

ORGANISED CRIME IN THE SADC REGION

POLICE PERCEPTIONS

Peter Gastrow

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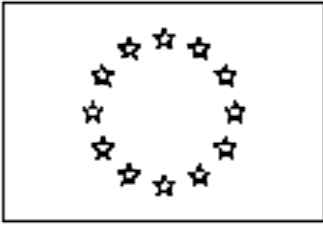
The substance of this monograph is based on a survey on organised crime completed with the assistance of nine national police agencies in the Southern African region. The Institute for Security Studies undertook this task as part of a two-year research project to study various aspects of organised crime in the SADC region. Financial support was provided by the Open Society Initiative for Southern Africa (OSISA), the European Union and the Hanns Seidel Foundation. The ISS is indebted to these organisations for their generous support.

The survey was conducted among police agencies in the Southern African region by way of a standard, fairly lengthy, questionnaire. For understandable reasons, police agencies anywhere in the world seldom show any enthusiasm when requested by an outside body to complete lengthy questionnaires. In Southern Africa, with its resource constraints and its overwhelming challenges to curb crime, an even greater reluctance might have been expected than would have been the case with well-resourced police agencies in developed countries that often have the luxury of large research components within their own ranks. To their credit, nine of the eleven police agencies completed and returned the questionnaires. This is an outstanding result. It illustrates a level of concern about organised crime in the region and a willingness to address it, which is very encouraging.

The support and co-operation are therefore gratefully acknowledged of the chiefs of police and staff of the national police agencies of Botswana, Lesotho, Malawi, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. The senior police officers who were appointed by their police chiefs to serve as liaison persons for the project were, without exception, always helpful and supportive. A survey such as this is impossible to undertake without such co-operation. It is hoped that the police agencies which contributed will find the outcome of some use.

Particular appreciation should be expressed for the chairperson of the Southern African Police Chiefs Co-ordination Organisations (SARPCCO) in 1999 and 2000, Commissioner E E Hillary of the Royal Swaziland Police. During the early phase of this project, he not only provided encouragement and support, but went out of his way to address a letter of introduction to all SARPCCO chiefs of police to inform them of this project and to express his support for the research.

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EXECUTIVE SUMMARY

It is common cause that organised crime has become a global phenomenon, which can no longer be countered effectively relying only on national initiatives. Subregional, regional and global responses have to be put in place to achieve this. Significant progress has been made at all three these levels. The United Nations Convention against Transnational Organised Crime, signed by more than 120 states in December 2000, constitutes the most far-reaching global response. At regional and subregional levels, there are ongoing attempts in various parts of the world to improve co-operation between states and to co-ordinate strategies against organised crime. Much remains to be done. The developed countries and regions, for understandable reasons, have been able to advance at a faster pace than the poorer parts of the world.

The Southern African region, which consists of the 14 member states of the Southern African Development Community (SADC), includes both developing and least developed countries. Since 1995, these countries have embarked on their own regional initiatives to address organised crime. A lack of resources, expansive geographical areas, borders and coastlines, as well as ongoing conflicts in parts of the region, have made this task difficult and painstaking. Not enough reliable information is available about the nature and extent of organised crime in the region to assess its real threat accurately.

The Institute for Security Studies undertook a survey during 2000 as part of a broader project aimed at throwing more light on the magnitude and scope of organised criminal activities in the SADC region. Police perceptions about this phenomenon are very important (although not conclusive) when attempting to construct a regional picture of organised crime. Police agencies were therefore surveyed by way of a standard questionnaire containing questions that, in addition to focusing on organised crime, also enquired about matters such as definitions, resource levels and areas of need. Nine police agencies in the region completed the questionnaire.

As can be expected from countries that experience severe resource constraints, there are vast areas in the region which are seriously underpoliced. The survey showed that the police:population ratios vary from 1:270 in Botswana (which compares favourably with developed countries such as Germany's 1:315) to 1:737 in Zambia and 1:1 298 in Tanzania. Although police:population ratios are not necessarily indicative of a country's capacity to combat organised crime, they do indicate the extent to which criminals can operate in a relatively low risk environment.

Responses to the survey indicated that much work needs to be done within SADC countries and regionally to develop definitions of organised crime that not only define it adequately for the benefit of investigators, but that also serve to facilitate effective regional co-operation between police agencies. Of the nine police agencies surveyed, five had not adopted a definition of organised crime while the remaining four used different definitions from the other. The lack of clarity about a definition of organised crime inevitably contributes to a lack of focus among police investigators when confronted with such criminal activities. Responses to the survey indicate that all of the police agencies that contributed have specialised investigative units focusing on specific crime categories such as dealing in narcotics or motor vehicle theft. Although organised criminal groups often commit such crimes, the investigators will also be required to

investigate cases in which no organised groups were involved. Except for one police agency, none have established specialised units that focus specifically on the activities of organised criminal groups.

The countries surveyed experience a wide range of criminal activities which involve organised criminal groups. Most of these activities are transnational in nature as the groups involved commit the crimes or elements of such crimes in neighbouring countries and further afield. All nine police agencies reported that organised groups were involved in dealing in counterfeit notes, the smuggling of firearms, vehicle theft and hijacking, and armed robbery. Eight of them also experience drug-trafficking, forgery, and the smuggling of rhino horn and ivory. What becomes clear from the responses is that Southern African police agencies have an extraordinary task at hand if they want to deal effectively with such a wide range of activities, over such a vast geographical area, with such limited available resources.

The five organised criminal activities that constitute the most serious threat to the nine countries surveyed, in the order of their seriousness, are theft and hijacking of motor vehicles, robbery, drug related offences, illicit dealing in gold, diamonds and emeralds, and illicit dealing in firearms and ammunition. The responses also show that, in addition to the widespread involvement of their own nationals in organised crime, organised criminal groups involving nationals from other Southern African states and countries abroad are very active and constitute a serious threat. Noteworthy are the widespread activities in the region of criminal groups involving South African and Nigerian nationals. As far as transnational organised criminal groups are concerned, those involving South African nationals are among the top three that constitute the most serious threat in Botswana, Lesotho, Namibia, Tanzania, Zambia and Zimbabwe. Organised criminal groups involving Nigerian nationals, pose a serious threat in Lesotho, South Africa, Swaziland and Zimbabwe. Both South Africa and Nigeria therefore appear to be significant exporters of organised crime to the SADC region.

When asked about the need for additional or more effective legislation to deal with organised crime, the respondents highlighted different issues that they believed should be covered by additional legislation. However, the issue that featured the most prominently was legislation to deal with money-laundering. This seems to be an area where a number of Southern African police agencies believe that they are ill-equipped to counter it effectively. As the laundering of their proceeds affects the life blood of organised criminal groups, this aspect should receive attention both regionally and internationally to reduce the attractiveness of Southern Africa to money launderers.

All nine respondents expressed a need for international assistance to enhance their ability to combat organised crime. Their responses suggest that the training of police investigators is probably the most important contribution that international organisations and governments could make. This is a relatively low capital-intensive form of international assistance which will hopefully be forthcoming from the international community.

It is also clear that improved co-operation among the police agencies in the region is necessary. All the respondents agreed that this would enhance their capacity to combat organised crime. Most of them emphasised the importance of joint operations within the region. They seem to suggest that the number of joint operations conducted thus far have been inadequate. Another area of regional co-operation that the police agencies thought should be improved, related to the flow and exchange of information. Respondents expressed the need for the greater exchange of information relating to crime trends and criminals, as well as the need to establish a central database for all SADC countries.

The survey therefore produced data that can be of considerable use in constructing a regional picture of organised crime, areas of shortcomings, and the opportunities available to address some of these shortcomings. It was the first survey of its kind and a critical evaluation will be required to enable future surveys to produce more accurate and reliable data. Judging by the response to this survey, the national police agencies in the region appear to be supportive and willing to assist. This augurs well for future regional and international co-operation.



Chapter 1 INTRODUCTION

The 14 member countries states of the Southern African Development Community (SADC) cover virtually the whole southern half of the African continent.¹ They spread over more than 9 million square kilometres, an area into which France, Europe's biggest country, would fit comfortably 16 times.² The large geographical areas and long national boundaries and coastlines that many of the SADC countries have to police, are factors that have to be taken into account when considering the challenges faced by law enforcement agencies. Table 1 provides additional information about the 14 SADC countries which may assist in illustrating the enormity of the region, its relative underdeveloped state, as well as some socio-economic indicators relating to the population.³

Table 1: Particulars of SADC member countries

Country	Area (km ²)	Land boundaries (km)	Coast-line (km)	Population 2000 (est)	Life expectancy at birth-(years)	Government type	Real growth rate 1999 (% est)	GDP per capita 1999	HDI (ranking)
Angola	1 246 700	5 198	1 600	10 145 267	38.31	Transitional government	4	\$1 030	146
Botswana	600 370	4 013	0	1 576 470	39.27	Parliamentary republic	6.5	\$3 999	114
DRC	2 345 410	10 744	37	51 964 999	48.75	Dictatorship	1	\$710	142
Lesotho	30 355	909	0	2 143 141	50.79	Parliamentary constitutional monarchy	10 -1998	\$2 240 -1998	120
Malawi	118 480	2 881	0	10 385 849	37.58	Multiparty democracy	4.2	\$940	151
Mauritius	1 860	0	177	1 179 368	70.98	Parliamentary democracy	4	\$10 400	63

Mozambique	801 590	4 571	2 470	19 104 69g	37.52	Republic	10	\$1 000	157
Namibia	825 418	3 824	1 572	1 771 327	42.46	Republic	3	\$4 300	111
Seychelles	455	0	491	79 326	70.41	Republic	1.8	\$7.50	
South Africa	1 219 912	4 750	2 798	43 421 021	51.1	Republic	0.6	\$6.90	94
Swaziland	17 363	535	0	1 083 289	40.44	Monarchy	3.1	\$4.20	113
Tanzania	945 087	3 402	1 424	35 306 126	52.26	Republic	4	\$550	140
Zambia	752 614	5 664	0	9 582 418	37.24	Republic	1.5	\$880	143
Zimbabwe	390 580	3 066	0	11 342 521	37.78	Parliamentary democracy	0	\$2.40	117
Total	9 296 194			199 085 818					

According to the 2001 Human Development Index of the United Nations Development Programme (UNDP), which measures countries' achievements in terms of life expectancy, educational attainment and adjusted real income, eight of the 14 SADC member countries were categorised as 'medium human development' or developing countries in 2001. The remaining five included in the index were placed into the category of 'low human development', or regarded as constituting part of the group of 'least developed countries'.⁴ Five of the SADC member countries — Angola, the Democratic Republic of Congo (DRC), Malawi, Mozambique and Zambia — are part of the 20 least developed and poorest countries of the 162 that listed in the index.

Although South Africa has a relatively well-developed infrastructure and economy, it falls significantly short of being ranked as a developed country. However, it is regarded as the powerhouse of the region and is the one country with reasonable resources available to assist neighbouring states in matters such as energy supply, infrastructure development or law enforcement initiatives.

The SADC region as a whole is therefore poor and underdeveloped, with meagre resources available to develop effective programmes relating to education, health or law enforcement. The region is vulnerable to organised crime. It contains some countries which are caught up in a process of political and economic transition, and of which the state structures are fragile. These countries lack the necessary resources to counter organised crime effectively. An additional debilitating factor in some of the countries has been ongoing conflict and wars, particularly in Angola and the DRC. In the DRC, there is no functioning national government in charge and, in Angola, significant parts of the country are still ungovernable and controlled by rebel forces.

In an environment of poor and sometimes weak states in which conflict and political turmoil are widespread, organised crime tends to exploit the low-risk opportunities that present themselves.

"Pressures resulting from poverty often motivate the development of local criminal gangs, while opportunities for enrichment motivate not only political leaders whose conception of civic responsibility and obligation to the citizens is lacking, but also transnational criminal organisations which move in to develop new markets and new trafficking activities. Similarly, desire for military success motivates warlords to use drug trafficking or any other criminal activity that provides contributions to the war chest and contributes to the attainment of political power. Incentives to engage in criminal activity are powerful, and there are few countervailing restraints. Opportunities are provided by state weaknesses that include: lack of legislation against organised crime and money laundering; a lack of legitimacy that results in widespread disaffection and conflict; and a propensity for corruption among elites susceptible to new forms of bribery in the face of a double bind — traditional sources of financial support are in the process of drying up at the very same time that the move to electoral politics imposes new financing requirements."⁵

Given that the prevailing political, economic and social conditions on the sub-continent of Africa are conducive to the expansion of organised criminal groups, it should be a matter of concern that very little reliable information is available about the extent and nature of organised crime in the region. This is mainly due to the lack of research into its origins and growth and, more importantly, into its present manifestations.

It is difficult to construct a picture of the development of organised crime in the region over the past two decades and this monograph will not attempt to do so. However, the assessment of a police undercover agent who undertook operations in subequatorial Africa for many years, provides a perspective which,

although superficial and incomplete, may throw some light on the growth of indigenous organised crime during the past two decades.

In his view, organised criminal groups in the Southern African countries to the north of South Africa were in their infancy at the beginning of the 1980s. By the mid-1980s, increasing numbers of 'fortune hunters' and 'adventurers' had arrived in countries such as the Congo, Zambia, Angola and Zimbabwe. They originated from France, Portugal and Britain, the erstwhile colonial powers, but also from Greece, Lebanon, India, Israel and some Central European states. Many of them set up small trading or import and export businesses that were often used as a guise for illegal business activities. These businesses were easy to establish with a minimum of capital. Most of these individuals were bent on seeking opportunities to make money quickly, although some appeared to have links with criminal elements abroad. Once established, they soon made contact with local African entrepreneurs, smugglers and criminals to explore legal and illegal business opportunities. The locals had contacts through which they could illegally obtain goods such as cobalt and other metals, ivory, diamonds, or drugs such as mandrax.

