sup>312</sup> and development.<sup>313</sup>

The effect of all this macro and micro corruption is predictable. When the public faces ongoing demands for bribes, witnesses high level embezzlement, and knows that the rich avoid taxation, there remains very little incentive to support the government. In order to evade graft-seeking officials, excessive regulation and unfair taxation, African businesses go underground.

A large share of economic activity in Africa is informal, as Figure 50 shows. Countries with inefficient regulatory environments and high levels of corruption tend to have informal economies in excess of 40% of GDP.<sup>314</sup> Large informal sectors are strongly associated with criminal activity – in the end, the grey market and the black market may be closely inter-related. And all this activity, which comprises the bulk of the economy in some instances, is untaxed.

**Figure 50: Share of shadow economy of GDP 1999/2000**

Source: Schneider, 2002

Evading taxation does not come without a cost. Informal firms have to stay off the government's radar, and so experience less access to justice. Underground businesses may be reluctant to approach the courts or other agencies of the state for assistance in resolving commercial disputes. This may make underground firms less competitive, forcing them to accept losses due to breach of contract or default of payment. Alternatively, informal methods of enforcing agreements or collecting debts may be rooted in violence, representing another source of crime.

Avoidance of tax and regulation also undermines the functioning of the market. In Africa, research shows these hidden resources may not attract their highest value uses.<sup>315</sup> In other words, hiding commercial activity requires work, has opportunity costs, and may ultimately impede growth.

Of course, with little tax base, the state cannot offer extensive development services. In Tanzania, one study found a vicious cycle of underpayment, whereby tax avoidance led to low quality of services, which in turn were used to justify further non-payment.<sup>316</sup>

In the end, the cumulative effect of public corruption is to destroy respect for the law and the state. This profoundly undermines democracy, as many citizens come to regard the state as an adversary rather than a representative body. The African Union Commission recognises all this, and in its strategic plan argues that in Africa, "persistent corruption considerably compromises sustainable development." And as UN Secretary General Kofi Annan notes:

*[Corruption] is found in all countries—big and small, rich and poor—but it is in the developing world that its effects are most destructive. Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a Government's ability to provide basic services, feeding inequality and injustice and discouraging foreign aid and investment. Corruption is a key element in economic under-performance and a major obstacle to poverty alleviation and development.*<sup>317</sup>

### III. PROGRESS AND PROSPECTS

This Report has probed the linkages between crime and under-development in Africa. Chapter one suggested the possible links between the various manifestations of poverty and crime. Crime is part of a cohort of challenges afflicting disadvantaged populations all over the world, and Africa seems to be among the worst afflicted.

Part Two illustrated the possible ways violence, crime, and corruption could be subverting development in Africa. Crime has a disproportionate impact on vulnerable people and poor countries, which are less well equipped to deal with all sorts of shocks. The direct and indirect effects of high levels of crime represent a significant challenge, both in themselves and in the ways they undermine social and commercial activity.

If both of these assertions are true, it would appear that we have at hand a classic vicious cycle. Developing countries may manifest high levels of crime, which themselves derail further development. This is another kind of “poverty trap”, wherein developing countries do not seem to be able to muster sufficient momentum in development to overcome the challenges that hold them back. As United Nations Secretary General Kofi Annan asserted in his March 2005 report, *In larger freedom*: “...we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights. Unless all these causes are advanced, none will succeed.”

In the words of the United Nations High-level Panel on Threats, Challenges, and Change “development makes everyone more secure.” But social development takes time, and experience has shown that quick gains can be made against crime by applying a number of well-tested prevention strategies. This would indicate that in order to break the cycle, crime prevention should be at the forefront of development planning. Crime prevention efforts could do more than just reducing victimisation, as important a goal as that is. They could also catalyse the whole process of social development.

If these targeted efforts are not made, crime could continue to be a drain on development momentum over time. In the longer term, they may be a decisive factor in the struggle to obtain a better life for all in Africa.

The final section of this Report looks at a few ideas of what could be done to address crime as a development issue in Africa, noting some of the progress already made by African nations in achieving this goal to date.

#### **What can be done**

How can crime be specifically addressed, given competing needs?

There are a number of possible low-cost ways that crime can be addressed as part of the development process. Most broadly, crime prevention thinking needs to become part of development planning. This is really a mind-set shift, a matter of sensitisation to issues that might be otherwise overlooked. On a practical level, this can manifest itself in several ways:

- *By generating knowledge as a first step* – Only when crime data are seen as development indicators will the consolidation of knowledge in this area become a priority; tailoring interventions to African conditions requires a detailed understanding of the nature of crime on the continent.
- *By helping governments deliver security, efficiency and integrity* – African countries have demonstrated the will to adhere to international standards in the fight against drug trafficking, organized crime, and corruption, but need further international assistance in translating policy into effective interventions.
- *By breaking the crime/conflict continuum* – If criminal and political violence lie along a continuum, crime and conflict prevention should be integrated; the establishment of the rule

of law and efforts to promote post-conflict recovery should be complimentary to one another.

- *By including crime prevention in grassroots interventions* – Nearly every form of development work is impacted by crime and can be adapted to address it.
- *By making corporate business part of the solution* – This Report has highlighted several ways that international business has exacerbated the plight of the African people, but the potential for partnership in this area is immense.

### **Knowledge as a first step**

This Report has emphasised that our information on crime in Africa is deficient. Africa apparently has one of the worst crime problems in the world, but we know the least about it. The UN has been involved in collecting policing statistics and doing victim surveys around the world. Unfortunately, the participation of African countries in supplying police figures has been uneven and inconsistent. In order to sort this out, crime figures must come to be regarded as development indicators, both by the international community and by African nations themselves.

There has already been some progress in this area. With regard to the international community, the United Nations Development Programme has recently started publishing the ICVS figures on victimisation in its annual Human Development Report, although these figures are revised far less regularly than the other development indicators featured. Similarly, the World Bank has started asking questions about the impact of crime in its investment climate surveys, which is encouraging but only concerns one aspect of crime and development. On the side of African nations, the *African Common Position on Crime Prevention and Criminal Justice*, released at the UN International Crime Congress in Bangkok in April 2005, called for the creation of an African Crime and Criminal Justice Information Network under the auspices of the African Union Commission. If this vision can be put into operation, it would represent a major step forward in international understanding of African crime issues.

If crime figures were to become regarded as an important indicator of development progress, more effort might be made to supply them by all concerned. When crime figures are part of the scorecard by which African governments measure themselves, this will help to ensure that commitment to the UN conventions goes beyond the legislative stage. In addition to raising awareness in African countries themselves, putting numbers to the problem would enhance donor interest. It is difficult to find funding for issues that cannot be quantified, which may be one reason crime in Africa has received so little attention to this point.

But information gathering cannot stop there. As was discussed above, the official crime figures are, universally, undercounts, and the extent to which this is true varies widely between countries and crime types. To get a sense of the real level of victimisation and the level of reporting to the authorities, some survey work needs to be done periodically in every African nation. Some countries have recently participated in national victim surveys, including Mozambique, Malawi, and South Africa, and many others have hosted ICVS and other surveys in major urban areas. This trend must be encouraged and supported. If nothing else, national statistical offices should be persuaded to include crime questions in whatever official polling exists.

Aside from raising awareness and measuring progress, crime data should be used to inform interventions. If the primary crime problems in an African country are domestic violence and livestock theft, it makes little sense to focus attention on financial crimes. On the other hand, research may indicate that un-recognised problems exist, or that they are connected in unrecognised ways. It is also important that information gathering, however modest its scope, be continual. Africa is a continent in flux, and new issues emerge all the time. Early intervention can prevent illicit practices from spreading, nip cycles of violence in the bud, and arrest the development of criminal markets.

### **Helping governments deliver security, efficiency and integrity**

Securing the rule of law means having the correct legislative framework for dealing with crime problems and then implementing this framework effectively. It also means helping ordinary people to realise that they too have a role to play in preventing crime, corruption and violence. The United Nations has long been involved in raising international awareness of, and consensus on, crime and corruption, perhaps most notably through its promotion of global conventions on these issues:

- There have been three major international drug control treaties since 1961. In addition to including general provisions on illicit trafficking and drug abuse, they seek to ensure the availability of narcotic drugs and psychotropic substances for medical and scientific purposes and to prevent their diversion into illicit channels.
- The Convention against Transnational organized Crime (2000) is a legally binding instrument committing State parties to taking a series of measures. These include the creation of domestic justice systems to combat the problem, and the adoption of new, sweeping frameworks for mutual legal assistance, extradition, law enforcement cooperation, technical assistance and training. It also includes specific protocols on trafficking in human beings, migrants and firearms.
- The adoption by the UN General Assembly of the UN Convention against Corruption (Resolution 58/4 of 31 October 2003) represented another major step to promote transparency and high standards, particularly in the public service. The chapter of the treaty dealing with the recovery of assets was specifically designed to address a problem faced by many African nations – recovering the money misappropriated by past dictators and hidden in bank accounts in developed countries.

As illustrated in Annex C, the ratification of these conventions by African countries is very good in many instances. Indeed, it was Zambia's recent ratification of the Firearms Control Protocol that allowed it to enter into force globally in April 2005. Thirty-three nations have ratified the Convention on Transnational Organised Crime, and significant numbers have ratified the Protocols on Human Trafficking (26), Human Smuggling (22) and Firearms (14). Thirteen have ratified the Convention against Corruption. Thus, there remain areas for improvement, and efforts should be renewed to bring every African nation on board with the full range of conventions and protocols.