A marriage of convenience often followed between the foreign fortune hunters and local operators, an arrangement that served to their mutual benefit. The indigenous operators were the suppliers of the goods for which the foreigners could pay and then smuggle to the 'rich' markets of South Africa and abroad. The relatively tightly controlled South African borders and airports and the harsh discriminatory laws in place in South Africa at the time, made it very risky for Africans from countries to the north to enter the country in order to dispose of their goods or to make contact with local criminal groups. For white foreigners from Zaïre or Zambia, or for Portuguese nationals living in Angola or Mozambique, it was less difficult to visit South Africa for the same purpose.

According to this perspective of the development of organised crime in Southern Africa, the co-operation during the mid-1980s between African smugglers who supplied illegally obtained goods, and the foreigners who acted as buyers and sellers, represented the start of what later became far more sophisticated organised criminal groups in many of South Africa's neighbouring countries. According to police sources, these syndicates, which engaged in crossborder crimes with South Africans, had no particular structures or hierarchies. They varied in size, but tended to be small. Criminal groups often consisted of friends and acquaintances. Apart from family bonds, these groups would also sometimes constitute themselves in a manner similar to partnerships where different members came from different parts of the country to co-operate on specific ventures. Networks were established through which illegal goods could be acquired and marketed. Hierarchical structures with one boss in charge were not common.

During the 1980s, the most popular route used to smuggle illegal goods into and from South Africa was the heavy transport road from Zambia to South Africa used by large trucks and trailers. Ivory, copper, cobalt and large quantities of mandrax were transported in this way by these newly formed criminal networks. Occasional cash flow problems and the frequent inability of South African purchasers to pay in hard currency, led to barter transactions becoming common practice. Motor vehicles stolen in South Africa soon became key items in the barter trade. They were driven across the borders in payment for illegal goods supplied from the north and sometimes shipped in containers to countries along the African coast and beyond. Police officers who followed these developments, maintain that the rapid expansion of crossborder criminal transactions in the second half of the 1980s, led to an ever-growing demand for stolen cars to enable South African criminal groups to pay for the goods received. As a result, vehicle-hijackings dramatically increased in South Africa and became a common method of speeding up payment. By the late-1980s, transnational organised crime in the entire Southern African region had become a lucrative enterprise, only marginally hampered by police activities on both sides of the borders. The relaxation of border control and the repeal of discriminatory laws in South Africa during the early 1990s were in line with the democratisation process that was taking place in the country. It contributed to an even faster expansion of organised crime in the Southern African region than during the 1980s.

Organised crime is therefore a phenomenon that appears to have manifested itself in the Southern African region as a significant threat at a relatively late stage. The absence of a legal framework in Southern African countries within which organised crime can be dealt with had not been a major problem, as organised crime, with few exceptions, had not been as pervasive in Africa as it has been in many other regions.⁶ Governments were therefore unprepared, there was no adequate legislation in place to deal with this growing threat, and police agencies were not trained or equipped to counter it effectively.

From the early 1990s onwards, police agencies and their governments became increasingly aware of the inroads that organised crime had made and of its contribution to the general crime statistics in their

countries.⁷

The late response to organised crime by Southern African countries was partly also as a result of the delay by the international community to focus on organised crime in sub-Saharan Africa. For example, at the time when Interpol established its Subregional Bureau in Harare in 1997, there was still considerable ignorance about the extent of organised crime in Southern Africa. Until then, Interpol's drug-trafficking analysis indicated that hard drugs such as heroin and hashish were being smuggled to Europe from Asia mainly through North African and Eastern European countries.⁸ In a report prepared by the US Drug Enforcement Administration in October 1996, South Africa was depicted as the only African country south of the equator that was used as a transit route by Nigerian criminals for heroin and cocaine and a source country of marijuana.⁹ There were indications that a number of Southern African countries, including Angola, Mozambique, Namibia and Zimbabwe, were already being used as transit areas at that stage.¹⁰ However, international attention was not yet focused on organised crime in these countries. It must be assumed that indigenous criminal networks, as well as the increasing number of international criminal elements, were very much aware of the fact that countermeasures to stem their activities were not a priority in large parts of the Southern African region, leaving many countries wide open for criminal exploitation.

By the mid-1990s, the virtually unchecked crossborder crime in the Southern African region had reached proportions that galvanised the region's governments to develop a joint response. It led to the formation of the Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO). Individual national police agencies in the region had realised that they were not adequately equipped to combat crossborder crime on their own and that a co-operative approach had become essential in the region.

SARPCCO was established in 1995 at the initiative of the chiefs of police of 11 Southern African countries. These were Angola, Botswana, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. A twelfth country, Mauritius, has since joined. The formation of SARPCCO was primarily motivated by the escalation in crossborder criminal activity in the region. The 11 police chiefs met on 1 August 1995 at the Victoria Falls in Zimbabwe, and agreed on future co-operation through SARPCCO. On the next day, the ministers responsible for policing in each of the 11 states adopted the police chiefs' recommendations. A permanent SARPCCO Secretariat was established, which is located in Harare, Zimbabwe. The agreement has since been ratified by parliaments of all member countries, a mutual legal assistance agreement was signed in 1997, and a number of successful joint operations were conducted in several member countries of SARPCCO.

The objectives of SARPCCO, as set out in its constitution, include the following:

- the promotion, strengthening and perpetuation of co-operation and the fostering of joint strategies for the management of all forms of cross-border and related crimes with regional implications;
- the preparation and dissemination of relevant information on criminal activities when necessary to benefit members in their attempts to contain crime in the region;
- the regular reviewing of joint crime management strategies with the purpose of accommodating changing national and regional needs and priorities;
- the efficient operation and management of criminal records and the efficient joint monitoring of crossborder crime by taking full advantage of the appropriate facilities available from Interpol;
- the making of relevant recommendations to governments of member countries in relation to matters affecting effective policing in the Southern African region; and
- the execution of any relevant and appropriate acts and strategies for purposes of promoting regional police co-operation and collaboration as dictated by regional circumstances.

SARPCCO has therefore become the primary vehicle for any regional initiatives relating to law enforcement and crime combating. In 1997, Interpol reinforced SARPCCO by establishing an Interpol Subregional Bureau for Southern Africa in Harare. The Interpol office also serves as the secretariat of SARPCCO and assists regional police agencies with, among others, the evaluation of crime trends and the facilitation of co-operation between police agencies.

The activities of SARPCCO and the regional office of Interpol have focused mainly on what is referred to in Southern Africa as 'crossborder crime' or transnational organised crime. Some of the SARPCCO initiatives will be mentioned later in this monograph.

In March 2000, with the support of SARPCCO, the Institute for Security Studies embarked on a two-year study of organised crime in the SADC region. Some research had already been undertaken into organised crime in South Africa, but very little was known about the phenomenon of organised crime in the remaining member countries of SADC. It was common cause that organised crossborder crime was expanding rapidly. The smuggling of illicit firearms, stolen motor vehicles, narcotics, diamonds and precious metals across national borders was a well-known fact. National and regional initiatives by law enforcement agencies were mainly aimed at stemming the flow of these illicit activities. The first few joint operations undertaken through SARPCCO focused mainly on the smuggling of stolen motor vehicles and on the illicit weapons flow in the region.¹¹ Initiatives to curb crossborder crime were reactive in nature. It appeared that more information about the nature and impact of organised crime in the region was necessary in order to enable decision and policy makers to formulate and adopt proactive strategies to combat organised crime in the region.

One of the objectives of the ISS study into organised crime in the region was therefore to contribute towards developing a better understanding of organised crime in the region. It is essential for policy makers in Southern Africa to be informed by a regional perspective when formulating policies and strategies to counter organised crime within their own countries. As is the case elsewhere in the world, transnational organised groups in the Southern African region pay little attention to national boundaries and jurisdictions. They exploit weaknesses in one country to launch their criminal activities in a neighbouring country. It has become obvious that, in order for any Southern African country to counter organised crime effectively within its own jurisdiction, the regional criminal networks have to be identified and their activities curbed both regionally and nationally. Regional strategies should therefore constitute an important element of any national strategy to combat organised crime. Such a regional approach is particularly important in SADC where some of the very poor countries do not have the resources to identify and combat organised crime effectively on their own.

The ISS study adopted a two-pronged approach in obtaining information about organised crime in the SADC region. Police authorities were approached for information and primary research was undertaken in each of the SADC countries, with the exception of the DRC and the Seychelles. Information was obtained from the national police agencies by way of a survey questionnaire, while researchers from SADC countries were commissioned and study trips undertaken to SADC countries in order to obtain information from civil society sources as well.

This monograph focuses almost entirely on the information obtained from police authorities. This is done with the full knowledge that information obtained solely from state sources is likely to present an incomplete picture of organised crime in the region, particularly as some countries have thus far not addressed organised crime as a separate phenomenon. The perspectives of civil society, including journalists, lawyers, academics, non-governmental organisations (NGOs), community-based organisations and independent researchers will have to be added to the official information if the attempt to develop a regional perspective is to be realised. The process of collecting this information is currently under way, and the results will be published as soon as this part of the project is completed.

However, the information obtained in the survey appeared to be of sufficient interest and relevance to warrant a separate publication. It seems as if it is the first time that police agencies in the SADC region have completed a standard questionnaire on organised crime for non-operational purposes. The importance of their willingness to assist in this project and the fact that the information supplied by them contributes towards the construction of a regional picture of organised crime, provided sufficient justification for this separate monograph on the 'official' perceptions of organised crime in the region. However, it must be made clear at the outset that the questionnaire contained many imperfections and therefore resulted in some of the responses being too general to justify comparisons or the making of reliable inferences from the information supplied. The objective of the questionnaire was to make a start in obtaining standardised information on organised crime in the region and it had to be based on the co-operation of the police agencies. The very positive response from police agencies suggests that future questionnaires could build on this one by being more specific and by providing clear criteria and guidelines for the respondents. It is therefore hoped that a gradual process of upgrading questionnaires will be possible in future.

Chapter 2

SURVEY METHODOLOGY

Background

The questionnaire on organised crime was prepared during July 2000. This occurred against the background of an international environment in which the issue of organised crime was rapidly moving up on the agendas of both governments and international organisations. The importance attached by the international community to increased efforts to fight organised crime is best illustrated by the involvement of more than 120 states in the negotiations that led to the finalisation in July 2000 of the new United Nations Convention against Transnational Organised Crime (the Palermo Convention). This convention, which has since been adopted by the General Assembly of the United Nations and signed by more than 123 UN member states,¹² among others, provides for expanded international co-operation and mutual legal assistance.¹³

The SADC region is probably one of the regions with the most to gain from international assistance through the Palermo Convention. But this depends on countries in the region being in a position to ratify and implement the convention as soon as possible. It would also depend on whether countries are able to persuade the international community that they are serious about combating organised crime and that they have the political will to do so. Neither a notable determination to combat organised crime nor the political will to do so can be assumed in poor and often weak states which have a host of other pressing national problems to overcome. The chances of the national police agency of a developing or a least developed state completing a comprehensive questionnaire that delves into organised crime probably diminishes in proportion to the strength or weakness of its determination to do something about it. Preparing a questionnaire for the police agencies of Southern Africa was therefore a venture into uncharted territory. The possible response to a questionnaire could not be anticipated as no precedents existed. No guidelines from previous questionnaires were available.

Questionnaire development

It was important first to discuss the possibility of using a questionnaire with the various national police agencies before embarking on the exercise of compiling the questionnaire. After obtaining the support of the chairperson of SARPCCO for such a questionnaire, and following his recommendation to all police agencies to support the project, visits were undertaken to some SADC countries to meet with representatives of the particular national police chiefs. Meetings were held in Lesotho, Mozambique, Namibia, South Africa, Swaziland, Zimbabwe and Zambia. The representatives all indicated that they would co-operate and consider a questionnaire once it was presented.

During August and September 2000, the questionnaires were forwarded to the national police agencies of Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. Prior to this, each of the 11 police agencies appointed a contact person to deal with the survey. Respondents were requested to answer 24 questions which covered areas such as the size and budget of the police service, the definition of organised crime used by the service, the nature of organised crime, and the activities of so-called 'indigenous organised criminal groups' and 'organised criminal groups with international components' (a condensed questionnaire appears as an appendix). Some of the questions were based on the transnational organised crime assessment form, which the UN Centre for International Crime Prevention in Vienna had prepared for a global research project on organised crime.

In order to draw a distinction between 'indigenous' organised criminal groups, consisting of individuals from within a specific country, and those organised criminal groups that primarily consist of foreign nationals, the latter category was referred to as 'organised criminal groups with international components'. The distinction between the two categories was explained to respondents in an introduction to the questionnaire. This categorisation is probably not the most useful as it focuses on the nationality of the members rather than on the nature of their activity. So-called 'indigenous' organised criminal groups are often as involved in transnational organised groups as those that consist mainly of foreign nationals. However, as this was the first survey of its kind, it was decided rather to err on the side of caution and simplicity.

The introduction further sought to place organised crime in the SADC region into an international context and referred to the need for regional and international responses to combat it effectively. An explanation was provided of the objectives of the research project of which the survey was a part, and the funders of the project were identified. Reference was made to the worldwide problem of finding a universally applicable definition for organised crime. The definition for an 'organised criminal group' contained in the UN Convention against Transnational Organised Crime was cited as one which was likely to influence future efforts in reaching common ground with regard to a definition on organised crime.

Of the 11 respondents, all except Angola and Mozambique returned the completed questionnaire.¹⁴ They did so at various intervals, with the last one returned in January 2001. This should be regarded as an exceptionally positive response. It suggests that there is a willingness by Southern African police agencies to address organised crime and to develop a regional approach. Prior to embarking on the survey, some experts with international experience had warned that questionnaires of this nature had a very poor return rate and that a survey would probably not produce the desired results as police agencies were reluctant to respond to questionnaires, particularly on organised crime. The positive response to the questionnaire therefore suggests that the survey method to obtain quantitative information on organised crime from the police should not be dismissed.

This report analyses the information supplied by the nine police agencies that responded. Each question will be considered separately and the responses briefly assessed. The limitations and problems relating to a survey such as this are considerable. Some of the limitations will emerge from the analyses of the responses that follow.

Evaluation of the questionnaire

Respondents were asked to make any comments, or to provide criticism or advice about the questionnaire and its administration. It was envisaged that such comments could serve as valuable indicators for future surveys and could assist in the construction of more relevant questionnaires.

Only three of the nine police agencies responded to the question. Two of the brief comments were complimentary, while one police agency felt that the questionnaire was too long. The question might have elicited more information had it been phrased in more precise terms. For example, it might have assisted if the question was targeted at specific aspects of the questionnaire rather than being couched as a single general question.

Chapter 3

GENERAL INFORMATION ON POLICE AGENCIES IN THE SADC REGION

The first question in the survey did not relate directly to organised crime, but sought to elicit information about the size of the various police agencies in the SADC region. The objective was to obtain comparative information that would provide an indication of the resource constraints under which some of the Southern African police agencies have to work.

Relative sizes of police agencies

Respondents were asked what the total number was of police officers serving in the particular country's police service on 31 December 1999 (see table 2).

Table 2: Total number of police officers in SADC countries, 31 December 1999

Country	Total	Total population*	Police:population ratio
Botswana	5 830	1 576 470	0.229166667
Lesotho	2 388	2 143 141	0.664583333
Malawi**			
Namibia**			

South Africa	***104 200	43 421 021	0.330555556
Swaziland	2 500	1 083 289	0.342361111
Tanzania	27 200	35 306 126	1:1 298
Zambia	13 000	9 582 418	0.553472222
Zimbabwe	19 000	11 342 521	0.455555556

* Estimates for 2000. See The world factbook 2000, Directorate of Intelligence, Central Intelligence Agency, US, August 2001, <www.cia.gov/cia/publications/factbook/indexgeo.html>.

** The police agencies of Malawi and Namibia did not respond to this question.

*** This figure does not originate from the survey, but was provided by the South African Police Service to the South African Institute for Race Relations on 31 January 2000 and published in the South Africa survey 2000/2001, SAIRR, Johannesburg, 2001, p 108. When civilian employees are added, the total establishment in April 2001, was 121 000.

The figures show that there are significant variations in the population:police officer ratios among SADC member countries. The ratios in Botswana (1:270) and Swaziland (1:433) compare reasonably well with those in some developed countries such as Germany (1:315), Ireland (1:326), and New Zealand (1:337).¹⁵ However, when account is taken of the high ratios in countries such as Zambia (1:737), Lesotho (1:897), and Tanzania (1:1 289), the degree to which the police in these countries are overstretched becomes apparent. In considering the population:police ratios in most Southern African countries, account must also be taken of the enormous surface areas that are involved, the long boundaries and coastlines, the extremely limited resources, and population compositions which include higher percentages of younger men than in developed countries.

The wide variations in population:police ratio in the SADC region provide a compelling case for regional co-operation in combating organised crime. The sharing of resources, also during joint operations, contributes towards a better utilisation of regional capacity to address a regional problem.

The relevance of these ratios for organised crime in the region lies in their indication of a country's ability to undertake general policing functions that impact on organised crime, such as the effective policing of borders against transnational organised criminal activity. Tanzania, for example, covers an area larger than the combined area of Germany, France and the Netherlands. Police authorities in Tanzania have warned that the East African region, of which it is part, has been targeted by transnational organised criminal groups as a major transshipment centre for a variety of narcotics and that this conduit for illicit drugs connects America, Europe and other areas in the world.¹⁶ With a coastline of 1 424 kilometres and land borders with neighbouring countries Burundi, Kenya, Malawi, Mozambique, Rwanda, Uganda and Zambia totalling 3 402 kilometres, the Tanzanian police face an overwhelming task to secure the country's borders and coastline against smuggling and other criminal activities.

The ability of the police to combat organised crime effectively is clearly not necessarily directly related to the size of the police agency in a particular country. Thorough training, the effective use of crime intelligence, proper equipment, and a determination to focus on organised crime can enable even an otherwise overstretched police agency to make significant inroads into organised crime. In general, however, organised criminal groups are experts in identifying low-risk environments for their operations. One of the indicators of a low-risk environment may well be a population:police ratio that implies a police service severely handicapped by a lack of resources. Many of the developing and least developed countries in Africa and elsewhere face this problem. There is no short-term solution to address this issue.

Strength of criminal investigation components

A number of police agencies declined to reveal the strength of the criminal investigation components of their countries' police service. Their reasons are unknown, but have to be respected.

The question (2) asked how many members of the country's police service were allocated to the investigation of criminal cases, for example, serving in a criminal investigation department (CID), as well as in the detective branch.

It would not serve much purpose to consider the responses of those police agencies that did supply figures, in the light of the degree of sensitivity around this information. This would only result in a very incomplete regional picture.

Budgets for criminal investigations

The purpose of the question was to identify an important element of the resource constraints within which police agencies have to operate in Southern Africa. The thinking behind this question, as well as the one on the strength of criminal investigation components was that the responses may make it possible to identify how much is spent on individual detectives per year in each of the respondent countries. This may have resulted in the identification of those police agencies with the greatest need and on which various forms of assistance could have a significant impact. The question tried to establish what the total amount of money was that was allocated in the 1999 financial year to the police components that investigate criminal cases, for example, the CID or the detective branch.

Four of the nine respondents did not respond to this question and one indicated that the information was not available. For the reasons mentioned above, it will be inappropriate only to consider the responses of the four police agencies that provided information. No inferences could be drawn from such an analysis.

Chapter 4

DEFINING ORGANISED CRIME

The term 'organised crime' has been loosely and generically used internationally to describe the criminal activities of organised criminal groups consisting of three or more persons who commit serious crimes over a period of time for profit. In most countries, the police and lawyers have struggled to develop a satisfactory definition for organised crime, mainly because the nature of organised crime tends to differ from country to country. The fact that the well-known Mafia groups in the United States have clear hierarchical structures, has led to some American definitions emphasising 'structure' when elucidating the concept of organised crime. In Southern Africa, however, indications are that organised criminal groups are not as structured as the Mafia. They tend to function in loose and shifting associations and alliances with others, or in networks without clear hierarchical structures. As a result, different definitions have been used by police agencies in different parts of the world.

At the many meetings of the UN Ad Hoc Committee, held during 1999 and 2000 in Vienna to negotiate the Convention against Transnational Organised Crime, an internationally agreed definition for organised crime proved to be one of the most difficult aspects on which to reach consensus. The compromise that was eventually agreed upon did not actually define organised crime. Instead, it provided a definition of an 'organised criminal group' and then proceeded to criminalise participation in such an organised criminal group.¹⁷ Articles 2 and 5 of the Convention provide the following:

"Article 2: Use of terms

For the purpose of this Convention:

- "Organized criminal group" shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;
- "Serious crime" shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty;
- "Structured group" shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure

Article 5: Criminalization of participation in an organized criminal group

- Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:
- Either or both of the following as criminal offences distinct from those involving the attempt or completion of the criminal activity:
- Agreeing with one or more other persons to commit a serious crime for a purpose relating directly or indirectly to the obtaining of a financial or other material benefit and, where required by domestic law, involving an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group;
- Conduct by a person who, with knowledge of either the aim and general criminal activity of an organized criminal group or its intention to commit the crimes in question, takes an active part in:
 - Criminal activities of the organized criminal group;
 - Other activities of the organized criminal group in the knowledge that his or her participation will contribute to the achievement of the above-described criminal aim;
- Organizing, directing, aiding, abetting, facilitating or counselling the commission of serious crime involving an organized criminal group.
- The knowledge, intent, aim, purpose or agreement referred to in paragraph 1 of this article may be inferred from objective factual circumstances."

Since December 2000, 124 states have signed the Palermo Convention. This means that, for the first time, a common international approach to the definition of organised crime exists. The countries which have signed the Palermo Convention include all SADC member countries except Botswana and Zambia. These two countries have indicated that they are committed to the convention and will sign it in due course.

The signing of the Palermo Convention by numerous UN member states does not mean that the array of existing domestic definitions is likely to be discarded immediately. It will take a number of years before the Palermo Convention is ratified and it is likely that states will continue to rely on their existing domestic definitions for many years to come. Some might do so in order to capture the peculiar nature of organised crime in their country or because they prefer a simpler definition.

Definition of organised crime in the SADC region

The relatively recent identification of organised crime in the SADC region as a national and regional threat has meant that a number of police agencies in the region have not yet developed their own definitions of organised crime. Respondents were asked whether they had adopted a definition and, if so, what this definition was (question 4 and 5).

Table 3: Whether the responding country has adopted a definition of organised crime

Country	Response	
	No	Yes
Botswana	x	
Lesotho	x	
Malawi	x	
Namibia	x	
South Africa		x

Swaziland		x
Tanzania		x
Zambia		x
Zimbabwe	x	

Respondents were asked to supply such a definition if their answer to the previous question was in the affirmative. Responses from the different police agencies are provided verbatim below, with the exception of Zimbabwe did not supply particulars.

Botswana

"We go along with the definition contained in the draft Convention on Transnational Organised Crime."

Lesotho

"There is no special law which defines Organised Crime as Organised Crime but there are a number of such cases that are being investigated."

Namibia

"Namibia does have specialised units to fight the organised crime syndicates, however tried investigation methods are often inadequate to combat these crimes committed by syndicates. The current Common Law and Statutory Law has failed to effectively deal with organised crime and therefore Namibian is currently busy looking in to a legislation to counter the organised crime and criminal gangs."

South Africa

"Organised crime is the systematic commissioning of crimes motivated by a craving for profit and/or power.

Within the parameters of this definition, a criminal group involved in organised crime needs to meet the following criteria:

- The criminal group has to involve the collaboration of more than two (2) people,
- It has to be suspected of involvement in serious criminal offences,
- It has to have been involved in such serious criminal activity for a prolonged or indefinite period,
- It has to be motivated by the pursuit of profit and/or power,
- It should stimulate and/or employ commercial or businesslike structures,
- By way of division of labour, group members should have their own appointed tasks,
- It shall employ some form of discipline and control (disciplinary sanctions)
- It should be engaged in money laundering,
- It should use violence or other means for the purpose of intimidation,
- It should attempt to exert influence on politics, media, public administration, judicial authorities or the economy (corruption),
- Abuse of state, provincial and international borders.

(* Before a criminal group can be identified as an organised criminal organisation, at least six (6) of the criteria need to be fulfilled, including the first four. This definition caters for both criminal groups with exclusive identities and loosely-knit criminal coalitions.)"

Swaziland

"Any group of individuals whose primary activity involves violation of criminal laws to seek illegal profits and power, by engaging in racketeering activities, and when appropriate, engaging in intricate financial manipulations. The term "organised crime" consists of the following:

- A group of people (criminals), more than one
- Participating in unlawful activities
- Seeking money and power
- Forms a syndicate, group, cartel, racket, mafia etc
- Money laundering

Organised crime has taken the following characteristics:

- Structure
- Limited number of membership
- Cell forming and secrecy
- The use of violence and intimidation
- Access to corrupt police officials
- Money laundering

The main activities of these syndicates comprise of the following:

- Theft of motor vehicles
- Armed robberies
- Drug trafficking
- Smuggling firearms
- Counterfeiting
- Money Laundering
- Bribery
- Extortion."

Tanzania

"Any offence or non-criminal culpable conduct which is committed in combination or from whose nature a presumption may be raised that its commission is evidence of existence of a criminal racket in respect of acts connected with, related to, or capable of producing the offence in question."

Zambia

"A structured group of three or more persons existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with the convention in order to obtain directly or indirectly a financial or any material benefit."

Lack of a uniform definition of organised crime in SADC

The survey therefore shows that, in 2000, five of the SADC countries which participated in the survey had not adopted a definition of organised crime, while the remaining four used definitions that differed from one another. The lack of clarity within the region about what the different police agencies mean by the term

'organised crime' is likely to hamper police investigations at national level, as well as police co-operation on regional level. It also makes it very difficult, if not impossible, to compile reliable regional assessments of organised crime. The detective who is not equipped with a clear understanding of what organised crime is, is likely to adopt the conventional method of investigating a particular suspect in cases where the investigation should have been much broader and aimed at the criminal group and its underlying conspiracy.

Joint operations by police agencies against organised criminal groups in SADC countries face considerable obstacles if different or no definitions of organised crime exist in these countries. It would therefore contribute towards the effective combating of organised crime regionally if members of SARPCCO were to make a concerted effort to develop a definition that applies regionally or if they were to harmonise existing and future definitions that are developed. The approach towards defining organised crime in the Palermo Convention could clearly serve as a valuable guideline, but local and regional circumstances have to be taken into account.

Chapter 5

SPECIALISED UNITS TO INVESTIGATE ORGANISED CRIME

The domestic nature and patterns of crime generally determine whether a police agency will establish specialised police units to address specific crime categories. The number of such units and their functions will therefore differ from country to country. Not much can be read into the fact that one country has more specialised units than another. The names given to the units seldom provide sufficient information about the full range of responsibilities of such a specialised unit. For all these reasons, the information that was gathered in the survey about the specialised police units of Southern African police agencies merely provides an indication of the present state of affairs rather than a reflection of their individual ability or capacity to combat organised crime.

Respondents were asked whether there were specific units within their police service tasked to investigate criminal offences committed by organised criminal groups — for example, a narcotics branch, organised crime unit or endangered species unit. If the answer to this question was yes, the following information was requested:

- the names of such units;
- the number of units; and
- their main tasks (see table 4).