In addition to participating in these accords, there have been many conventions passed, as well as other cooperative ventures, by African nations at the continental and sub-regional level:

- The Organization of African Unity (OAU) issued the African Charter on Human and Peoples' Rights (1981), which includes basic protections in terms of the criminal law; a Convention on Terrorism (1999); and the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (2000). The African Union (AU) has passed a Convention on Corruption (2003) and a Protocol on the OAU Convention on Terrorism (2004). The Declaration on Control of Illicit Drug Trafficking and Abuse in Africa was issued in December 2004 by the Heads of State and Government of the OAU/AU at their 38th Ordinary Assembly in Durban, South Africa. The African Peer Review Mechanism (APRM), an initiative of the New Partnership for African Development (NEPAD), has among its aims an assessment of corruption control mechanisms.
- The Economic Community of West African States (ECOWAS) is a dynamic organization that has played an active role in addressing violence in the region. It has passed a Convention on Extradition (1994), a Declaration and a Plan of Action on Trafficking in Persons (2001), and numerous instruments relating to small arms and collective security. West Africa is also the only region of the world to have voluntarily banned in the import of small arms. In connection with this moratorium and other matters, ECOWAS launched the

Programme for Coordination and Assistance for Security and Development in Africa (PCASED), which involves training for the police and military, enhanced border control, a regional firearms registry, and legislative reform. There are also plans, with UNODC support, to transform the Nigerian National Drug Law Enforcement Agency Academy into a regional drug training centre.

- The Southern African Development Community (SADC) has passed several crime-related protocols. In fact, of 21 protocols passed by the sub-regional organization, at least a half a dozen are crime related, including the Protocol on Combating Illicit Drugs (1996), the Protocol On Wildlife Conservation And Law Enforcement (1999), the Protocol on Legal Affairs (2000), the Protocol on Corruption (2001), the Protocol on the Control of Firearms, Ammunition and Other Related Materials (2001), the Protocol on Mutual Legal Assistance in Criminal Matters (2002), and the Protocol on Extradition (2002). A number of collective enforcement activities have been undertaken, including joint operations on stolen vehicles (Operations Voyager 4, Mangochi, and Atlantic), cannabis (Operation Matokwane), diamonds (Operation Stone), and small arms, notably the successful destruction of weapons in Mozambique, Operation Rachel. SADC also maintains a Drug Control Committee, and the Southern African Forum Against Corruption, founded in 1999, involves many of the countries of the sub-region.
- The Intergovernmental Authority on Development (IGAD) in Eastern Africa has held two conferences on terrorism, in 2003 and 2004, which is of particular concern for the sub-region. The International Conference on the Great Lakes Region issued the November 2004 Dar-Es-Salaam Declaration, which clearly places crime among broader human security issues and calls on the nations of the sub-region to cooperate in finding collective solutions.
- Most African nations are members of one of the regional police cooperation organizations, such as the Southern African Regional Police Chiefs Cooperation Organization (SARPCCO), the East African Police Chiefs Cooperation Organization (EAPCCO), the Comité des Chefs de Police de l'Afrique Centrale (CCPAC), and the West African Police Chiefs Cooperation Organization (WAPCCO). These organizations can take a leading role in promoting international standardisation and cooperation. For example, WAPCCO recently drafted a protocol for the region on terrorism and SARPCCO has established an Anti-Terrorism Early Warning Centre. Most African nations are also members of Interpol.
- There are three regional anti-money laundering groups that have been granted observer status to the Financial Action Task Force: the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMALG), the Intergovernmental Action Group against Money Laundering in West Africa (GIABA), and the Middle-East and North Africa Anti-Money Laundering Group (MENAFATF). There is also a fourth group attached to CEMAC (GABAC), but it has not yet been granted observer status.

Many of these international accords call upon signatory nations to pass relevant domestic legislation, and, in some instances, the quality and quantity of this work have been astounding. For example, South Africa has, since the coming of democracy in 1994, passed a series of innovative pieces of legislation and policy, including the 1994 Green Paper on Safety and Security, the 1995 Police Act, the 1996 National Crime Prevention Strategy, the 1996 Proceeds of Crime Act, the 1997 Criminal Procedure Second Amendment Act (which tightened bail), the 1998 National Prosecuting Authority Act, the 1998 White Paper on Safety and Security, the 1998 Prevention of organized Crime Act, the 1998 Judicial Matters Second Amendment Act (which modified the standards on use of force), the 1998 South African Police Service Second Amendment Act (creating the municipal police), the 1998 Magistrates Court Amendment Act, the 1998 Domestic Violence Act, the 2000 Firearms Control Act, and the 2000 (unpublished) National Crime Combating Strategy. And while the causes of crime trends are complex, there is no denying that, 10 years after the establishment of democracy, all indicators suggest that crime in South Africa is stabilising, if not declining.<sup>318</sup>

South Africa is not unique in this regard. Criminal justice reform has been an issue for nearly every state that has battled for democracy. Nearly all have had to update legal norms in keeping with current global and African consensus on human rights. The governments of Ethiopia and Kenya, for example, are undergoing comprehensive legal reforms. Many African nations have passed legislation and created national bodies on corruption, Financial Intelligence Units or other anti-money laundering structures, as well as inter-ministerial committees on drugs.

These initiatives in Africa, many undertaken before the relevant international agreements were signed, demonstrate the commitment of African leaders to overcoming crime in their countries, regions, and across the continent. But cooperation agreements and aggressive legislation are more than just paper commitments. Many African nations have been active in applying the work of lawmakers to concrete operations.

For example, the Nigerian Drug Law Enforcement Agency (NDLEA) has taken a leadership role in West African Joint Operations (WAJO) such as Operation Zebra and Operation Tiger, aimed at regional drug trafficking. Cooperative police efforts with Benin have resulted in the arrests of cross-border bandits, such as the notorious Tidjani Hammani. The Independent Corrupt Practices Commission (ICPC), the Code of Conduct Bureau, the Economic and Financial Crimes Commission (EFCC), the Financial Intelligence Unit and a new Cyber-Crime EFCC all work on aspects of Nigeria's corruption and fraud situation, and there has been much legislative reform aimed at corruption and money laundering. The results of these efforts have received much international media attention of late. The National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) was launched in 2003, following the passage of specialised legislation in that area. Nigeria has also been involved with international agencies in programmes aimed at strengthening the criminal justice system.

But efforts in many areas, both in Nigeria and in the rest of Africa, are being hampered by basic resource and capacity shortages. The United Nations and the donor community can assist African countries in enforcing the international norms by building capacity in local criminal justice and law enforcement through training, technical assistance, and support to national governments and sub-regional organizations. For example, Egypt is working on creating a "justice academy" for the training of judges and prosecutors, and a computerised communications network for connecting the country's courts, both of which should assist in making the country's courts more efficient and effective. It is of paramount importance that corruption in the police and courts be addressed as a matter of priority. A criminal justice system that is ridden by corruption is almost as bad as no criminal justice system at all.

This support is not simply a matter of ensuring that African nations become more proficient at apprehending and incarcerating criminals, as important as that might be. It is also required to ensure that they have the capacity to adhere to basic standards of due process and human rights. Most African nations cannot afford to provide a defence for indigent defendants or assistance to others in need of legal information, for example, and a number of African nations have taken measures to address this deficiency. In 2004, the Government of Sierra Leone initiated a paralegal system to help bridge the gap between the formal and informal legal systems, to protect human and constitutional rights, and to address the low levels of access to justice that have prevailed since the civil war ended, due to incapacitation of the judiciary and a paucity of lawyers. Use of paralegals to extend legal services was also initiated in Burkina Faso (drawing on the experiences of Malawi and Kenya) in 2003.

Similarly, humane prison conditions can be difficult to attain in countries where living standards are also very low for the law-abiding population. Cameroon has undertaken a major reform of the correctional service, drawing on the example of the Canadian system, as has São Tomé and Príncipe, where pre-trial prisoners are no longer held together with convicted prisoners. In the Gambia, the government has been focusing, since the Spring of 2004, on a wide range of corrections issues, including: improving prison conditions and treatment of prisoners, ensuring good prison management and self sustainability of the prison services; reducing the use of imprisonment, including introducing alternative sanctions to imprisonment, such as African

model of community service; reducing remand prison population; and improving juvenile justice. Egypt is working on strengthening diversion options and restorative justice programmes as alternatives to incarceration.

Donor commitment is needed to help African nations attain the capacity to adhere to international standards, for the benefit of both the African people and the people of rest of the world. The British Commission for Africa points out, “support for conflict management and the reform of the security and justice sectors (including policing) is not generally been given, despite evidence that security is essential to development.”<sup>319</sup> Clearly, this has to change.

It is also important to assure that donor aid does not become part of the problem, however. This Report has underscored the role of corruption in derailing African development, and aid can actually feed corruption if measures are not taken to prevent this happening. Anti-corruption provisions should be built into all development projects. Development funds are public goods, and they must not be used to improve the lives of a select few.

### ***Breaking the crime/conflict continuum***

Since conflict is clearly interfering with development in Africa, considerable resources need to be dedicated to violence prevention systems in the future. But this reasoning applies equally well whether the violence is purported to be political or criminal in nature. This Report has asserted that crime and conflict exist along a continuum today, and thus need to be treated as two aspects of the same phenomenon. The violence, whatever its justification, must end, and approaches to peacekeeping must be based on alleviating the social tensions that lead to both rebellion and crime. Many of the associates of crime are also associated with insurrection – social inequalities and injustice, widespread youth unemployment and alienation, unmanaged urban or rural spaces, displaced populations, proliferation of firearms, vigilantism. Thus, the two issues need to be considered together, and crime prevention made part of programmes aimed at conflict more generally. For a start, crime levels should be seen as indicators of instability, and thus built into conflict early warning systems.