Table 4: Special police units to investigate organised crime in SADC countries

Country	Special units	Number	Names of units
Botswana	Yes	2	Diamond and Narcotic Squad, Serious Crime Squad
Lesotho	Yes	5	Diamond and Drugs Squad, Robbery and Car Theft Squad, Fraud Squad, Counter Crime Unit, Stock Theft Unit
Malawi	Yes	3	Anti-Robbery Unit, Anti-Motor Vehicle Theft Unit, Dangerous Drugs Unit
Namibia	Yes	7	Detective Unit, Drug Law Enforcement Unit, Protected Resources Unit, Commercial Crime Unit, Motor Vehicle Theft Unit, Crime Investigation Support Unit, Criminal Intelligence Unit
South	Yes*	11	Undercover Operations Office, Vehicle Theft Unit Stock Theft Unit, Diamond & Gold Unit, South African it, Narcotics Bureau, Fraud Unit, Anti-Corruption Unit, Gang Unit, Firearm

Africa	Yes	14	Investigating Unit, Serious & Violent Crime Unit, Vehicle Tracing Unit, Truck Highjacking & Theft Unit, Illegal Aliens Unit, Endangered Species Unit
Swaziland	Yes	5	Drug/Car Theft Unit, Serious Crime Unit, Criminal Intelligence Unit, Interpol Unit, Fraud and Commercial Unit
Tanzania	Yes	5	Ant-Narcotic Unit, Anti-Terrorist Squad, Stock Theft Prevention Unit, Anti-Robbery Squad, Criminal Intelligence Unit
Zambia	No**		
Zimbabwe	No***		Drug Squad, Vehicle Theft Section, Special Investigating Unit
*The South African Police Service supplied this information before it announced that a restructuring and reduction of the number of specialised units were under way.			
**"In Zambia, all investigations involving narcotics are handled by the Drug Enforcement Commission, which is an independent entity. "			
*** There are currently no specific units in the Zimbabwe police which deals solely with offences perpetrated by organised criminal groups.			

The Zimbabwean response probably also reflects the existing reality in most of the other police agencies. As in Zimbabwe, most police agencies in the region have specialised units, but these were probably established for the purpose of investigating specific crime categories rather than for the sole purpose of investigating organised crime. The fact that many of the crime categories for which the units were established involve crimes frequently committed by organised criminal groups does not necessarily suggest that the members of all of the above specialised units were trained or are equipped to investigate organised crime effectively. This has certainly been the case in South Africa.

The high priority presently accorded to the fight against organised crime in South Africa has led to the establishment of organised crime units which consist of multidisciplinary teams, that make extensive use of crime intelligence, and that are specifically equipped to investigate organised crime. Members of existing specialised units such as the South African Narcotics Bureau or the Diamond and Gold Branch are currently being redeployed into dedicated organised crime units, or will be undertaking detective work at station level.

The logic behind the developments in South Africa is not difficult to understand and may well hold some lessons for other police agencies in the region. Sophisticated drug syndicates that deal in narcotics are often also involved in crimes such as money-laundering, vehicle theft, diamond-smuggling or prostitution. If a specialised anti-drug unit concentrates on investigating those activities that relate to drug-related issues only, and not on the other activities of the same syndicate that relate to money-laundering, vehicle theft or diamond-smuggling, then an effective investigation of the syndicate cannot take place. A multidisciplinary organised crime unit is likely to be more effective because of its holistic approach and its wide variety of appropriate skills. With a multiplicity of specialised units that were established to focus on specific crime categories and also tasked to investigate organised crime, problems are always experienced with knowing where the mandate of one starts and that of the other ends. Duplication can occur and the danger of organised crime investigations, or aspects of such investigations falling through the cracks is real. The information available among different specialised units on organised criminal groups is not always shared and this makes it more difficult to investigate them properly.

A case may therefore be made for the restructuring of some of the specialised police units in the SADC region in order to establish dedicated organised crime units. This could strengthen the hand of the police against organised crime in their own country, as well as regionally.

Chapter 6

SCOPE AND THREAT OF ORGANISED CRIME IN THE SADC REGION

A number of questions aimed at establishing what police agencies in the different SADC countries saw as the nature of organised crime in their countries, how they perceived the threat posed by such criminal activities, what specific crimes posed the greatest threat, as well as the involvement of foreign nationals in organised criminal activities. The survey also attempted to establish whether organised crime had increased in the region over a period of five years.

Nature of organised crime in the SADC region

An attempt was made to establish the range of organised criminal activities occurring in SADC countries. Respondents were asked to choose the specific crimes which such groups were involved in and to indicate whether a particular activity could be categorised as a crossborder crime.

The questionnaire provided a list of 34 crime categories from which respondents could select those crimes prevalent in their countries (see tables 5, 6 and 7 for the responses of police agencies in the different countries). Some of the respondents chose not to respond to all the questions. The responses were therefore not as comprehensive as they could have been. It must be accepted that the conclusions that can be drawn from these responses have their limitations. Some parts of a fairly large puzzle are not in place, but sufficient information was provided to identify the range and nature of organised criminal activities in the countries concerned.

Table 5: Prevalence of specific crime categories in Botswana, Lesotho and Malawi

Crime category	Botswana				Lesotho				Malawi			
	Y	N	NK	CB	Y	N	NK	CB	Y	N	NK	CB
Drug-trafficking	x			x	x			x	x			x
Cocaine	x				x				x			
Heroin		x			x				x			
Marijuana	x				x				x			
Mandrax					x				x			
Ecstasy	x											
LSD	x											
Hashish									x			
Other synthetic drugs												
Counterfeit notes	x			x	x			x	x			
Forgery	x			x	x			x				
Poaching	x			x		x			x			
Smuggling ivory/rhino Horn	x			x		x			x			
Endangered species			x							x	x	
Smuggling firearms	x			x	x			x	x			x
Smuggling illegal immigrants	x			x	x			x	x			x
Traffic in women & children		x					x		x			x
Prostitution		x			x			x	x			x
Child pornography		x					x		x			x
Pornography		x					x		x			x
Money-laundering	x			x			x			x	x	
Insurance scams	x			x	x							
Bank fraud	√			√	√			√	√			

(cheques etc.)	^			^	^			^	^		
Credit card fraud	X			X			X			X	X
Other large-scale fraud	X			X	X						
Dealing in gold	X			X			X		X		
Dealing in diamonds	X			X	X			X	X		
Precious metals/gems		X			X			X	X		
Kidnapping for ransom		X					X			X	X
Extortion/protection money		X			X			X		X	X
Traffic in explosives			X				X			X	X
Illegal gambling		X			X				X		
Trade in human body parts		X					X			X	X
Armed robbery	X			X	X			X	X		X
Vehicle theft/hijacking	X			X	X			X	X		X
Smuggling cultural artefacts		X					X			X	X
Loan sharks/usury	X			X	X					X	X
Environmental crimes		X			X					X	X
Computer crime/internet fraud	X			X	X					X	X
Intellectual property theft	X			X	X				X		
Corruption in business sector	X			X	X			X			X
Corruption in government	X				X			X			X

Y = yes N = no NK = not known CB = crossborder

Table 6: Prevalence of specific crime categories in Namibia, South Africa and Swaziland

Crime category	Namibia				South Africa				Swaziland			
	Y	N	NK	CB	Y	N	NK	CB	Y	N	NK	CB
Drug-trafficking	X			X	X			X	X			X
Cocaine	X				X				X			
Heroin	X				X				X			
Marijuana	X				X				X			
Mandrax	X				X				X			
Ecstasy					X							
LSD												
Hashish					X							
Other synthetic drugs	X											
Counterfeit notes	X				X				X			X

Forgery	x				x				x			x
Poaching	x				x							
Smuggling ivory/rhino Horn	x				x				x			x
Endangered species	x					x			x			x
Smuggling firearms	x			x	x			x	x			x
Smuggling illegal immigrants			x		x			x	x			x
Traffic in women & children			x		x			x				
Prostitution			x		x			x				
Child pornography			x				x					
Pornography			x				x			x		
Money-laundering	x			x	x			x	x			x
Insurance scams	x			x	x			x				
Bank fraud (cheques etc.)	x			x	x							
Credit card fraud	x			x	x							
Other large-scale fraud	x			x	x							
Dealing in gold	x				x			x				
Dealing in diamonds				x	x			x				
Precious metals/gems	x				x			x				
Kidnapping for ransom			x		x							
Extortion/protection money			x				x					
Traffic in explosives	x			x	x							
Illegal gambling			x				x					
Trade in human body parts			x				x					
Armed robbery	x			x	x				x			x
Vehicle theft/hijacking	x			x	x			x	x			x
Smuggling cultural artefacts			x				x					
Loan sharks/usury	x			x			x					
Environmental crimes			x				x					
Computer crime/internet fraud			x				x					
Intellectual property theft			x				x					
Corruption in business sector			x		x							
Corruption in government			x		x			x				
Y = yes N = no NK = not known CB = crossborder												

Table 7: Prevalence of specific crime categories in Tanzania, Zambia and Zimbabwe

Crime category	Tanzania				Zambia				Zimbabwe			
	Y	N	NK	CB	Y	N	NK	CB	Y	N	NK	CB
Drug-trafficking	x			x					x			x

Cocaine	x								x			
Heroin	x								x			
Marijuana	x								x			
Mandrax	x								x			
Ecstasy												
LSD												
Hashish												
Other synthetic drugs	x								x			
Counterfeit notes	x			x	x				x			x
Forgery	x				x				x			x
Poaching	x				x				x			x
Smuggling ivory/rhino Horn	x				x				x			x
Endangered species	x									x		
Smuggling firearms	x			x	x				x			x
Smuggling illegal immigrants			x		x				x			
Traffic in women & children			x							x		
Prostitution			x		x					x		
Child pornography		x								x		
Pornography			x		x				x			x
Money-laundering		x							x		x	
Insurance scams			x							x		
Bank fraud (cheques etc.)	x									x		
Credit card fraud			x							x		
Other large-scale fraud	x									x		
Dealing in gold	x			x					x			x
Dealing in diamonds	x			x						x		
Precious metals/gems	x			x					x			x
Kidnapping for ransom		x								x		
Extortion/protection money			x							x		
Traffic in explosives			x							x		
Illegal gambling		x								x		
Trade in human body parts			x							x		
Armed robbery	x				x				x			x
Vehicle theft/hijacking	x			x	x				x			x
Smuggling cultural artefacts			x							x		
Loan sharks/usury			x							x		
Environmental crimes	x									x		
Computer crime/internet fraud			x							x		
Intellectual property theft	x			x						x		
Corruption in business sector			x						x		x	
Corruption in government	x								x		x	

Y = yes N = no NK = not known CB = crossborder

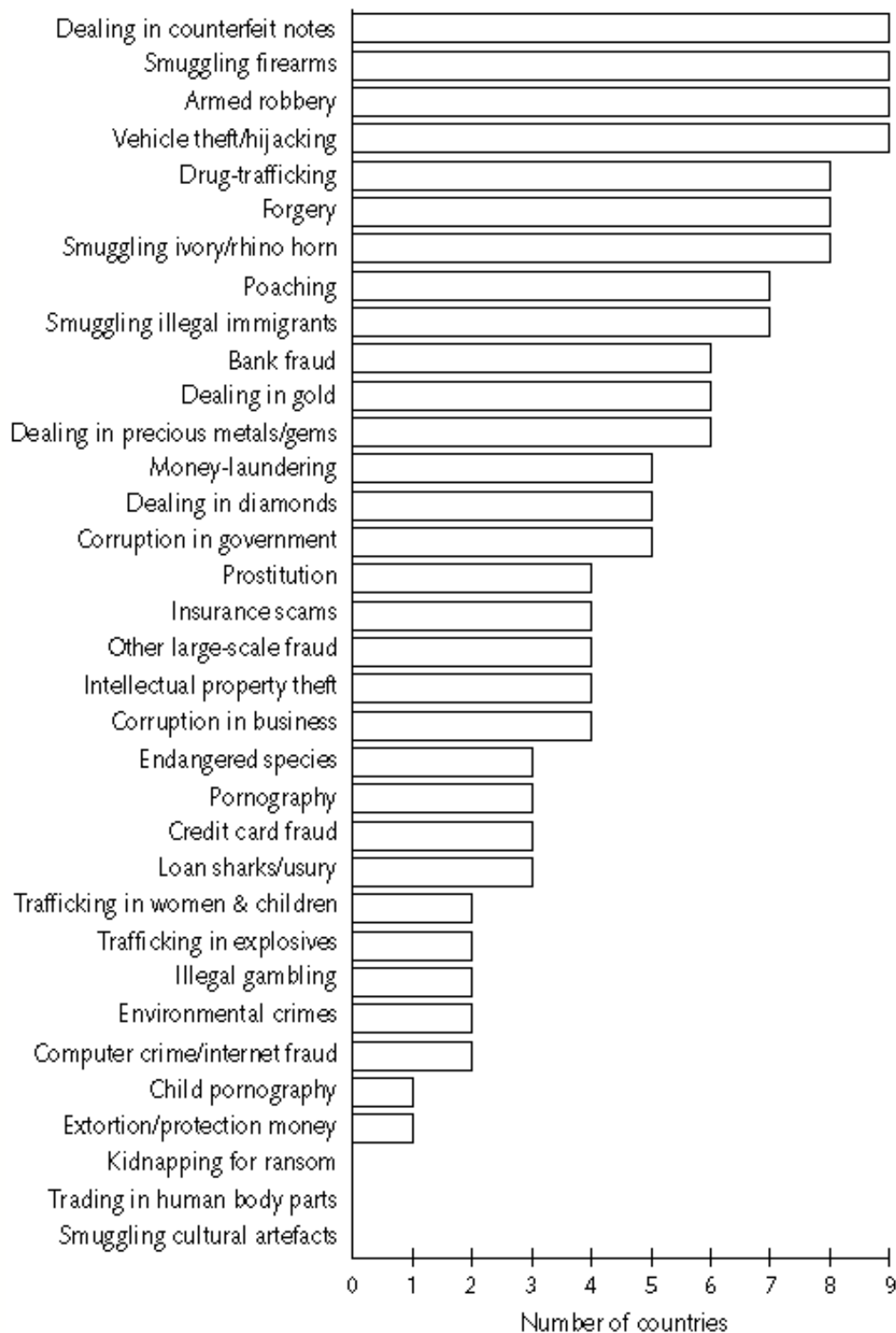
Despite their limitations, the responses in the tables that follow, contain a valuable source of information for further analysis. The fact that different or sometimes no definitions of 'organised crime' were used in completing the questionnaire, means that a comparison of the extent of organised crime in different SADC countries on the basis of the above responses will not carry as much weight as would have been the case if similar criteria had been applied by the respondents. Nevertheless, the wide range of crimes committed by organised criminal groups provides an indication of the overwhelming challenge faced by many of these countries.