It is also true that, in the post-Cold War world, rebels and terrorists are increasingly relying on crime to raise funds. They interact with organized crime to acquire weapons, sell contraband, and launder money, among other things. Africa is vulnerable to insurgency, terrorism, and organized crime because the risks of detection and the barriers to cross-border movement are limited. Strong law enforcement in Africa can prevent future conflict on the continent and elsewhere by undercutting funding sources and eliminating havens for all manner of violent men.

Furthermore, one of the primary causes of insurrection is the perception that the state is not serving the people. Preventing official corruption can improve the public image of the government and thus reduce incentives for rebellion. It can also reduce incentives to escape into the informal, and thereby possibly the illegal, economy.

In addition to integrating prevention efforts, awareness also needs to be raised as to the likelihood of criminal violence and commerce in post-conflict transitions. Crime prevention needs to be built into reconstruction planning, including anti-corruption provisions in associated aid programmes. The processes of re-settling populations, disarmament, and demobilising official and insurgent armies have profound implications for crime prevention. Crime specialists have learned through experience how issues of housing, human movement, and access to resources can fuel social tensions, and this knowledge needs to be applied to the process of building peace.

The links between terrorism and organized crime are becoming increasingly clear, and interventions aimed at addressing the former should take into account the latter. Algeria has played a leading role in anti-terror work internationally, and should be supported in expanding its knowledge base to include tracking of trans-national organized crime on the continent. But



strengthening governance and rule of law in Africa would, in itself, represent a major step towards eliminating global terrorism.

Countries that are recovering from war need to be assisted in the transition to democratic policing. In times of conflict, the police and other official armed forces may come to be regarded as the enemy of the people, and steps need to be taken to repair this relationship after the cessation of hostilities. Security forces too need to be trained in their new role as public servants. New skills are required for the police to remain effective while maintaining respect for human rights. Increasingly, the roles of peacekeepers and civilian police are becoming intertwined, and this opens up opportunities for joint training and operations.

### ***From crime suppression to prevention***

Preventing crime is ultimately about changing social relationships. There is no substitute for promoting greater equality and inclusiveness in this regard, but some shorter-term interventions can help reduce friction and promote social healing. Even in areas where war is not an issue, crime prevention thinking is relevant in virtually every aspect of grassroots development:

- ***Housing and urban planning***: Public housing projects are often high crime areas in many parts of the world. Urban planners need to mediate the effects of rapid urbanisation, to avoid overcrowding, and to promote stability in order to foster a sense of community.
- ***Public works***: Internationally, public works, defence procurement, and any other area where large discretionary contracts are awarded, are known to be sources of corruption, and measures should be taken to ensure that transparency and fairness prevail.
- ***Health***: Competition for health funds is stiff in Africa, but addressing the needs of crime victims can greatly reduce the consequences of victimisation. This is particularly true for women survivors of domestic violence and rape, especially because of the HIV risks.
- ***Education***: Since a good share of the perpetrators of crime are of school age, keeping them enrolled in meaningful programmes that build self-worth and a sense of hope is essential. Education on civic rights and procedures can help young citizens to interact with the state when crime matters arise, and build trust in the criminal justice system.

A key area of crime prevention is victim support. Donors can also assist with programmes aimed at empowering victims, such as the drop-in centres provided by the government of Mauritius for exploited children, or the residential demobilisation centres in Rwanda for child soldiers from the Democratic Republic of the Congo. Many African nations would like to provide services to victims, especially the most vulnerable, but lack the capacity to do so on their own. Partnerships with international NGOs experienced in victim support could provide crime prevention and amelioration with almost instantaneous tangible results. These services serve the additional purpose of providing information on hidden crime problems, such as human trafficking.

In the area of drugs, crime prevention encompasses a range of interventions aimed at both supply and demand. Since cannabis remains the major drug of concern for Africa and since Africa is a major producer of the drug for both internal consumption and export, efforts should be made to assist the continent in coming to terms with this substance. Surveys of cultivation areas have been completed by some African countries, but for the most part very little is known about the size of the problem. Tackling this issue will require a multi-pronged approach, with assistance to African agencies in charge of law enforcement, health, communication, and the promotion of sustainable alternate livelihoods.

### ***Making corporate business part of the solution***

This report has suggested some of the reasons why foreign direct investment is critical to Africa's development, but it has also highlighted several ways international business has

contributed to Africa's crime problem, from funding resource wars to fuelling corruption. It is essential that the relationship between African states and international business be repaired and that partnerships are formed to ensure that Africa is seen as a safe and profitable place to invest human and material resources.

Business leaders who have the vision to see the tremendous potential of a stable and prosperous Africa, and to take action to ensure this vision becomes a reality, will gain greatly in the future. Contribution to crime prevention should not be seen as a kind of charity, but as an essential component of nurturing investment in an environment where returns can be substantial. And social investment in African can win firms a privileged position in accessing a large and growing consumer market. In the end, it may prove more cost-effective to contribute to securing the society as a whole than to attempt to build a citadel around plants and personnel.

It is essential that foreign businesses operating in Africa adhere to the same standards of conduct in their dealings on the continent that they would in their home countries. Africans require the same levels of environmental protection and occupational safety as do the peoples of the rest of the world. In the past, foreign banks have allowed African kleptocrats to stash vast sums of embezzled public assets at a great cost to the people of their countries. It is the responsibility of financial institutions in the developed world to apply the same scrutiny to funds coming from Africa that they would to those coming from other sources, and to prevent corrupt officials from using them to launder the proceeds of their crimes. Those illicit monies that have been sheltered in the past should be repatriated with due haste. The UNODC recently launched an Asset Recovery Initiative, offering technical assistance to the governments of Nigeria and Kenya in recovering misappropriated monies. Nations like Zambia are also chasing down funds allegedly embezzled by past leaders. African governments should also be assisted in prosecuting the multinational companies involved in local corruption, as the government of Lesotho did so effectively in the Highlands Water case.

As noted above, many African nations have taken aggressive action against corruption, and corruption programmes like that of Botswana are internationally celebrated. A number of African nations, such as Mozambique, are partners with donors in their anti-corruption efforts. But, arguably, the greatest assistance the developed world can give in reducing African corruption is simply to stop participating in it. To achieve this, business should commit to transparency in its dealings in Africa. For example, the Extractive Industries Transparency Initiative (EITI), conceived by the UK government, is intended to help to establish standards for greater openness in resource exploitation. Multinational companies should be required to pay just revenues to governments, and not just to government officials, in return for access to a country's natural resources. Looking beyond the corporate world, a similar tack must also be applied to other areas where demand for criminal commodities from outside the continent is fuelling crime in Africa, such as the markets for human beings and wildlife parts.

## CONCLUSION

Nobel-laureate economist Amartya Sen opens his book *Development as Freedom* with the oft-paraphrased declaration, “Development [is] a process of expanding the real freedoms people enjoy.” Development is not just about resolving economic deprivation, Sen argues. It is about removing a range of “unfreedoms” that impinge on quality and quantity of life. While raw poverty is a major source of unfreedom, it is intertwined with other social issues equally significant in limiting the freedom of poor people. In discussing examples, Sen specifically mentions conditions surrounding “law and order, the prevalence of violence, and so on” as forms of unfreedom.<sup>320</sup>

Here Sen has touched on an idea that is often under-appreciated by development experts: that freedom from crime and violence are key components of development. Freedom from fear is as important of freedom from want. It is impossible to truly enjoy one of these rights without the other.

Furthermore, the two rights are mutually contingent. While it is well documented that poverty and criminal victimisation are often associated, development experts often fail to recognise the way they reinforce one another. Crime may pose a significant impediment to economic and social development, and may need to be addressed before progress can be made.

This Report was written to raise awareness and stimulate discussion. If it has served its purpose, it will help to gather momentum towards tackling Africa’s crime problem and thus promoting development. It thus represents not the end of a process, but a beginning. African nations, development professionals, aid agencies, and business need to engage in an ongoing dialogue around the ways crime may be impacting progress in Africa. In the end, creating crime awareness in development planning is primarily about shifting mindsets. It is a matter of breaking through the artificial barriers that conceptually separate economic development from other aspects of life. By recognising that freedom from crime is important, and that crime is a contributing factor to poverty, a whole cluster of mutually reinforcing “unfreedoms” can be addressed at once.

Recent international events have demonstrated that no part of the world is safe if any part of the world is neglected. Cooperation in developing Africa is thus in our collective self-interest. We are fortunate to live in an age where what is morally right is also practically expedient. Ultimately, the security and prosperity of the world is contingent on Africa becoming a safer place.

## **ANNEX A: AFRICAN COMMON POSITION ON CRIME PREVENTION AND CRIMINAL JUSTICE**

(The original formatting has been adjusted and annexes removed to conserve space.)

### **I. INTRODUCTION**

Crime has been identified as one of the major obstacles to development. Imbalanced or inadequately planned development contributes to criminality and thereby constitutes a threat to good quality of life, security of life and property, democracy, good governance, the rule of law and the free exercise of human rights. The United Nations General Assembly has decided that the Substantive agenda items and the Workshop themes for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice be focused upon by the Heads of State or Government or Government Ministers at the High-level Segment to be held during the last three days of the Congress, at which a Single Declaration containing recommendations derived from the deliberations at that Segment, the Round Tables and the Workshops should be adopted and submitted to the United Nations Commission on Crime Prevention and Criminal Justice.

The African Regional Preparatory Meeting for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Addis Ababa, 1-3 March 2004, considered the Substantive agenda items and the Workshop themes. It was recommended that, bearing in mind that effective crime prevention strategies depended on the establishment and promotion of crime prevention and criminal justice projects, through various means, including by raising public awareness, both States and regional bodies should engage in efforts designed to improve public awareness about the dangers of organized crime, including trafficking in persons and firearms, smuggling of migrants, terrorism, drug trafficking, theft of cultural property, economic and financial crimes, money-laundering, computer-related crime, as well as the disruptive effect of retributive justice, in contrast to restorative justice, which emphasizes restoration of social cohesion through mediation and reconciliation of the parties. The meeting also recommended the adoption of the Charter of Fundamental Rights of Prisoners. It also exhorted Member States, who have not done so, to accede to the various Conventions and Protocols, both international and regional.