Not only are organised criminal groups engaged in a wide variety of criminal activities, but the responses also indicate that crossborder criminal activities are extensive. The notion of transnational organised crime is therefore very real in each of the SADC countries that participated in the survey. For example, Botswana, a country with a relatively small population of 1 576 470, and a criminal investigation department consisting of about 600 detectives during 2000, indicated that, of the 34 categories of crimes listed in the questionnaire, 20 involved crossborder or transnational organised criminal activities. Politically and economically, Botswana has been one of the most stable SADC countries during the past two decades. It has been better placed than most SADC countries to make resources available for combating crime and has developed a good track record in this regard. However, even if it was able to devote more resources towards the combating of organised crime, Botswana will find it very difficult to curb organised crime without the more extensive involvement of other countries in the region.

The importance of developing a more effective regional response to organised crime becomes apparent when considering that, in the nine respondent countries, organised criminal groups are often engaged in similar criminal activities. A sharing of expertise and intelligence, and a harmonised regional legislative approach in the SADC region will be required to increase the risk for organised criminal groups and to make the combating of organised crime more effective.

The information below indicates the extent to which organised criminal groups in the nine countries were involved in similar criminal activities (see figure 1).

Figure 1: Extent to which SADC countries experienced similar categories of organised crime



Counterfeit notes

In a report published early in 2000, the US Treasury stated that South Africa was becoming a ‘major producer’ of counterfeit US currency and that the US Secret Service, the agency responsible for policing this crime, had established an office in South Africa to deal with the problem.¹⁸ Counterfeit notes worth US \$16.7m were seized in South Africa in 1998, representing nearly a quarter of worldwide seizures outside the US that year. The only country where seizures were greater was Italy, where notes with a face value of \$37.5m were seized.

Figure 1 suggests that the problem of counterfeit notes is not contained to South Africa, but that it is widespread throughout the region, with organised criminal groups active in dealing in counterfeit notes in each of the nine SADC countries that participated in the survey.

Smuggling of firearms, armed robbery and vehicle theft and hijacking

These categories of organised crime also occur in each of the nine respondent countries. The armed conflicts in some Southern African countries during the past two decades have been the main contributing factor towards the proliferation of firearms in the region. Firearms, as well as stolen motor vehicles, are trafficked throughout the region and are used by criminal groups as a currency to pay for other illicit goods such as narcotics or diamonds. A further consequence of the wide availability of firearms has been the rapid growth in armed robberies in the region.

While most of the stolen and hijacked vehicles that are trafficked in the region originate from South Africa, none of the other SADC countries have been spared by this phenomenon. During 2000, a total of 100 647 motor vehicles and motorcycles were reported stolen to the police in South Africa.¹⁹ In addition, a total of 14 999 cases of motor vehicle-hijacking — the removal of a vehicle from the driver through force or the threat of force — were recorded. A total of 115 646 motor vehicles (and a very small percentage of motorcycles) were therefore channelled from legitimate ownership into the criminal market during 2000. It is common cause that organised criminal groups were mainly responsible for the theft and hijacking of the overwhelming majority of reported cases. The police estimate that close to 50% of stolen or hijacked vehicles are smuggled across South Africa's borders to Southern African countries and beyond.²⁰

The smuggling of firearms, armed robbery, and vehicle theft and hijackings are therefore organised criminal activities which facilitate the commission of a number of other criminal activities in the region. A report from Malawi, pointing towards the interlinkage of these three categories of criminal activities, illustrates how this country experiences the impact of these crimes:

"[The recruitment of additional police] comes amid an outcry from the public that crime has reached uncontrollable levels in Malawi. Armed robbery was virtually unheard of in the single party era ... After ... the country's democratisation in 1994, not a day has gone by before a grisly armed robbery or murder is reported involving powerful assault rifles like AK-47. Carjacking is also taking root, with Malawi becoming an outpost for international car robbery rackets. The country is also increasingly becoming a conduit zone for hard drugs like mandrax, heroin and cocaine."²¹

Smuggling of ivory and rhino horn

A surprising eight out of the nine countries reported that organised criminal groups were involved in this crime. It appears to be far more prevalent in Southern Africa than is generally known, despite the widely held belief that poaching has stabilised or decreased in Southern Africa during the 1990s. Warning lights should continue to flicker when it is considered that the police agencies in seven out of the nine countries reported that organised criminal groups were involved in poaching. Close to 85% of the world's rhinoceros have been killed since 1970 and no other animal species has been so rapidly depleted for profit.²²

The smuggling of rhino horn is frequently interlinked with other forms of crime. In 1991, several citizens of the DRC were captured smuggling 29 horns into South Africa to exchange for stolen cars.²³ Poaching is not a crime that results in immediate human victims and is therefore unlikely to evoke the type of public response which armed robbery or vehicle theft might do. However, it has serious longer term consequences for the ecology, nature conservation and tourism in the region.

Corruption in government departments and the business sector

Five of the police agencies reported that organised criminal groups were involved with corruption in government departments and four mentioned that such groups were involved in corrupt practices in the business sector. The questionnaire specifically enquired about the involvement of *organised criminal groups* in corruption and not about corruption perpetrated by individuals. The responses suggest that criminal groups have managed to penetrate government departments in five of the countries. For developing and least developed countries, the consequences of such penetration are potentially far more

damaging than for developed countries with stable political and economic systems. It undermines the gains of democratic transition in a number of ways, including the negative impact on the delivery of basic services to the poor and by deterring potential foreign investment. As a result, the consolidation of democracy is delayed and economic growth retarded. A recent report from Zimbabwe illustrates this point:

"But by far the worst corruption case involves the alleged siphoning of more than 1 billion Zimbabwean dollars from a state-owned oil company by senior managers, leading to a national fuel crisis, which is still affecting the country.

Top officials at the National Oil Company of Zimbabwe are alleged to have stolen fuel and sold it on the black market, and sourced the commodity at above market prices from suppliers who paid them hefty kickbacks. This resulted in the company, which enjoyed a monopoly in oil import, accumulating a staggering debt of 20 billion Zimbabwean dollars because of the unrealistically high price at which it procured the fuel. "24

In another case, the Sun City international hotel group abandoned multibillion dollar plans to build hotels in Zimbabwe, in favour of Zambia, after Zimbabwean government officials allegedly persisted in demanding kickbacks to approve the project. As a result, the country lost direct investment worth Zim \$5 billion, and estimated annual earnings from the project of more than US \$30 million.25

The Zambian ministers of Home Affairs, Finance, and Works and Supplies have been implicated in the diversion of 2 billion kwacha from parliament, which was allegedly used to fund the ruling Movement for Multiparty Democracy's national convention held in April 2001.26

Although a draft SADC Protocol on Corruption is to be considered for adoption at the SADC summit of heads of state in August 2001, the region needs to guard against creating its own comfort zone behind regional and international conventions. While these are essential in developing co-ordinated responses to corruption, it is the political will that is displayed at national level and then manifested through a solid record of implementation at national level that will determine whether or not corruption will be combated effectively.

Implications of the crossborder occurrence of these crimes

Table 5 to 7 above therefore highlight the extent to which a wide range of criminal activities cut across all national boundaries, impacting on the region as a whole to a far greater extent than has perhaps been acknowledged. The long list of crossborder criminal activities goes far beyond trafficking in stolen vehicles, narcotics, weapons or diamonds. It includes crimes such as smuggling counterfeit notes, forgery, poaching, trafficking in women and children, money-laundering, insurance scams, bank fraud, computer fraud, intellectual property theft, and corruption in the business sector. The far greater extent to which transnational organised groups ignore boundaries to use the entire region as their operational terrain should serve as a warning to decision makers that more co-ordinated and focused regional policy and operational responses are required from governments. No longer can any single country in the SADC region hope to combat organised crime effectively within its own borders without simultaneously linking up with other countries in the region and internationally in its efforts. Although this fact has been recognised in the SADC region, it will require new SARPCCO initiatives which specifically focus on regional organised crime.27 Possible initiatives that should be explored will be discussed in the conclusion.

Perceptions of the threat posed by organised crime

The extent to which police agencies in the region perceive specific organised criminal activities as a threat to their country was probed in the survey. Respondents were asked to consider the crime categories provided before and to specify the ten which they regarded as constituting the most serious threat to their country (see table 8).

Table 8: Most serious crimes threatening countries in the SADC region in order of seriousness

	1	2	3	4	5
Botswana	Drug traffic	Vehicle theft & hijacking	Diamonds	Robbery	Corruption in government
Lesotho	Robbery	Corruption in government	Vehicle theft & hijacking	Firearms	Diamonds
Malawi	Robbery	Firearms	Vehicle theft & hijacking	Drug traffic	
Namibia	Vehicle theft	Drug traffic	Bank fraud	Forgery	Fraud
South Africa	Vehicle theft	Drug offences	Fraud	Diamonds /gold	Vehicle hijacking
Swaziland	Murder	Robbery	Vehicle hijacking	H/B & theft	Stock theft
Tanzania	Drug traffic	Robbery	Counterfeit notes	Forgery	Vehicle theft & hijacking
Zambia	Firearms	Robbery	Vehicle theft	Illegal immigration	Poaching
Zimbabwe	Vehicle theft & hijacking	Drug traffic	Robbery	Corruption in government	Corruption in business

6	7	8	9	10
Corruption in business	Ivory & rhino horn	Fire-arms	Illegal immigration	Intellectual theft
Bank fraud	Illegal Immigration	Fraud	Dagga	Corruption in business
Diamonds	Robbery	Fire-arms	Insurance scams	Loan sharks
Firearms	Robbery	Murder	Theft	Burglary
Firearms*	Rape	Vehicle theft	Theft	Fraud
Poaching	Firearms	Gold	Bank fraud	Corruption in government
Prostitution	Counterfeit notes			
Gold & emerald	Money-laundering	Poaching		

Although the above response accurately reflects the assessment of the threats posed to their respective countries by organised criminal activities made by the respondent police agencies, their responses have to be approached with caution. The need for caution emanates, among others, from the very general nature of the question. No objective criteria were provided on which to base their assessment of the threat. For example, no common definition of organised crime was suggested as a point of departure. Nor were they asked to indicate what definition they relied upon when formulating their response. From the discussion of definitions of organised crime provided above, it is already known that, at the time when the threat assessment was made, five of the police agencies had not adopted a definition of organised crime, while the remaining four used different definitions. Although the drafters of the questionnaire anticipated these problems, it was nevertheless decided to proceed with a general question in order to make a start at collecting this kind of information, irrespective of the anticipated imperfection of the responses.

It must therefore be assumed that there are considerable discrepancies in the criteria applied by the different police agencies when deciding whether specific crimes were committed by organised criminal groups or not.

Respondents were also not asked to indicate the methodology they had applied in arriving at the threat assessment. The information on which the threat assessment is based is therefore not known. Respondents were not requested to indicate, for example, whether they relied on crime intelligence assessments or whether crime statistics formed the basis. Nor did the question probe whether proper threat analyses were relied upon, what such processes consisted of, and to what extent the approaches to threat assessments differed from country to country. It is therefore not known to what extent some of the assessments were based on the subjective assessment of specific individuals in the various police agencies.

The uncertainty about what weight to attach to the priority list of crimes in table 8 above therefore arises from the generality and vagueness of the question. As the questionnaire was the first of its kind to be administered among Southern African police agencies, the decision was taken to err on the side of caution rather than to adopt a more meticulous approach that might risk a non-response. The fact that nine police agencies took the trouble to respond to this question stands to their credit and forms a good basis for more detailed questions to be raised in future. The process of developing coherent and reliable regional mechanisms for the assessment of organised crime will be lengthy and complex, and may take years to perfect, particularly in a region with limited resources. The experiences of other regions illustrate how difficult such a task can be, even if the availability of resources is not a constraining factor. Member countries of the European Union started with the process of measuring and assessing organised crime in 1993. A brief case study of their experiences during the first three years of this exercise is instructive and could provide an indication of the difficulties that still lie ahead for SARPCCO and SADC countries. The case study also indicates how difficult it is to rely on questionnaires during the initial phases of the process.

Case study of early efforts by EU member states to develop a common assessment mechanism for organised crime²⁸

With the view to improve police co-operation between EU member countries and to get an idea of the nature and extent of organised crime in Western Europe, a process commenced in 1993 with an attempt to develop a common definition of organised crime and to obtain reliable data about the phenomenon. The EU Council prioritised the development of an assessment mechanism that was to focus on the approach to and analysis of international criminal organisations known to member countries.

1993 annual situation report

The EU Council decided in 1993 that it would like to receive an annual report on the scale of and trends in international organised crime. This formed the basis for the first attempt to measure the nature and extent of organised crime in the EU. The resulting report contained substantial flaws. Problems that contributed to the flaws were identified as follows:

- There was no standard structure for the national collection of information which takes the specific aspects of the organised crime situation into account.
- There was no standardised structure for the preparation of national contributions and the overall EU report.
- The use of different definitions, criteria and parameters in national efforts to collect and analyse information resulted in a situation where the information gathered from member countries could not be reliably

compared. The analysis of the information, as well as the assessment of the analytical results were also very restrictive.