The African Regional Preparatory Meeting and the Auxiliary Seminar on the Implementation of the United Nations Convention on Transnational organized Crime (the organized Crime Convention) and its three Protocols on Trafficking in Persons, Smuggling of Migrants and Trafficking in Firearms, also held in Addis Ababa, 4-5 March 2004, decided that Africa should prepare a Common Position on each of the Substantive items and Workshop themes. It requested “the African Union to identify and coordinate issues pertinent to Africa and lead with an African Common Position on Crime Prevention and Criminal Justice, and present them to the Eleventh Congress on Crime Prevention and Criminal Justice, holding in Bangkok, Thailand, in April 2005.”

After the adoption of the Common Position by the Second African Union Ministerial Conference on Drug Control in Africa, it would be submitted for the consideration, respectively, of the Sixth Ordinary Session of the Executive Council and the Fourth Ordinary Session of the Assembly, to be held in January 2005. The Common Position would thereafter be utilized by African delegates as guidelines for their contributions to the deliberations and decisions at the Eleventh United Nations Congress, bearing in mind African realities and interests in the field of crime prevention and criminal justice.

## **II. PREAMBLE**

We, the Ministers responsible for Drug Control and Crime Prevention in Africa, meeting at the Second African Union Ministerial Conference on Drug Control in Mauritius, 14-17 December 2004:

1. Deeply concerned that crime and armed conflicts generally constitute major obstacles to development, good quality of life, security of life and property, as well as democracy, proper management of public affairs, the rule of law and full enjoyment of human rights;
2. Aware that poverty is one of the core causes of crime, and that it is widespread in Africa with consequential impact on development and the empowerment of groups, families and individuals in the countries of the Member States of the African Union;
3. Recognizing that transnational organized crime, including drug trafficking, human and firearms trafficking, and smuggling of migrants, terrorism, corruption, economic and financial crimes, including money-laundering, and cyber crime, severely hamper sustainable socio-economic developments, perpetuate inequity, lowers productivity, reduces efficiency and effectiveness, and undermines the integrity of the social, economic, cultural and political order;
4. Concerned about the negative effects of corruption and punitive effects on the political, economic, social and cultural stability of African States, its undermining of accountability and transparency in the management of public affairs and its devastating effects on the economic and social development of the African peoples;
5. Inspired by the various African Union and United Nations Conventions and Protocols (listed in Annex A) and Codes of Conduct, Declarations, Decisions, Recommendations, Plans of Action, Programmes of Action, Standard Minimum Rules, Principles, Guidelines, Safeguards, Procedures, Model Agreements and Regimes (listed in Annex B) in the field of crime prevention and criminal justice, have deliberated extensively on the issues and problems concerning crime prevention and criminal justice, in order to overcome the negative impact and deleterious effect of crime in our various communities;
6. Taking Note of the General Assembly resolution 56/119 of 19 December 2001, which, in its paragraph 2(h) and (i), enjoined each of the United Nations Congresses on Crime Prevention and Criminal Justice to adopt a Single Declaration containing recommendations derived from the deliberations of the High-level Segment, the Round Tables and the Workshops, to be submitted to the Commission on Crime Prevention and Criminal Justice, acting as the preparatory body of the Congresses, for its consideration;
7. Welcoming the Contribution of the African Regional Preparatory Meeting for the Eleventh Congress on Crime Prevention and Criminal Justice, held in Addis Ababa, 1-3 March 2004, and its request that the African Union identify and coordinate issues pertinent to Africa;
8. Underscoring the importance of enhancing the capacity of Member States in the field of crime prevention and criminal justice, and of strengthening international cooperation;
9. Desirous of adopting an African Common Position on Crime Prevention and Criminal Justice;

**We therefore commit ourselves individually and collectively to take the following steps:**

### **III. PRIORITY POLICY OPTIONS**

#### **A. NATIONAL SOCIO-ECONOMIC DEVELOPMENT**

10. Plan and design national crime prevention and criminal justice policies within the overall socio-economic policy and legislative context.
11. Call upon Member States to take preventive, protective and rehabilitative measures, through enforcement of compulsory education and provision of vocational training for the youth, monitor and bring abuses to light, carry out situation analysis at various levels, and raise awareness through public education activities and the mass media, including the incorporation of the appropriate educational modules into the school curricula at the primary, secondary and tertiary levels, and build coalitions with the civil society;
12. Pursue policies of economic growth to create employment, alleviate poverty and ensure better and equitable income distribution, in order to ensure access by the most vulnerable groups, particularly women and children, to productive assets, including land, credit, technology and information. The resultant programme can be prosecuted in a partnership between government, the private sector, the citizens and the international community, particularly targeting accelerated growth of agriculture and food production, and also complementing these with health services and transportation systems at affordable rates. Particular attention should be paid to strengthening family economic empowerment programmes and social safety nets for the most disadvantaged families and vulnerable groups, including women, children and youth, prone to crime commission and recruitment into criminal syndicates;
13. Ensure effective capacity-building for the national law enforcement, prosecutorial, judicial and custodial components of the criminal justice systems, to play a key role in the formulation of national policies on crime prevention and criminal justice, on the one hand, and poverty alleviation, on the other;
14. Ensure that custodial authorities adopt necessary measures to prevent HIV/AIDS, blood-borne, and other communicable diseases, and that inmates affected by these diseases are given appropriate treatment;
15. Address and prevent abusive treatment and corruption on the part of public services and mobilise the vulnerable and disadvantaged groups in the fight against abusive treatment and corruption;
16. Call upon the World Bank, International Monetary Fund (IMF), United Nations Development Programme (UNDP), United Nations Commissions on Narcotic Drugs (UNCND) and Crime Prevention and Criminal Justice and (UNCCPCJ) and United Nations Office on Drugs and Crime (UNODC) to look into the question of international resources and the social impact of Structural Adjustment Programmes (SAP) on the citizens of Member States, with a view of ameliorating the adverse impact of these programmes on the poor, with its resultant crime-producing tendency;

#### **B. BROAD SOCIAL PROGRAMMES TO PREVENT AND COMBAT DRUG AND CRIME**

17. Collect, collate, analyse and disseminate information about the hazards and consequences of drugs, crime and criminality on citizens, their families and societies, including the severe cost of drug abuse and crime on sustainable development;
18. Advocate for the protection of women, children and youths in particular, and the combating and elimination of trafficking in persons and the recruitment of children and youths into

- criminal syndicates, by giving the family a more important role in combating crime and drugs, with due regard to creed, religious and cultural values;
19. Ensure access by women, children and youths to information about their rights, and warnings about the modus operandi of human traffickers, including traffickers in human organs, and recruitment syndicates into crime, prostitution and pornography;
  20. Adopt effective measures to prevent child labour, in conformity with the relevant international and national labour laws;
  21. Involve relevant government units, citizens, societal organizations, NGOs, professional associations and trade unions to participate fully in the process of developing national policies and programmes to combat drug, crime and criminality;
  22. Promote representative government, proper management of public affairs and public property, transparency and accountability to the public interest, and supportive of national and local/grassroots social and economic development with a clear rejection of the phenomenon of impunity;
  23. Support micro-credit, marketing and investment schemes to assist the poor and the disadvantaged including victims of human trafficking and organized crime, in the areas of agriculture, food production and other small scale enterprises, which will be designed to assist them in becoming respectable self-employed individuals, who will contribute to national development;
  24. Develop programmes aimed at addressing the needs of communities emerging from conflicts, with a view to alleviating the consequential scourge of crime and drugs;
  25. Support efforts to draft and finalize as appropriate:
    - a) the United Nations Convention against Theft of and Trafficking in Cultural Property,
    - b) the United Nations Convention against Cyber Crime,
    - c) the United Nations Code of Conduct against Terrorism, and
    - d) Draft Comprehensive Convention Against Terrorism in all its ramifications.
  26. Address the root causes of terrorism, including the factors which motivate individuals and groups to commit terrorist acts. Such knowledge should be used to generate public awareness about the problems, root causes and effect of terrorism on the society and the process of development, as well as enhance the capacity of law enforcement, criminal justice, social services and other relevant officials to develop appropriate strategies for eliminating the root causes of terrorism and its motivation, and for eliminating terrorism itself from the society;
  27. Call upon Member States to mobilize their national resources, including governmental, other institutional, private sector, civil society and citizens to enhance the capacities of Member States in the field of crime prevention, law enforcement, prosecutorial, judicial and custodial functions, through training, reform and reorganization, information/intelligence gathering, research, collation and analysis, and dissemination of information in crime prevention and criminal justice;
  28. Promote respect for human and peoples' rights, in accordance with the provisions of the African Charter on Human and Peoples' Rights, and other relevant regional, continental as well as international instruments, including international humanitarian law. and to promote the provision of legal aid to citizens, to enable them effectively enforce their rights in criminal justice administration;
  29. Ensure Declaration of Assets by elected and/or appointed public officials, through the adoption of Codes of Conduct, and allow the general public to have access to such Assets Declarations;

30. Adopt necessary measures to promote integrity, transparency and accountability in the Public and Private Sectors.
31. Promote institutional collaboration among agencies fighting against organized crime, drug, terrorism, corruption and fraud at the national, bilateral, regional, continental and international levels, in order, inter alia, to enhance information exchange and share best practices;
32. Call upon Member States to incorporate treatment sentencing within their criminal justice systems, with due regard to their national legislations.

### **C. LEGAL FRAMEWORKS AND IMPLEMENTATION**

33. Sign, ratify and adopt as appropriate, the sub-regional, regional and international instruments in the field of crime prevention and criminal justice listed in Annex A, and such Codes of Conduct, Declarations, Decisions, Recommendations, Plans of Action, Programmes of Action, Standard Minimum Rules, Principles, Guidelines, Safeguards, Procedures, Model Agreements and Regimes, in the field of crime prevention and criminal justice, listed in Annex B. Member States should give priority attention to their full implementation.
34. Participate in the preparation and timely completion of new bilateral, regional, continental and international arrangements for effectively combating crime and improving criminal justice, particularly those relating to terrorism, money-laundering, cyber crime, and theft and trafficking in cultural property, whilst pursuing the speedy accession to existing Conventions and Protocols and their effective implementation;
35. Enact and harmonize national legislations and formulate policies on effective measures to combat crime and criminality.
36. Formulate time-bound, measurable programmes of action and targets, in order to-
  - a) reduce the incidents and impact of *organized* crime, drug abuse and trafficking, trafficking in persons and firearms, smuggling of migrants, terrorism, corruption, economic and financial crimes, money-laundering, urban crime and risks to youth, and develop and strengthen international cooperation in law enforcement, including mutual legal assistance and extradition measures, within the context of respect for human rights;
  - b) reform the criminal justice system, including the introduction or enhancement of restorative justice, as appropriate;
  - c) monitor and evaluate ongoing programmes periodically, and use the results of the evaluation to replicate and adapt best practices;
37. Strengthen capacities at national and regional levels for addressing the problems of crime prevention and criminal justice in the context of the African economic, social, cultural and political development, through research and analysis of problems leading to increase in the number of incidents of crime, with a view to establishing appropriate strategies and mechanisms for solving those problems;

### **D. REGIONAL AND INTERNATIONAL COORDINATION AND COOPERATION**

38. Call upon Member States and the international community to increase their financial and technical assistance to the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI), in order to enhance its capacity to provide the required technical services to Member States of the African Union, and to promote and coordinate regional technical activities related to crime prevention and criminal justice systems in Africa;



39. Strengthen cooperation and partnerships among Member States and the AU Commission, relevant UN Agencies, and African and other international partners, in order to effectively combat transnational organized crime, including drug trafficking, trafficking in persons and firearms, smuggling of migrants, terrorism, corruption, economic and financial crime, money-laundering and cyber crime, promote crime prevention and enhance criminal justice reform, including restorative justice;
40. Encourage closer link between the Commission of the African Union and the United Nations Commission on Crime Prevention and Criminal Justice in the field of crime prevention and criminal justice;
41. Establish inter-ministerial mechanisms at sub-regional and regional levels to monitor the incidents of crime, collect and analyse data, and coordinate efforts to prevent and combat them;
42. Stress the imperative need to implement the African Union Plan of Action on the Prevention and Combating of Terrorism; and in this regard, welcome the establishment and launching of the African Centre for the Study and Research on Terrorism, in Algiers, Algeria, as a novel achievement in Africa's collective efforts to outlaw and eradicate the scourge of terrorism from the Continent;
43. Urge all Member States of the Union to extend full cooperation and support to the Centre as well as take active part in their activities, and further urge those that have not yet done so to establish, as soon as possible, National Focal Points to liaise with the Centre;
44. Appeal to Africa's Partners, including international organizations, agencies, institutions and similar Centres around the world to provide support to the Centre and establish networks for information sharing, training, research, investigative and joint activities;
45. Establish the African Regional Centre for the Prevention and Eradication of Illicit Firearms Trafficking (the Regional Firearms Centre) to serve as a regional focal centre for effective promotion of cooperation, collaboration and coordination in this area, as well as facilitate the collection and exchange of information, and harmonization of the relevant legislation;
46. Establish urgently the Advisory Board on Corruption which shall collect and document information on the nature and scope of corruption and related offences in Africa, develop methodologies for analysing the nature and extent of corruption in Africa, and disseminate information and sensitize the public on the negative effects of corruption and related offences, and advise governments on how to deal with the scourge of corruption and related offences in their domestic jurisdictions, among other functions;
47. Create an African Crime and Criminal Justice Information Network, under the auspices of the African Union Commission, as the core of Pan-African crime prevention and criminal justice activities and programmes;
48. Urge Member States to intensify efforts to accelerate the establishment of these two Centres and Network and mobilize, with necessary contribution from their private sectors, the necessary financial and other assistance, to enable the Centres and the Network function effectively and efficiently. To this end, call upon Africa's Partners, including international organizations, agencies, institutions and similar Centres and Networks around the world, to provide support to these Centres and Network, and establish networks for information sharing, training, research, investigation and joint activities;
49. Mobilise funding for specific crime and criminal justice related Pan African projects. To this end, the African Region should additionally recommend the repatriation of all monies unlawfully removed from the economies of their Member States to the countries of origin, to enable Member States of the African Union cope better in their fight against such sophisticated crimes as transnational organized crime, drug trafficking and trafficking in

persons and firearms, smuggling of migrants, terrorism, corruption, money-laundering, economic and financial crimes and cyber crimes;

50. Utilize the available expert resources of United Nations Office on Drugs and Crime (UNODC), United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) and United Nations Interregional Crime and Justice Research Institute (UNICRI), International Organization for Migration (IOM) and International Criminal Police Organization (ICPO-INTERPOL) in the various capacity building and research projects/programmes outlined above. To this end, international technical assistance, on bilateral and multilateral bases, should be provided for African countries to enhance their capacities for ratifying and implementing the OAU/AU Conventions and Protocols on Corruption and Terrorism, and the United Nations organized Crime Convention and its Protocols, as well as the adoption and implementation, at the international level, of other arrangements on corruption, economic and financial crimes, including money-laundering, cyber crime and theft of and trafficking in cultural property;

#### **IV. ADOPTION OF COMMON POSITION**

Member States are invited to adopt the Common Position as contained under the Priority Policy Options and to ensure that the steps outlined thereunder are not only implemented at the national level, but will also be used as guidelines for African delegates at the forthcoming Eleventh United Nations Congress on Crime Prevention and Criminal Justice, holding in Bangkok, Thailand, 18-25 April 2005. The Common Position is therefore expected to facilitate the adoption of a meaningful Congress Declaration, which will take account of Africa's realities and interests, and which will go a long way to intensify efforts towards combating and controlling transnational organized crime, drug trafficking, trafficking in persons and firearms, smuggling of migrants, terrorism, corruption, economic and financial crimes, money-laundering and computer-related crime, as well as enhancing criminal justice reforms, including restorative justice.

## **ANNEX B: DECLARATION ON CONTROL OF ILLICIT DRUG TRAFFICKING AND ABUSE IN AFRICA (2002-2006)**

(The original formatting has been adjusted and annexes removed to conserve space.)

We, the Heads of State and Government of the OAU/AU meeting in our 38th Ordinary Assembly in Durban, South Africa, have undertaken a comprehensive review of the implementation of our Declaration and Plan of Action No AHG/Decl. 2(XXXII) adopted in July 1996 in Yaounde, Cameroon on Control of Drug Abuse and Illicit Drug Trafficking in Africa.

We note with serious concern that despite actions taken by our countries, individually and collectively, regarding drug control in Africa, there is a rapid progression of drug abuse in particular among children, young adults and women; and to areas previously unaffected on our continent. We are equally concerned about the increasing variety of abused drugs and the escalation of illicit trafficking in narcotic drugs, psychotropic substances and chemical precursors.

New trends have started to have devastating impacts on our countries and peoples and ultimately on the efforts of African Governments to build democratic societies, to achieve sustainable economic development and to ensure security for our people. These are compounded by the escalation of the combined effects of drug abuse including Injecting Drug Use and HIV/AIDS; drugs and organized crime, money laundering, conflicts, internally displaced people, unemployment, gender insensitivity and street-children. The inadequacy or lack of facilities for the treatment, rehabilitation and reintegration of victims of drugs is also becoming increasingly evident. Consequently, we support the formulation and implementation of joint drug and AIDS control projects in our countries.

We welcome measures, which have been taken at the national, regional and continental levels to curb drug abuse and illicit trafficking and associated problems, and call on African governments, civil societies NGOs and the organized private sector to intensify their efforts in this regard.

We reaffirm our commitment to the measures identified in the 1996 Declaration and Plan of Action on the Control of Drug Abuse and Illicit Drug Trafficking, taking into account emerging associated problems. In this context, we commit ourselves and our countries to ensure an integrated and balanced approach to drug control and to mobilize adequate human material and financial resources, including from the organized private sector, in order to address the problem effectively including the provision of safe working environment, and in a timely manner.

We call on all our development partners, all the relevant UN agencies, and in particular UNDCP, to assist African Countries by providing adequate technical and financial support.

With the view to giving effect to this Declaration and ensuring that the problems of drug abuse and illicit trafficking are effectively addressed through a comprehensive plan, we adopt the following revised Plan of Action on the Control of Drug Abuse and Drug Trafficking in Africa. In so doing, we will accord priority to institution building and policy development, information, research and networking, legal system and implementation law including national and regional law enforcement and control capacities and measures, reduction in demand for drugs, and promotion of international co-operation.

We are convinced that the implementation of the revised Plan of Action can make a significant contribution to poverty eradication and as such we will situate the Plan within the overall framework of NEPAD, as our integral programme of the African Union.