1994 annual situation report

Subsequent to the tabling of the 1993 report, meetings of experts were held and a strategy plan was endorsed in December 1994 in which the main goal of the next annual report was defined as the identification of the scale of and trends in international organised crime. This included, among others, a list of topics to be dealt with in the annual national reports. In 1995, this mechanism was put into use for the first time. Only six of the 15 EU member countries were able to provide quantitative data on organised crime for 1994. The attempts to compile an annual report were again not very successful as there were still a number of problems to overcome in order to establish a common assessment mechanism. For example:

- Not all member states had a national criminal intelligence service with data on criminal group
- The gathering and analysis of relevant information raised methodological as well as organisational problems
- The annual reports from some countries were based on criminal intelligence data, while other member states used 'hard' data derived from formal protocols or crime statistics

Despite these problems, the results provided a better view of organised crime in Europe than the previous report for 1993. Because of the many differences in the magnitude, analysis and treatment of the phenomenon among countries, However, it appeared to be very difficult to establish common trends and to formulate recommendations on the combating of organised crime.

1995 annual situation report

At an expert meeting in February 1996, the methodology used in the different countries was discussed. A number of EU member countries had introduced questionnaires in order to assess the organised crime situation for the 1995 annual situation report. Progress was made in perfecting a common mechanism for the systematic analysis and collection of the type of information required.

Nevertheless, in the annual situation report that was presented shortly thereafter, the authors stated that the analysis was influenced by the substantial differences between national situation reports with regard to their extent, analysis and view of organised crime. Some provided no quantitative data, others did not address all the topics in the questionnaire, and many did not identify trends observed during the year under review.

However, significant progress had been made since the 1993.

This brief case study illustrates that attempts to develop a regional assessment mechanism for organised crime are likely to go through lengthy phases of trial and error before a reliable common approach can emerge. This is a task that SARPCCO should address in earnest. At present, the SARPCCO constitution

states as one of its objectives: "[t]o promote, strengthen and perpetuate co-operation and foster joint strategies for the management of all forms of cross-border and related crimes with regional implications."

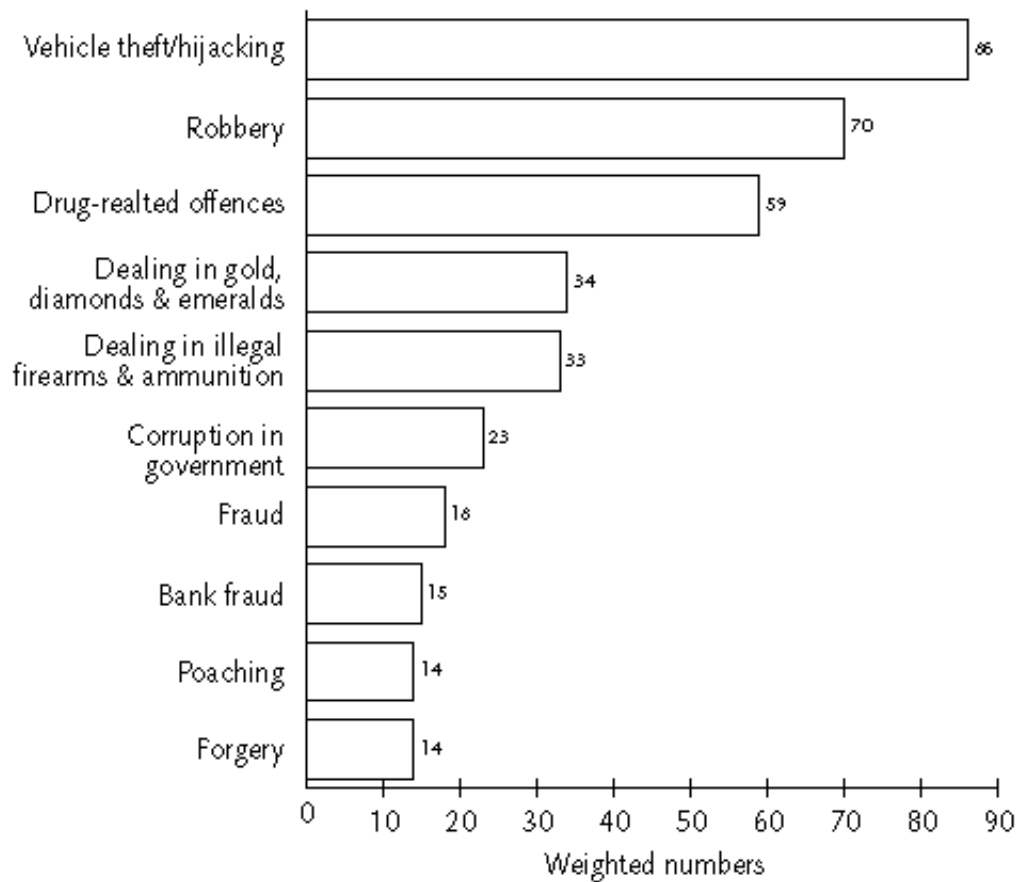
However, the concept of 'crossborder and related crimes' is very general and there appears to have been no concerted attempts to develop a common definition for organised crime among SARPCCO members or to start the process of developing an assessment mechanism for organised crime in the region. At present, SARPCCO, in co-operation with the subregional Interpol bureau, gathers regional information about trends and patterns of organised crime by way of questionnaires or through intelligence gathered during joint operations in the countries of the Southern African region.²⁹ The obstacles and problems that EU member countries grappled with during the first few years of developing an assessment mechanism remain unaddressed in the Southern African region. The information available to SARPCCO about organised crime in the region can therefore not be very reliable or accurate. The same must apply to the information on organised crime that was elicited through the questionnaire discussed in this monograph.

Despite its imperfections, this questionnaire could assist in improving and refining future attempts at assessing organised crime in the region. The information that was supplied in response to request to prioritise the ten most serious crimes threatening the region is therefore important as it provides a first, very tentative, indication of which organised crime activities are perceived to constitute the most serious threat to the nine SADC countries in question.

The views of five of the 14 SADC countries on organised crime in their country remain unknown as their police agencies either did not respond to the questionnaire or were not surveyed. The Mozambican and Angolan police agencies did not respond, and the survey was not administered in Mauritius, the Seychelles, or the DRC. It is in any event unlikely that Angola and the DRC would have been able to supply reliable country information on organised crime, as large parts of their territories are out of reach for police agencies due to ongoing conflict.

Under the circumstances, the responses from the nine SADC countries listed in table 8 provide a reasonable basis from which to extrapolate a regional threat assessment. An attempt to use this information to identify regional threats is presented in figure 2.

Figure 2: Ten categories of crimes committed by organised criminal groups that constituted the most serious threat to the SADC region in 2000*



* The weighting is based on the assessment provided by each of the police agencies. Points ranging from 10 to 1 were allocated to the ten crime categories that constituted the most serious threat to each of the countries. The crime category that constituted the most serious threat was weighted with 10 points and, on a sliding scale, the category that constituted the tenth most serious threat was weighted with 1 point.

From the above exercise, the prominence of vehicle theft and hijacking as the most serious organised crime threat to the SADC region is noteworthy. Regional police agencies have been prioritising this crime category for some time. SARPCCO, identified the theft and smuggling of stolen vehicles as a priority for joint police operations in the SADC region since its inception.

Since 1997, SARPCCO has organised at least nine joint police operations in Southern African countries targeting motor vehicle theft, drug cultivation and trafficking, firearms-trafficking, wanted criminals, diamond-smuggling, illegal immigrants and any other crimes. However, the common denominator in all nine operations was the focus on stolen vehicles. An example of such an operation was Operation V4, conducted during February to March 1997, and covering Botswana, South Africa, Zambia and Zimbabwe. A total of 1 576 stolen vehicles were recovered over a period of 12 days. Out of these vehicles, 1 464 originated in South Africa.³⁰

Similar joint operations were conducted in all 12 Southern African members of SARPCCO. Despite the focus on stolen motor vehicles, it was also acknowledged that organised criminal groups involved in the theft and crossborder smuggling of vehicles in Southern Africa are frequently also involved in the trafficking in drugs, firearms, diamonds and illegal immigrants. These forms of criminal activities are closely linked and, except for the trafficking in illegal immigrants, feature prominently among the five most threatening organised crime activities in the region as reflected in figure 2.

Joint police operations that focused on stolen motor vehicles therefore often resulted in arrests for other criminal offences. As a result of the close links between vehicle theft and other crimes, valuable crime intelligence relating to a wider range of criminal activities was obtained during SARPCCO joint operations.

The prominence of robbery among the five most serious organised criminal activities in the SADC region is

probably due to the ready availability of firearms in the region. The ongoing supply of cheap firearms from the regions' conflict areas is likely to continue for some years even if the conflicts abate soon. Not only have robberies become more violent and lethal as a result of the widespread use of firearms, but significant increases have been experienced in this crime category in most SADC countries. Reference has already been made to the increase in robberies in Malawi.³¹

In Tanzania, armed robbery is resurfacing after a lull that had prevailed since the mid -990s.³² In Botswana, the National Police Commissioner is contemplating the establishment of a specialised unit to combat armed robbery.³³ South African crime statistics show that reported cases of robbery with aggravating circumstances had increased from 97 173 in 1999 to 110 590 in 2000.³⁴

'Indigenous' and 'transnational' organised criminal groups

Indigenous organised criminal groups

The threat assessment reflected in table 8 and figure 2 relates to the activities of organised criminal groups, in general, without any distinction being drawn between indigenous and international criminal groups. In an attempt to obtain information about the extent to which international organised criminal groups are active in SADC countries, the survey administered among countries' police agencies contained some questions that distinguished between 'indigenous' and 'transnational' organised criminal groups.

Respondents were asked to specify the five most serious criminal activities — those that constituted the greatest threat to their country — in which indigenous organised criminal groups were involved. They were further requested to indicate whether these criminal groups operated only within their own countries' borders, or whether they were involved in crossborder crimes (see table 9). In the introduction to the questionnaire, it was suggested that the following very broad definition of indigenous organised criminal groups should be used when responding to this question:

"'indigenous organised criminal groups' are those that are made up primarily (but not exclusively) of nationals from your country and that are involved mainly (but not exclusively) in criminal activities within your borders."

It could be argued that the distinction between indigenous and transnational organised criminal groups is somewhat artificial and serves little purpose. However, when incomplete information is available to assess the extent and nature of organised crime committed by domestic organised criminal groups, such an exercise proves useful. The finger is often pointed at international organised criminal groups as the primary perpetrators of organised crime, while the increasingly active role of domestic organised criminal groups is downplayed. Table 9 not only provides an indication of the wide range of serious criminal activities engaged in by domestic groups, but also points to a surprisingly active role played by indigenous groups in crossborder criminal activities. This is the case in all nine countries surveyed and applies to virtually all categories of organised criminal activity. Domestic organised crime groups are therefore clearly transnational with regard to their criminal activities in the SADC region.

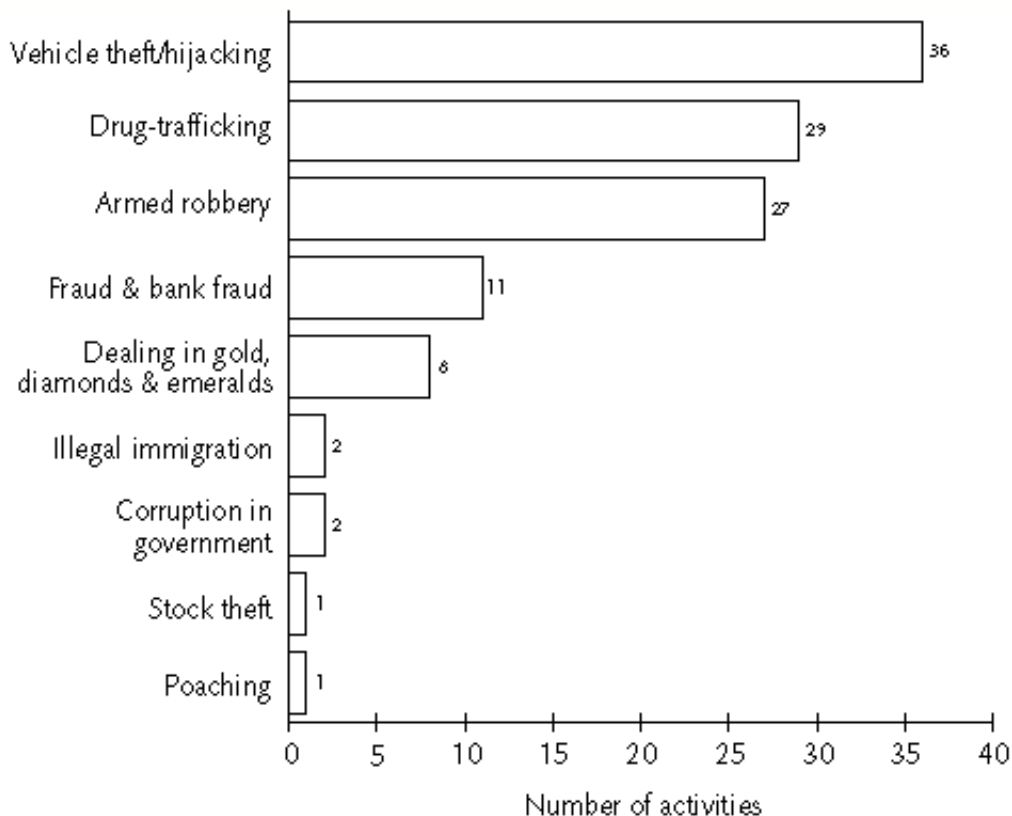
In an attempt to gauge which criminal activities committed by indigenous criminal groups constituted the most serious threat in the SADC region, the responses in table 9 were differentially weighted in order to arrive at a regional assessment. The weighting is based on points ranging from 5 to 1 allocated to the five crime categories that constituted the most serious threat to each of the countries. The crime category that constituted the most serious threat was therefore allocated five points and, on a sliding scale, the category that constituted the fifth most serious threat was allocated one point. The same grounds for caution that were raised in relation to the information set out in figure 1 and figure 2, apply to table 9 and 10.