## **PLAN OF ACTION FOR DRUG CONTROL IN AFRICA: 2002-2006**

### **Broad Objectives of the old Plan of Action: 1997-2001**

The broad objectives of the Plan of Action, adopted in 1996 were:

- a) Assessing the drug problem in its two aspects of supply and demand of illicit drugs as well as ensuring the capacity of countries to address the problem;
- b) Integrating drug demand reduction programmes into the national health and social policy and providing, where not available, infrastructures for treatment of drug addicts and their social integration;
- c) Evaluating periodically the programmes that were being implemented;
- d) Ensuring coherence of action in drug control at national, regional and continental levels;
- e) Setting up appropriate institutions to address illicit drug trafficking and demand in a balanced, integrated and timely manner;
- f) Developing human resources and mobilizing resources at national, regional, continental and international levels for carrying out the actions identified
- g) Mobilizing the community and non-governmental organizations in eradicating drug abuse and illicit trafficking in Africa; and
- h) Adopting African and International Drug Conventions and legal instruments to deal with the problem;
- i) Fostering cooperation among countries sharing the same problems, preferably in the same region.
- j) The Assembly of Heads of State and Government in Yaounde, Cameroon in 1996 committed itself to:

The active integration of drug control into national policies by allocating adequate resources for drug control activities;

- a) Ensuring that mechanisms for the collection and analysis of data on the drug problem are introduced to improve formulation of policies;
- b) Institutional building;
- c) Human resources development;
- d) Suppression of illicit drug traffic;
- e) Reducing illicit demand for drugs;
- f) Community mobilization, and
- g) International cooperation.

### **Rationale for the Review of the 1996 – 2001 Plan of Action**

Since the adoption of the *Declaration and Plan of Action on Drug Abuse and Illicit Trafficking Control in Africa* in 1996, efforts were deployed for its effective implementation. The overall implementation was impeded by the following constraints:

- a) Political instability in some countries and regions;
- b) Challenge of limited resources in the context of competing needs or demands regardless of the political will;
- c) Absence of effective follow-up, monitoring and mobilization mechanisms;

- d) Inadequate institutional capacity at the OAU for drug control.

Despite these constraints, some successes were recorded in the areas of:

- a) Raising the profile of drug control in the continent;
- b) Support of the capacity of OAU Secretariat to address drug control by the establishment of the Drug Control Focal Point (DCFP);
- c) Developing and implementing of national and regional drug control strategies;
- d) Improving the research capability and institutional data collection mechanisms in many countries;
- e) Capacity building at the national and regional levels in the areas of coordination, law enforcement, legislation, judicial training and demand reduction;
- f) Development of data base of African Experts on Drug Control as well as African NGOs active in Demand Reduction activities.

The drug problem in Africa is further exacerbated by the salient of emerging issues such as:

- a) HIV/AIDS, increasing injecting drug use (IDUs), growing variety of drugs of abuse – including local plants, solvents and other substances;
- b) Poverty
- c) Gender inequality,
- d) Conflicts, human displacement, refugees and voluntary migration;
- e) Street children;
- f) Trafficking in humans, especially women and child for labour and sexual exploitation;
- g) Organized crime and increasing sophistication of organized African criminal syndicates with international ramifications coupled with terrorism.

Since the adoption of the Declaration and Plan of Action in 1996, new policies and strategies of addressing the problems of drug abuse, illicit trafficking and associated crimes have emerged, including the SADC regional drug control programme, the ECOWAS regional drug control programme and the UNDCP Drug Control Strategy for Africa. Other measures also include:

- a) Mainstreaming drug control into development planning and implementation incorporating elements of poverty alleviation, women empowerment, alternative development strategies and HIV/AIDS programmes;
- b) Strong partnership particularly with sister organizations at the regional and international levels for increased visibility and resource mobilization for drug control;
- c) The transformation of the OAU into the African Union (AU); and
- d) The adoption of the New Partnership for Africa's Development (NEPAD).

The Plan of Action was subsequently revised during the First OAU Ministerial Conference on Drug Control, which was held in Yamoussoukro, Cote D'Ivoire in May 2002

### **Revised Plan of Action**

The revised Plan of Action consists of the following key areas: Institution building and policy development; information, research and networking; legal systems and implementation of laws; integrated drug demand reduction; National Law Enforcement and Control Capacities; Regional Law Enforcement and Control Measures and International Cooperation. The basic components of the revised Plan of Action, have been structured around the following key objectives and strategic actions (table below):

## Plan and Strategic Actions

<b>Key areas</b>	<b>Objectives</b>	<b>Action</b>
<b><i>1. Institution Building and Policy Development</i></b>	(a) Create a strong coordination unit at the OAU/AU and more effective cooperation between RECs for the discharge of their coordination function and advisory services;	<ul style="list-style-type: none"> <li>- OAU/AU to establish a drug control unit at the Secretariat for advocacy, policy development, coordination, resource mobilization and collaboration with agencies of the UN and relevant international and continental drug control organizations</li> <li>- The OAU/AU to advocate for the establishment of Drug Control Units (DCUs) in Member States and the RECs without DCUs as well as the coordination and the strengthening of the existing DCUs.</li> <li>- To support RECs in the development of regional Drug Control Strategies in order to provide for the implementation of the regional legal instrument.</li> </ul>
	(b) The OAU/AU to play the lead role	<ul style="list-style-type: none"> <li>- The OAU/AU to form Partnership with sister organizations at the regional and international level;</li> </ul>
	(c) Support Regional and National policy- making bodies to develop integrated policies and strategies addressing drugs and drug-related problems.	<ul style="list-style-type: none"> <li>- RECs and Member States to sensitize and train development planners and policy-makers in each country to mainstream drug control into regional and national development planning, including HIV/AIDS Programmes;</li> </ul>
	(d) Encourage and support the mainstreaming of drug concerns in all aspects of regional and national development plans;	<ul style="list-style-type: none"> <li>- RECs and Member States to introduce and sustain poverty alleviation programmes, and alternative legitimate sources of employment and income agricultural and non-agricultural sectors among groups and in areas prone to cultivation and trade in cannabis and other related substances;</li> </ul>
	(e) The OAU/AU to make efforts at mainstreaming components of drug control into relevant programmes and activities at the General Secretariat;	

Key areas	Objectives	Action
	(f) Create frameworks in the concerned Member States for developing and implementing sustainable alternative development strategies for the control of illicit drug trade and cultivation, especially of cannabis, Khat and opium poppy.	<ul style="list-style-type: none"> <li>- Member States to promote sustainable producer cooperatives (especially in the agricultural sector), micro-credit schemes and community self-help projects through grants and extension programmes;</li> <li>- Member States, RECS and OAU to train staff at national level and jointly at the regional and continental levels, and encourage expert-exchange through secondment; organize conferences and workshops, and refresher courses.</li> </ul>
	(g) OAU/AU to take the lead note in formulating policy on Alternative development, and organise training workshops in coordinating with development partners, for Member States.	
	(h) Member States to maintain effective control of licit, narcotic drugs, psychotropic substances and precursor chemicals to ensure availability for medical scientific purpose and industrial purposes (in the case of chemical precursors) and prevent their diversion into illicit market.	<ul style="list-style-type: none"> <li>- Member States should develop or strengthen policy and legislative measures to control licit drugs;</li> <li>- Re-orientate and train pharmacy and medical personnel to maintain rational use of drugs</li> </ul>
<b>2. Information, Research and Networking:</b>	(a) Create networks of local African experts in licit drugs, in key domains (demand reduction, drug abuse Epidemiology, judicial cooperation, money laundering, law enforcement) and Utilize expert networks in project design, delivery and evaluation, and in the conduct of local and regional studies on key issues.	<ul style="list-style-type: none"> <li>- Member States, RECs and OAU to train personnel, create and maintain data base on drug control organizations (including NGOs) and experts in Africa in order to facilitate networking among them within the context of research, conferences, workshops and publications, and for purposes of exchanging expert skills and the design, delivery and evaluation of programmes;</li> </ul>
	(b) Facilitate better communication and exchange between African experts and those from other continents to adapt existing standards to the African environment;	<ul style="list-style-type: none"> <li>- Member States and RECs to train researchers and journalists on gathering, analyzing and reporting information on drugs and drug-related issues;</li> </ul>

Key areas	Objectives	Action
	(c) Conduct targeted research to improve data collection and analysis of drug abuse and HIV/AIDS and drug-related crime in Africa;	<ul style="list-style-type: none"> <li>- Member States to establish national and/or regional research centre(s) for the study of all aspects of drug – production, distribution, abuse, law enforcement, policies, prevention education, counselling, treatment, and rehabilitation.</li> <li>- Research and Educational institutions should be strengthened and engaged in drug control research.</li> </ul>
	(d) Develop effective management of data and information collection, analysis, utilization, dissemination, storage and retrieval.	- Member States, RECs and OAU to establish or strengthen and adequately fund research, data and information management systems;
<b>3. Legal Systems and Implementation of Law:</b>	(a) Update drug control, organized crime and money laundering legislations with a view to harmonise these legal instruments;	- RECs and Member States to develop framework for reform and harmonise drug laws to take account of organized crime, money laundering, electronic and communication revolution and their use in drug trafficking and money laundering;
	(b) Support the development of legal sanctions and remedial measures that distinguish among drug offences and offenders;	<ul style="list-style-type: none"> <li>- RECs and Member States to reform drug laws to ensure due observance of rule of law and protection of human rights, and to differentiate between various types of drug offences and offenders;</li> <li>- Member States to develop monitoring standards on the sentence administration and procedure.</li> </ul>
	(c) Facilitate training in the effective use of different sentencing options for different drug offences and offenders;	<ul style="list-style-type: none"> <li>- RECs and Member States to ensure that where required judges, magistrates and prosecutors are properly trained and equipped for effective administration of law.</li> <li>- Establishment of dedicated drug courts by member countries, where necessary.</li> </ul>



Key areas	Objectives	Action
	(d) Support the development of legislation to offer treatment options for drug offenders as against jail terms.	
	(e) To provide treatment and rehabilitation opportunities for prison inmates.	
	(f) Upgrade legal and judicial institutions to increase their capacity to provide optimal training.	
	(g) Regulate the advertisement of licit substances that could serve as gateway to drug abuse.	
<b>4. Integrated Drug Demand Reduction:</b>	(a) Create stronger health and social services, NGOs and outreach programmes for drug abusers and risk groups;	- Member States to establish and strengthen health care institutions (including establishment of drug counseling, detoxification) for effective management of drug abuse;
	(b) Strengthen Drug Education for in- and out-of-school youth;	- Member States to introduce and sustain drug education activities in educational institutions and community; - Member States to develop and distribute model drug education curriculum for educational institutions and community-based programmes;
	(c) Involve the media, opinion makers and communities in drug abuse awareness;	- Member States to prepare, produce and distribute information and enlighten materials to the public, especially groups at risk through educational institutions, employers and labour organizations, religious and traditional institutions, NGOs, CBOs, and the mass media;
	(d) Conduct treatment, rehabilitation and research programmes in all countries more so those with severe drug abuse problems;	

Key areas	Objectives	Action
	(e) Develop alternative development opportunities for those involved in the cultivation of cannabis and trafficking in illegal drugs.	
	(f) Increase research and studies on new drug abuse patterns and trends, and on drug abuse and HIV/AIDS not restricted to IDU and to document best practices.	<p>- Member states and RECs to initiate and promote research on new drug abuse patterns and trends, and on drug abuse and HIV/AIDS not restricted to IDU.</p> <p>- To research, publish and disseminate best practices in prevention, treatment and rehabilitation. OAU/AU and RECs to be involved in the dissemination.</p>
	(g) To undertake public enlightenment to curb widespread use of licit substances that serve as gateway to drug abuse. – Member States to develop and enforce strict standards for the advertisement and sale of tobacco and alcohol.	
<b>5. National law Enforcement and Control Capacities:</b>	a) Establish and maintain an integrated drug law enforcement capacity at key points of entry (seaports, airports and land borders).	<p>- Member States to maintain effective drug law enforcement capacity at the ports and borders;</p> <p>- Member States to create adequately funded and equipped and properly managed drug law enforcement agencies;</p>
	b) Establishment of a National focal point to coordinate drug-related crime intelligence between drug law enforcement units and national intelligence agencies.	- Promote bilateral agreements between neighbouring countries and support cross-border cooperation and joint investigations against drug trafficking and other transnational organized crime;
	c) Strengthen training and logistic support to specialized units against illicit drug trafficking and organized crime, money laundering, corruption and trafficking in human beings;	- Member States to ensure proper and continuing training for drug law enforcement officials, Custom and Immigration personnel, Central Bank and commercial banks' staff;

<b>Key areas</b>	<b>Objectives</b>	<b>Action</b>
	d) Improve cooperation between law enforcement, forensic sciences and the judiciary;	-Member States and RECs to enhance cooperation between drug law enforcement agencies, health and trade authorities, the judiciary and financial sectors.
	e) Establish control structures and mechanisms to limit the diversion of licit drugs to illicit markets.	- Member States to reform their laws for effective regulation of importation, marketing and prescription of pharmaceutical drugs;
<b>6. Regional Law Enforcement and Control Measures:</b>	a) Support the creation of operational cooperation among law enforcement bodies in countries with similar pattern of drug problem;	- RECs to establish a liaison bureau to facilitate operational cooperation, bilateral agreements, joint training and operation, expert exchanges, joint conferences and workshops, intelligence sharing among their Members and between Member States of other RECs.
	b) Establish direct cooperation between African entry ports and source/main destination countries;	- RECs to establish a liaison bureau to facilitate operational cooperation, bilateral agreements, joint training and operation, expert exchanges, joint conferences and workshops, intelligence sharing among their Members and between Member States of other RECs.
	c) Facilitate training programmes and the procurement of equipment to specialized units for their participation in international operations against drug trafficking and other organized crime.	
<b>7. International Cooperation:</b>	a) Promote international cooperation in the fields of drug control;	- Member States and RECs to collaborate with UN Agencies, the ICPO INTERPOL, international agencies active in the fields of development law enforcement and drug control in order to mobilize resources, exchange expertise, intelligence, information and capacity building;

Key areas	Objectives	Action
	b) Advocacy to enhance international support for development and drug control efforts in Africa by UN agencies, international development and drug control organizations,	- OAU to mobilise additional resources for the promotion of drug control efforts in the continent.
	c) Support the signing and ratification of UN Conventions and Protocols on drugs. – Member States to sign and ratify UN Conventions and protocols;	

### **Implementation Strategy**

#### **a) Role of OAU/AU**

The OAU/AU is to play the following roles (advocacy, policy development, mobilization of resources; coordination and monitoring; capacity building):

##### **Advocacy:**

- Maintain drug control on the Agenda of OAU/AU meetings

##### **- Policy Development:**

- Develop appropriate policies and programmes, especially to tackle complex and new trends in drug trafficking, drug abuse and money laundering;

##### **Mobilisation of Resources:**

- Efforts would be made to involve UN agencies, international organizations and the International community as financial and technical cooperating partners.

##### **Coordination, monitoring and evaluation:**

- Coordination, monitoring and evaluation of drug control efforts of RECs and member states including its own efforts.

#### **b) Partnerships**

The successful implementation of this plan requires broad partnerships at member state, regional, Continental and International levels. The Media, Women's Organisations, Non-Government organizations, Civil Society Organizations, faith-based organizations, Community-Based Organizations, Labour Organization students' organization and the private sector are an integral part of this partnership.

#### **c) Implementation Target**

Given the different levels of capacities and available resources among member countries in the implementation of this Plan, it is expected that countries will have achieved at least 2 activities in each of the priority areas identified at the mid-term of this Plan. It will be up to member states, given their own priorities, to select their activities.

**A mid-term review the Plan of Action after two years and a final review before the end of the given period shall be conducted.**

#### **d) Monitoring and Evaluation**

- a) Member States, RECs and OAU to establish effective monitoring and evaluation framework to monitor and evaluate their respective implementation of the Plan and other drug control programmes;
- b) Member States to respond promptly to requests for information by RECs and OAU;
- c) Annual OAU Reporting system to be introduced to provide assessment of institutions and efforts;
- d) An inter-ministerial/inter-agency joint review framework for periodic assessment of the implementation of the Plan should be set up.



## ANNEX C: CRIME DATA ISSUES

Quantitative comparison of crime between countries is hinged on two data sources: police-generated statistics (such as those compiled by Interpol and the United Nations Survey of Crime Trends and the Operations of Criminal Justice Systems [CTS]) and victim surveys (such as those performed under the aegis of the United Nations International Crime Victim Surveys [ICVS] and other surveys). Data from these sources are sparse for African countries. The Table below summarises the available information – the shaded rows represent countries for which no data at all are available.

Thirteen victimisation surveys in African countries have been run as part of the ICVS project,<sup>321</sup> but these also occurred in different years across a decade. In most cases, these surveys were not nationally representative, and were conducted in only one major city of each country.<sup>322</sup> Some victim surveys have been done by the Institute of Security Studies in South Africa,<sup>323</sup> while a few more were conducted within the framework of the UN Habitat Safer Cities Programme.<sup>324</sup> Finally, the second round of multi-purpose surveys done by the Afrobarometer in 15 countries<sup>325</sup> included two items on victimisation (burglary and personal attacks). Although a specialised victim survey would provide a more accurate measure, crime-related items in multi-purpose surveys (which usually involve larger samples than specialised surveys) may provide some information on public sensitivity to crime.

**Table 3: Availability of crime data from African countries, 1990-2004**

	UNODC CTS	Interpol	National statistics	ICVS	other victim surveys
Algeria	x	2003	x	x	x
Angola	x	2000	x	x	x
Benin	x	1998	x	x	x
Botswana	1990	1996	x	City, 2000	Afrobarometer,2002
Burkina Faso	x	1998	x	x	x
Burundi	x	x	x	x	x
Cameroon	x	1998	x	x	x
Cape Verde	x	x	x	x	Afrobarometer,2002
CAR	x	x	x	x	x
Chad	x	x	x	x	x
Comoros	x	x	x	x	x
Congo, DR	x	x	x	x	x
Congo, R	x	x	x	x	x
Côte d'Ivoire	2000	2002	x	x	x
Djibouti	x	1998	x	x	x
Egypt	1994	x	x	City, 1992	x
Equa. Guinea	x	x	x	x	x
Eritrea	x	1999	x	x	x
Ethiopia	1990	2000	x	x	x
Gabon	x	1996	x	x	x
Gambia	x	x	x	x	x
Ghana	x	2001	x	x	Afrobarometer,2002
Guinea	x	x	x	x	x

Guinea-Bissau	x	x	x	x	x
Kenya	x	x	x	x	Habitat, 2002 city – Afrobarometer, 2002
Lesotho	1997	1999	x	City, 1998	Afrobarometer,2002
Liberia	x	x	x	x	x
Libya	x	2003	x	x	x
Madagascar	1994	1996	x	x	x
Malawi	x	x	x	x	ISS, 2002/3, national – Afrobarometer, 2002
Mali	x	1999	x	x	Afrobarometer,2002
Mauritania	x	1999	x	x	x
Mauritius	2000	1996	x	x	x
Morocco	2002	x	x	x	x
Mozambique	x	1999	x	4 provinces, 2002	Afrobarometer,2002
Namibia	2002	1999	x	City, 2000	Afrobarometer,2002
Niger	x	1998	x	x	x
Nigeria	1994	x	x	City, 1998	DFID, 2003 state – Afrobarometer, 2002
Rwanda	1990	1999	x	x	x
São T. & Princ.	1994	x	x	x	x
Senegal	x	2003	x	x	Afrobarometer,2002
Seychelles	2000	1996	x	x	x
Sierra Leone	x	x	x	x	x
Somalia	x	x	x	x	x
South Africa	2002	2001	2003/4	City, 2000	ISS, 2003, national – Afrobarometer, 2002
Sudan	1994	x	x	x	x
Swaziland	2000	2003	x	City, 2000	x
Tanzania	1997	2003	x	City, 1992	ISS, 2003?, city – Afrobarometer, 2002
Togo	x	x	x	x	x
Tunisia	2002	2002	x	City, 1992	x
Uganda	1997	2003	x	City, 2000	Afrobarometer,2002
Zambia	2000	2001	x	City, 2000	Afrobarometer,2002
Zimbabwe	2000	2001	x	City, 1996	x

### ***Unreliable official statistics***

One might expect that crime statistics would be as available as many other social indicators. Unfortunately, this is not the case. Even when they are available, they cannot be used for comparisons across countries. This is because definitions of crime differ between countries. In addition, the rate at which crimes are reported to the police varies depending on a range of factors, including access to justice and attitudes towards the police. Under-reporting is particularly acute in Africa, as will be discussed below.