Table 9: Crimes committed by indigenous organised criminal groups constituting the most serious threat to SADC countries in 2000

Countries	1	2	3	4	5	Within borders or crossborder
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Botswana	Drug-trafficking	Vehicle theft & hijacking	Armed robbery	Illegal diamonds	Corruption in government	All crossborder except 5
Lesotho	Armed robbery	Drug-trafficking	Vehicle theft & hijacking	Illegal firearms	Illegal diamonds	All cross-border
Malawi	Armed Robbery	Illegal firearms	Vehicle theft & hijacking	Drug-trafficking		All crossborder except 1
Namibia	Vehicle theft	Drug-trafficking	Bank fraud	Fraud	Diamonds	All crossborder
South Africa	Vehicle theft	Drug offences	Fraud	Diamonds & gold	Vehicle hijacking	All crossborder
Swaziland	Armed robbery	Vehicle hijacking	Vehicle theft	Arms & drugs	Stock theft	All crossborder
Tanzania	Drug-trafficking	Vehicle theft	Bank fraud	Armed robbery	Corruption in government	All crossborder except 4 & 5
Zambia	Illegal firearms	Aggravated robbery	Vehicle theft	Illegal immigration	Drug-trafficking	All crossborder
Zimbabwe	Vehicle theft & hijacking	Drug-trafficking	Armed robbery	Gold & emeralds	Poaching	All crossborder

Figure 3: Criminal activities of indigenous organised criminal groups constituting the most serious threat to SADC member countries in 2000*



Transnational organised criminal groups

Having considered the role of indigenous organised criminal groups, police agencies were asked to reflect on the role of transnational organised criminal groups. It was suggested that these groups, for the purpose of the questionnaire, should be defined as:

"those that are made up primarily (but not exclusively) of foreign nationals or of individuals who originate from countries other than the respondent country and who are involved in cross-border crimes."

It was further suggested that in cases where there was a mix of the two categories, the respondents should classify such a group as a 'transnational organised criminal group' if the influence of foreign nationals or those with foreign links was substantive. If the influence was negligible and the majority in the group are local nationals then the group should be categorised as an 'indigenous organised criminal group'.

Respondents were therefore asked to specify the five most serious criminal activities — those that constituted the biggest threat to their country — in which transnational organised criminal groups were involved which operated from their territory. Respondents were also requested to confirm whether the criminal activities referred to could also be classified as crossborder crimes. Responses are set out in table 10 and are illustrated as regional threat priorities.

Table 10: Crimes committed by transnational organised criminal groups constituting the most serious threat to SADC member countries in 2000

Countries	1	2	3	4	5	Within borders or crossborder
Botswana	Vehicle theft & hijacking	Drug-trafficking	Illicit dealing in diamonds	Armed robbery	Bank fraud	All crossborder
Lesotho	Vehicle theft/hijacking & trafficking	Drug-trafficking – marijuana	Smuggling firearms	Illicit dealing in diamonds	Corruption in business sector	All crossborder
Malawi	Smuggling firearms	Vehicle theft	Drug-trafficking			All crossborder
Namibia	Vehicle theft	Illicit dealing in diamonds	Other large-scale fraud	Armed robbery	Bank fraud	1-4 crossborder
South Africa	Vehicle theft	Drug-related offences	Fraud	Vehicle hijacking	Illegal weapons	All crossborder
Swaziland	Vehicle hijacking	Vehicle theft	Firearms & drug-trafficking	Fraud	Armed robbery	All crossborder
Tanzania	Drug-trafficking	Vehicle theft	Poaching	Illicit dealing in precious metals/gems	Bank fraud	"1, 3 & 4 crossborder"
Zambia	Firearm-smuggling	Aggravated robbery	Vehicle theft	Illegal immigrants	Drug-trafficking	(not indicated)
Zimbabwe	Vehicle theft & hijacking	Drug-trafficking	Armed robbery	Illicit gold/emerald dealing	Poaching	All crossborder

Once again, vehicle theft and hijacking feature as the most threatening criminal activities of transnational organised groups. The reason why this form of criminal activity is regarded as such a threat is not only

because the theft of motor vehicles is widespread but, as mentioned before, because this crime is closely intertwined with the trafficking of drugs, firearms, diamonds and other illegally obtained goods. Stolen vehicles constitute a ready currency in exchange for a wide range of illicit goods. Southern African police agencies appear to regard the theft of and trafficking in vehicles as the most serious threat posed by both indigenous and transnational organised criminal groups. The regional networks of both groups stretch across a number of SADC countries making it difficult for any country to curtail their activities on its own. The head of the Interpol's Subregional Bureau in Harare described their operations as follows:

"All countries in the region have supplied intelligence that has been analysed by Interpol and by the countries themselves. There are very clear relationships and interlinking factors between crime syndicates operating in Southern Africa. It is not a secret to law enforcement agencies of the region that the criminals in the region have better co-operation links than the police officers.

They seem to know who to contact at all times and budgetary constraints, foreign currency shortages, visa problems or governmental authority to travel do not control their movements.

For instance, during the V4 operation, the operatives of the four countries dealt with two very clearly structured syndicates. Both syndicates had ascertainable links in Zimbabwe, Zambia, South Africa and Botswana. Many of the leading figures were arrested during and after the operations, but there is nothing to suggest that the operations were effectively curtailed. Many of the operations are run as family businesses. Thus, when one on top is arrested, the remaining members continue with the business until they have been arrested as well. In many instances, the different syndicates help one another or share business, although there may be conflict at times."³⁵

Most of the international focus on Southern African organised crime is on drug-trafficking. This category of organised crime is regarded by regional police agencies as a significantly less serious threat than the theft of and trafficking in motor vehicles. The discrepancy is linked to the domestic interests of developed countries who are keen to see action taken against drug-trafficking in different parts of the world before drugs are smuggled across their borders. In 1996, the US Assistant Secretary for International Narcotics and Law Enforcement Affairs, Robert Gelbard, described Southern Africa as a transshipment centre for drugs:

"Southern Africa has the potential to play a number of roles in the international drug trade. At this point, however, it is primarily a transshipment center for heroin, cocaine, and Mandrax — a synthetically produced sedative made from methaqualone powder and antihistamines. And it is a growing market. If the problem is left unchecked, the trend will almost certainly be for Southern Africa to grow into a major support center, offering important money laundering, chemical production and distribution, shipping services, and eventually a base for powerful international narcotics brokers."³⁶

He described South Africa as "understandably at the hub of the region's drug trade." Although other countries in the region played a less significant role, they:

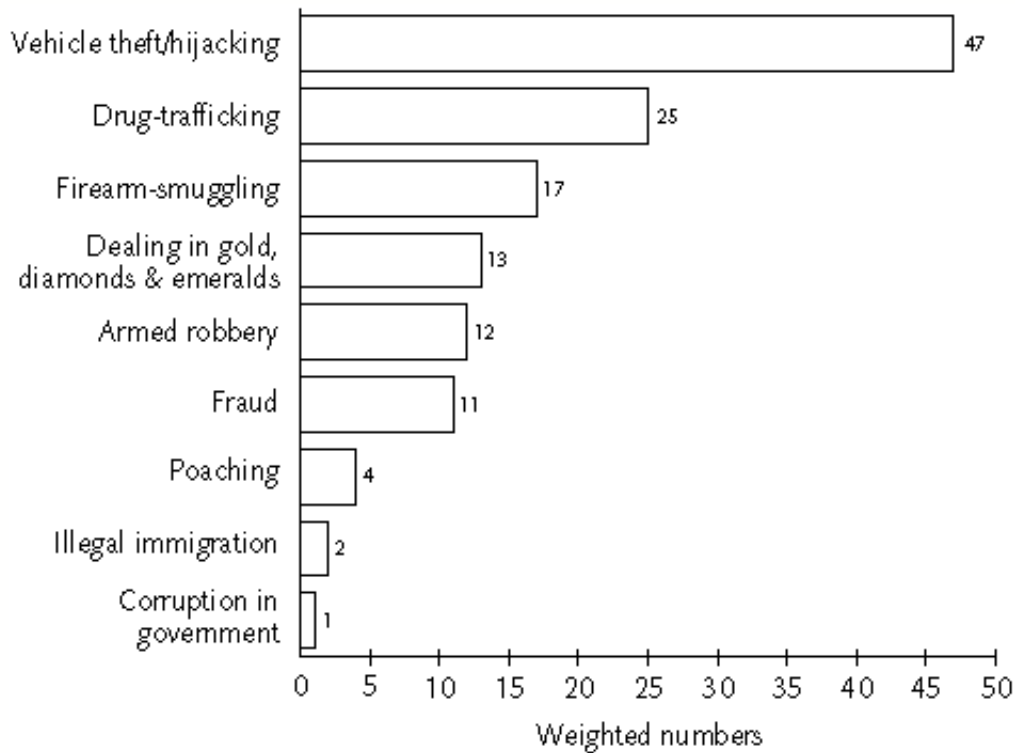
"collectively ... offer substantial additional trafficking opportunities and alternatives to the South African trade. Angola, Mozambique, Zambia, and Zimbabwe have already made their mark as significant transit points. Of the remaining countries in the region, Malawi appears to be experiencing the most active drug trade. Botswana, Lesotho, and Swaziland currently appear to play only minor roles in the regional trade."³⁷

In a more recent assessment, the head of the Interpol's Subregional Bureau in Southern Africa confirmed that:

"There is a clear route for hard drugs that come from South America and Asia into Southern Africa. There is no doubt that the hard drugs destined for Europe from these regions come through South Africa for re-routing to the European region and sometimes to Canada. Some of the drugs are routed to South Africa through Luanda and Dar es Salaam. This is an indication

of a strong base of organised crime in the region as money-laundering is undoubtedly a factor in drug-trafficking. Heroin, hashish and mandrax from the east and cocaine from the west are seen to be converging in South Africa before moving north to Europe."³⁸

Figure 4: Criminal activities of transnational organised criminal groups constituting the most serious threat to SADC member countries in 2000



The international impact of drug traffic in and through Southern Africa therefore elevates it to the most serious organised crime threat in Southern Africa from the perspective of the developed consumer countries and international organisations such as the UN Office for Drug Control and Crime Prevention (UNODCCP). Their assistance programmes and representatives in the region therefore tend to focus more on drug-trafficking than on the theft and hijacking of vehicles.

A comparison between the activities of indigenous and transnational organised groups, as reflected in table 9 and 10 above, is of some interest. The most distinguishing feature is that indigenous groups do not appear to be involved in the illicit trafficking of firearms to any significant extent. This criminal activity does not feature at all as one of the top five threats posed by indigenous criminal groups. However, table 10 indicates that transnational criminal groups were perceived to be heavily involved in this activity to the extent that, among their other activities, trafficking in firearms constituted the third most serious threat. The international dimension attached by police agencies in the region to the trafficking in firearms explains why Southern African governments have been vocal in supporting tougher international measures against such traffic. At the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects, held in New York from 9 to 20 July 2001, African representatives urged the international community to adopt a comprehensive action plan to prevent, combat and eradicate this illicit trade.

There also appears to be a considerable involvement by both indigenous and transnational criminal groups throughout the region in the illicit smuggling of diamonds and other semi-precious stones. The recent international attempts to curb the flow of 'blood diamonds' face significant challenges in Southern Africa, as it must be assumed that some of the diamonds trafficked in the SADC region originate from conflict areas such as Angola and the DRC.

Involvement of foreign citizens in organised criminal groups

The survey sought to obtain an indication of the nationalities of members of criminal groups. This

information could indicate whether crossborder or transnational organised crime in the region is primarily the preserve of citizens of Southern African countries and to what extent individuals from other parts of Africa and beyond are involved. The questionnaire provided a list of 18 countries from Africa and other parts of the world. Respondents were asked to indicate whether individuals from any of the listed countries were active in organised criminal groups in their country. In addition, space was provided to mention any other country whose citizens were members of organised criminal groups in their jurisdiction. They were requested to name such countries and to categorise these countries, for example, as other neighbouring states, Europe, and others.

The responses reflected in table 11 also included those countries additional to the 18 listed in the questionnaire.

Table 11: Involvement of citizens from other countries in organised criminal groups in SADC member countries

Listed countries	Botswana	Lesotho	Malawi*	Namibia	South Africa	Swaziland	Tanzania	Zambia	Zimbabwe
Mozambique	y	y		x		y			y
Zimbabwe	y	y		y	y			y	
Namibia	y	y							n
Swaziland	y	n		n	y				n
Lesotho	y			n	y				n
South Africa	y	y		y		y	y	y	n
Botswana				y					y
Zambia	y			y					y
Angola	y			y				y	
China/Hong Kong/Taiwan	y	y		y	y	n	y		n
Russia	n	y		y	y	n			n
Pakistan	y	y		y	y	n	y		y
Nigeria	y	y		y	y	y	y		y
India	y	y		n		y			y
Lebanon	y	n		n		n			y
Cameroon	y	n		y	y	n			y
Romania	n	n		n		n			n
United Kingdom	n	n		y		n			y
Japan	n	n		n		n			n
Malawi	y							y	y
Other									
DRC	y							y	
Ghana		y							
Uganda		y					y		
Kenya							y		
Tanzania								y	
Brazil									y

*Information not readily available

y = yes n = no

A number of respondents did not make any choice in respect of some of the listed counties. Table 11

accurately reflects both responses and non-responses. In the absence of explanations from respondents (except for Malawi) for refraining from making a choice, no inferences can be drawn from the non-responses. The response to this question is therefore incomplete, but it nevertheless provides some very useful information. It suggests a significant involvement of citizens of the following countries in organised criminal groups in the SADC region: South Africa (7 countries), Nigeria (7), Pakistan (6), the Far East (China/Hong Kong/Taiwan) (5), and Zimbabwe (5).

Of interest is the equal prominence of both South Africans and Nigerians as members of organised criminal groups in the region. If the involvement of South Africans in organised crime within the country's own borders is added, then South African criminals appear to be involved in more SADC countries than Nigerian nationals. This conclusion needs to be noted by those South Africans who tend to point a finger at Nigerian organised criminal groups or networks as the main perpetrators of organised crime in the country. The above response by SADC police agencies suggests that South Africa is, in fact, a major exporter of organised crime to other member countries in the SADC region. Although table 11 provides no indication of the extent or nature of the involvement by either South African or Nigerian citizens in organised crime, it suggests that South African criminal networks have managed to establish a noticeable presence in more SADC countries than Nigerian networks. This has implications for regional law enforcement, as well as for relations between South Africa and other SADC states. It is clearly in South Africa's interest to ensure that effective mutual legal co-operation agreements exist between itself and other SADC countries and that extradition agreements function properly.