There are great differences between the ways crime is defined by local laws, even when the crime carries the same name. For example, a “burglary” may require forced entry or the taking of property in some areas, but in other areas these are not required. Similarly, the term “rape” may be applied to different types of conduct across jurisdictions, with some using other terms to describe non-penetrative forced sex, sex with minors, male rape, and spousal rape. While international consensus on what constitutes a crime is growing through human rights awareness campaigns, developing countries may be expected to lag behind in modernising their definitions of crime, if for no other reason than the presence of more pressing items on the legislative agenda.

Even within a single legal system, police statistics may bear little resemblance to the real crime situation. This is because they are generally based on crimes recorded by the police. In order for most types of crime to be recorded, a report must first be made by a member of the public, and then the police must deem this report worthy of recording. As will be discussed below, survey work shows that only a share of crimes experienced by victims are reported to the police. The rate at which the public reports crime varies tremendously between crime types, between countries, and even between regions, ethnic groups, or genders within a country. Any comparison based on police statistics will be inaccurate to the degree of under-reporting. In many countries for many crime types, less than half the offences that do occur are reported. In Africa, less than a 50% overall reporting rate is the norm, with many countries showing much lower rates.

These rates are also subject to change as the political climate shifts. For example, reporting rates in Uganda decreased from a third in 1992, to under a quarter (23%) in 1996, to under a fifth (17%) in 2000, according to ICVS figures. It makes little sense to compare police crime figures between countries under these circumstances, particularly if data on reporting rates are from a different year than the crime figures concerned. It is also impossible to calculate trend data for Africa based on the recorded crime levels, because while half the countries have reported at some stage, very few give detailed information over time. South Africa is one notable exception, but the peculiarities of the South African political situation, which involved the enfranchisement of some 90% of the population in the last decade, prevent strong statements being made about real crime trends in that country.

There are a range of reasons why people fail to report. People who do not trust the criminal justice system to deliver a positive outcome may decide not to report. Reasons for this mistrust may include: belief that the police or courts are ineffective; belief that the police or courts are corrupt; a feeling that the system does not work in the interest of members of the victim’s gender, ethnic or regional group; fear of “secondary victimisation” by the criminal justice system; and fear that the system will not be able to protect the victims from reprisals from the criminals involved. Access to the justice system may also be an issue. Those who do not have access to transportation or communication technology may find reporting very burdensome. The same applies to those whose family or professional responsibilities do not allow for time to be taken off to participate in the criminal justice process.

There are a contrasting number of incentives for reporting that may skew the accuracy of police statistics. For example, property insurance can provide a major incentive for the reporting of vehicle thefts, burglaries, and even robberies. In addition, some wealthy countries can afford to provide a comprehensive suite of services for victims of crime, including health care and even financial compensation, which provide strong incentives for reporting. ICVS data show that reporting rates for developing regions are much lower than those in developed regions, and that Africa has some of the lowest reporting rates in the world.

Both within and between countries, there are reporting rate differences between crime types. In most countries, for example, vehicular theft is almost universally reported, either because the complainant hopes to recover such a valuable piece of property, or because reporting is required for an insurance claim to be honoured. On the other hand, sexual offences and certain types of assault (such as domestic violence and child abuse) are almost always under-reported, although

the extent to which this is true is dependent on cultural and legal approaches to these issues, as well as the capacity of the state to insure that complainants will be well treated.

In addition, for some types of crime a law enforcement official is almost always the person reporting. These include corruption, drug offences, prostitution, some firearms offences, and immigration offences. The levels at which these crimes are reported are dependent on police priorities. For example, levels of recorded drug offences in Colombia, a country which indisputably plays a large role in the international drugs trade, are low compared to a country where enforcement is prioritised, like Switzerland. Thus, these crime figures are more a reflection of enforcement capacity and priorities than they are of the true underlying situation.

Finally, a not insignificant influence on police figures is the discretionary power of the police to decide if and how a crime is to be recorded. The police would not serve the public interest if they recorded every crime as the offence alleged by the complainant, but the way in which an incident is classified is influenced by a number of factors, such as political pressure to show low crime levels. The degree to which reported offences are recorded by the police varies from area to area.

For these reasons, police crime figures should not be used on their own to make comparisons between countries, and this is particularly true in the context of developing countries. Given the weaker institutional capacity of the criminal justice systems of developing countries to record crime, they are more likely to under-count the number of offences that occur. This will clearly include crimes reliant on the police for detection, such as drug offences. Low capacity may also dissuade victims from reporting, because they cannot expect the same levels of protection of their rights as would be found in states with more resources. In addition, members of the public in these areas may lack the time or the technology to report crimes. Further, given that many developing countries share a past dominated by colonial and authoritarian regimes, there may be historic reasons why segments of the public may distrust the police in some countries. Finally, the perception that the criminal justice system is corrupt, which may be linked to governance problems, may also undermine trust in the system.

### ***The benefits of victim surveys***

Probably the best supplement to police crime figures are victim surveys. These usually involve polling a representative sample of the population in their homes about their experiences of crime. They also probe the rate of non-reporting and the reasons behind it. This allows the police crime statistics to be interpreted more intelligently. Victim surveys also allow definitions of crime to be standardised, which allows international comparison that would otherwise be impossible.

While they are a vital supplement to police statistics, victim surveys are expensive to do properly, especially on a nationally representative level. For this reason, victim surveys are rarely done in developing countries, and surveys conducted under the ICVS have usually focused on a single urban area, rather than attempting to cover the whole country. Since urban areas are typically more crime prone than rural areas of the country, it is difficult to generalize to the country as a whole on the basis of this information, but comparisons can meaningfully be done between urban areas internationally.

## ANNEX D: DRUGS AND CRIME CONVENTIONS

Country	Single Convention on Narcotic Drugs, 1961 <sup>a</sup>	Convention on Psychotropic Substances, 1971	Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988	Convention against Corruption	Convention against Transnational Organized Crime
Algeria	*	*	*	*	*
Angola					
Benin	*	*	*	*	*
Botswana	*	*	*		*
Burkina Faso	*	*	*		*
Burundi	*	*	*		
Cameroon	*	*	*		
Cape Verde	*	*	*		*
Central African Republic	*	*	*		*
Chad		*	*		
Comoros	*	*	*		*
Congo	*	*	*		
Côte d'Ivoire	*	*	*		
Democratic Republic of the Congo	*	*			
Djibouti	*	*	*	*	*
Egypt	*	*	*	*	*
Equatorial Guinea					*
Eritrea	*	*	*		
Ethiopia	*	*	*		
Gabon	*	*			*
Gambia	*	*	*		*
Ghana	*	*	*		
Guinea	*	*	*		*
Guinea-Bissau	*	*	*		
Kenya	*	*	*	*	*
Lesotho	*	*	*		*
Liberia	*				*
Libyan Arab Jamahiriya	*	*	*		*
Madagascar	*	*	*	*	

<b>Country</b>	<b>Single Convention on Narcotic Drugs, 1961<sup>a</sup></b>	<b>Convention on Psychotropic Substances, 1971</b>	<b>Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988</b>	<b>Convention against Corruption</b>	<b>Convention against Transnational Organized Crime</b>
Malawi	*	*	*		*
Mali	*	*	*		*
Mauritania	*	*	*		
Mauritius	*	*	*	*	*
Morocco	*	*	*		*
Mozambique	*	*	*		
Namibia	*	*		*	*
Niger	*	*	*		*
Nigeria	*	*	*	*	*
Rwanda	*	*	*		*
Sao Tome and Principe	*	*	*		
Senegal	*	*	*		*
Seychelles	*	*	*		*
Sierra Leone	*	*	*	*	
Somalia	*	*			
South Africa	*	*	*	*	*
Sudan	*	*	*		*
Swaziland	*	*	*		
Togo	*	*	*		*
Tunisia	*	*	*		*
Uganda	*	*	*	*	*
United Republic of Tanzania	*	*	*	*	
Zambia	*	*	*		*
Zimbabwe	*	*	*		

<sup>a</sup> States parties to the Single Convention on Narcotic Drugs of 1961 or as amended by the 1972 Protocol.

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323 The Institute for Security Studies is a non-profit think-tank dedicated to African security issues. Based in Pretoria, South Africa, the ISS maintains programmes on African security monitoring, arms management, peacekeeping, defence transformation, and crime and justice issues. See their website at <http://www.iss.org>.

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