Threat assessment of organised criminal groups with foreign members

A follow-up question in the survey attempted to establish whether and to what extent those criminal groups that include citizens of other countries constituted a threat in the respondent countries. Respondents were requested to list the three countries posing the greatest threat to their country in terms of foreign involvement in organised crime, based on the responses provided in the previous question. Responses appear in table 12. The Malawi police agency did not respond to the question.

Table 12: Nationality of members of the three transnational organised crime groups constituting the most serious threat to SADC member countries

Respondent countries	1	2	3
Botswana	Zimbabwe	South Africa	Zambia
Lesotho	China	Nigeria	South Africa
Malawi			
Namibia	South Africa	Angola	Zambia
South Africa	Nigeria/Cameroon	Pakistan	Zimbabwe & Russia
Swaziland	Nigeria	India	Mozambique
Tanzania	Pakistan	South Africa	Kenya
Zambia	South Africa	Zimbabwe	
Zimbabwe	Nigeria	Zambia	South Africa

Unfortunately, the question did not ask respondents to list the nationality of members of organised criminal groups in the order of the seriousness of the threat that they posed. It is therefore not appropriate to deduct which of the criminal groups constituted the most serious threat. What is again clear, however, is that South Africans featured among the top three groups that constituted the most serious threat in the eight countries that responded with the exception of Swaziland. Organised criminal groups consisting of citizens from Nigeria, Zambia and Zimbabwe also featured prominently. This information does not throw any light on the nature and extent of their criminal activities and is therefore of limited use to decision and policy makers. It is the nature and extent of their activities that will determine what the response ought to

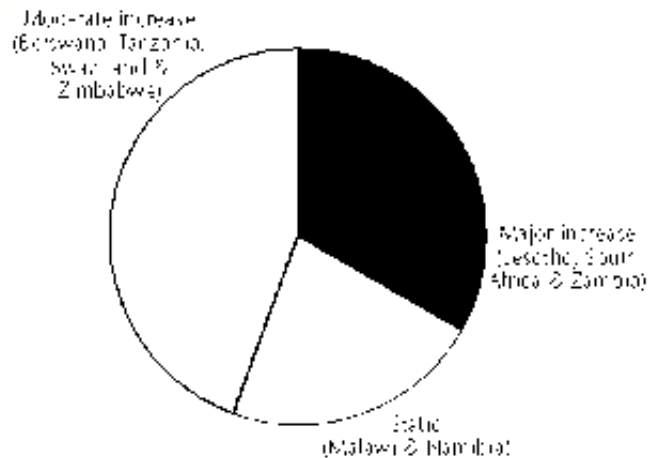
be of law enforcement agencies.

Increase or decrease in organised crime during the past five years

Two questions were intended to probe the extent to which organised criminal groups had penetrated private sector businesses, business organisations and local, provincial and national government structures in the different countries during the past five years.

Police agencies were asked to describe the extent to which organised crime has increased or decreased in their country during the past five years, and were provided with several possible options: 'decreased slightly', 'decreased significantly', stayed the same, 'moderate increase', or 'major increase' (see figure 5).

Figure 5: Extent of increase or decrease in organised crime during the past 5 years in SADC member countries



The responses have significant limitations as the question was very general and unqualified. Respondents were not requested to indicate on what basis they assessed increases or decreases, or what definition they applied of organised crime, if any. To draw reliable comparisons between different countries is therefore not only risky, but would not serve much purpose. The responses are of interest in so far as they reflect the perception of police agencies about organised crime, even though these perceptions were likely to have been determined by the different police agencies using different criteria. A thorough study involving crime statistics, court records, seizures of illicit goods, crime intelligence and interviews with various roleplayers would be required to arrive at a more objective assessment of the growth or decline of organised crime in SADC countries.

Chapter 7

LEGISLATION, INTERNATIONAL ASSISTANCE AND REGIONAL CO-OPERATION TO CURB ORGANISED CRIME

Four questions in the survey were devoted to legislative and resource needs in SADC countries that would enable them to combat organised crime more effectively. The objective was not only to identify the most pressing needs in the region, but also to provide relevant information to regional policy makers, and international organisations and governments that might provide support to address such needs. Questions addressed issues around legislation, international assistance and regional co-operation.

Legislative needs of SADC countries

Police agencies were asked whether they thought that additional or more effective legislation against organised criminal groups would assist in combating organised crime in their country more effectively. Respondents were requested to answer 'yes' or 'no'. All respondents, with the exception of Zambia, which

did not respond to this question, answered in the affirmative. The next question invited respondents to indicate their legislative needs. They were specifically asked to indicate those aspects that should be covered by additional legislation in order to combat organised crime more effectively, for example, money-laundering, stiffer penalties, mutual legal assistance, legislation on corruption, and others (responses appear in table 13).

Table 13: Legislative needs to address organised crime more effectively

Countries	Additional legislation required
Botswana	Money-laundering. Mutual legal assistance. Stiffer penalties. Legislation on banks to disclose/report unusual transactions. Improved definitive legislation on intellectual property.
Lesotho	Enactment of money-laundering legislation with stiffer penalties and more legislation on economic crimes.
Malawi	Legislation to make provision for the recognition of criminal organised groups and relevant offences. Appropriate sentences for the offences so created. All aspects of criminal activities perpetrated by organised criminal groups to be provided for.
Namibia	Vehicle theft, mutual legal assistance, proper uniform database on stolen vehicles. More effective and uniform legislation on the extradition of fugitives.
South Africa	Training in legislation for officers essential. Difficult, even with proper legislation in place, to identify some organised criminal activities such as money-laundering. Ratification of Convention Against Transnational Organised Crime. Prohibiting individuals from belonging to an identified organised criminal group.
Swaziland	Money-laundering and asset forfeiture legislation.
Tanzania	Additional legislation to cover computer crime.
Zambia	
Zimbabwe	Legislation should be more specific to organised crime. Separate statutory provisions for the common law crime of theft of motor vehicles. Corruption Act needs updating, strengthening and finetuning to make it more responsive to current needs. Legislation to provide for stiffer and mandatory sentences. Bail to be precluded from certain classes of organised crimes.

No clear patterns emerged from these responses. However, the Botswana, Lesotho, and Swaziland police agencies identified the need for legislation to combat money-laundering. While South Africa did not appear to have any legislative needs relating to money-laundering, it did refer to the difficulty in identifying money-laundering activities. Even though the Zambian police agency did not respond to this question, it appears to experience significant problems with money-laundering activities by organised criminal groups. According to the head of the Zambian Drug Enforcement Commission, the US Central Intelligence Agency has labelled Zambia as a centre for money-laundering in the region.³⁹ He stressed the need for legislation to combat money-laundering and stated that drug-trafficking and its related money-laundering activities "have emerged as a national problem for transparency and good governance."⁴⁰

Money-laundering appears to be a serious problem in the SADC region which has to be addressed more aggressively nationally and regionally with the assistance of the international community. It would assist law enforcement agencies in the region if existing and new money-laundering legislation in the region could be harmonised as far as possible. The need for regional co-ordination on this issue is therefore important. This should go hand-in-hand with legislative provisions for the forfeiture of the assets of money launderers.

The SARPCCO Legal Subcommittee is charged with the task of promoting the harmonisation of legislation that impacts on organised crime. It faces a mammoth task, bearing in mind the very meagre resources that are available for its work and the fact that SADC countries have inherited substantially different legal systems from the erstwhile British and Portuguese colonial legal systems.⁴¹

International assistance

It is hardly necessary to provide reasons why international assistance is crucial to the developing countries of Southern Africa. If transnational organised crime is to be combated effectively in the region, as well as through international responses, such as those envisaged in the UN Convention against Transnational Organised Crime, then the international community should be concerned about the weak link in its chain in the form of Southern Africa.

The views of police agencies in Southern Africa on the role of international assistance were therefore elicited by asking respondents whether they thought that international assistance to their police service or to the criminal justice system in their your country would assist in combating organised crime more effectively.

Respondents were requested to answer 'yes' or 'no'. All nine police agencies felt that such assistance was necessary. The next question thus requested that respondents provide an indication of the form of international assistance which they viewed would contribute the most towards combating organised crime more effectively in their country. Examples of such assistance were provided and included detective training, border control, training in narcotics detection, and others (see table 14).

Table 14: Preferred form of international assistance for SADC member countries to curb transnational organised crime

Countries	Type of international assistance
Botswana	Detective training. Border control. Creation of organised crime section.
Lesotho	Examples provided in the question, as well as training in diamond-related crimes and electronic fraud detection.
Malawi	Detective training specialising in investigating organised crime such as drug and firearms-trafficking. Training of border control personnel to be informed of features of organised crime. Legislation that may form part of a broader law on the prevention of all forms of organised crime such as illicit trafficking in firearms, smuggling of persons.
Namibia	Training in commercial fraud. Training in organised crime investigation. Environmental crime.
South Africa	Training in identifying, investigating and disrupting tactics of organised criminal groups. Resources, such as computers and software to analyse organised crime. Training of organised crime analysts.
Swaziland	Legal assistance in drafting additional legislation.
	Financial assistance to obtain advanced technology and equipment.
Tanzania	
Zambia	Training of officers involved in crossborder crime investigations. Exchange of intelligence reports on movements of crossborder criminals. Advanced communication between member countries.

Zimbabwe	Training: detectives, border control, intelligence, specialised operations.
	"Resources: computers, surveillance systems, filed training kits."

The responses in table 14 point to the overwhelming need for training. This should be an important focus area for international assistance. Developed countries should be able to assist with training at a relatively low cost. SARPCCO has established the Training Subcommittee to identify training needs in member countries and to develop relevant curricula for the training of police throughout the region. Training courses have been held, also with international assistance, and a detective training school is to be established in Botswana. A good start has therefore been made to address training needs, but far more assistance will be required to make a real impact on policing in the region.

A question that will arise is whether international assistance to Southern African law enforcement agencies should be co-ordinated and multilateral, or whether bilateral programmes with donor countries are preferable. The answer is probably that both bilateral and co-ordinated multilateral assistance programmes would be appropriate. The needs are so overwhelming that the region is likely to welcome any relevant assistance. Most countries have benefited from ongoing bilateral assistance programmes, although assistance packages in some cases were clearly more suited to the conditions prevailing in the donor country than in the recipient country. While the benefits of bilateral assistance programmes cannot be refuted, they sometimes tend to ignore the fact that there are regional structures such as SARPCCO in place that should be part of such programmes in future. SARPCCO is better placed to act in the regional interest than individual police agencies. Multilateral regional co-operation arrangements should therefore receive more serious consideration than in the past. The region as a whole is likely to benefit more from such programmes.

For regional assistance programmes to be effective, SARPCCO should be prepared to facilitate them. It will have to undertake its own regional needs assessment with the involvement of member countries. It will require regional co-ordination and prioritisation. Such an approach is preferable to one where every member country state presents its own 'wish list' for international assistance to developed countries or international organisations.

Improved co-operation between SADC member countries

SARPCCO, the regional police chief's organisation tasked with co-ordination, is only a few years old and it must be assumed that there is considerable room for improving regional co-operation between law enforcement agencies. In order to obtain police agencies' views on this matter, respondents were asked whether they thought that improved co-operation between SADC member countries would lead to a more effective fight against organised crime in the region.

Respondents were requested to answer 'yes' or 'no', and all responded positively. The next question then sought to obtain the views of police agencies on how best to enhance regional co-operation in fighting organised crime (see table 15).

Table 15: Ways to improve regional co-operation in the fight against organised crime in SADC member countries

Countries	Suggested improvements in regional co-operation
Botswana	Exchange of information on crime trends/criminals. Review of extradition treaties and procedures between member countries. Mutual legal assistance in criminal matters and response to requests. Joint operations.
Lesotho	Joint operations and training. Harmonisation of laws against organised crime.
	Facilitating the exchange of information on all organised crime matters.

Malawi	Joint efforts through operations by targeting groups of people who are directly or indirectly involved in this type of crime. Assist each of the member countries with the necessary expertise and technical assistance.
Namibia	Joint operations such as Operation Atlantic, Makhlu. In cases of syndicates, conduct joint investigations. Extradition treaties must also be harmonised.
South Africa	Implementing a standard crime threat analysis process in all border countries. Centralised database for all SADC member states
Swaziland	Promoting of joint operations. Harmonisation of national laws.
Tanzania	Regular meetings, seminars, training, joint operations.
Zambia	Collection of information. Retrieval of recovered property and arrested persons.
Zimbabwe	Updating and expanding SARPCCO structures and duties.

Among the suggestions made by police agencies, two appear to have relatively broad support:

- The first relates to joint police operations in the region. While a number of operations have been executed since the formation of SARPCCO in 1995, there appears to be a belief that more are necessary. Police agencies in Botswana, Lesotho, Malawi, Namibia, Swaziland, and Tanzania all referred to joint operations in their responses.
- The second area relates to various aspects of the collection, capture and dissemination of information. Botswana identified the need to improve the exchange of information relating to crime trends and criminals. Malawi referred to the facilitation of the exchange of information on matters of organised crime. The South African Police Service highlighted the need for a centralised database for all SADC member countries, and Zambia indicated that more information would become available if there was closer co-operation on matters related to organised crime in the region.

Chapter 8

CONCLUSION

Southern Africa remains an area of relatively low risk for organised criminal groups. The number of transnational organised criminal groups active in the region, with a membership originating from various parts of the world, illustrates this point. Unlike developed countries, that have the necessary resources to accelerate and enhance their initiatives and thereby increase the risks for criminals, countries in the SADC region face a much longer and protracted struggle against organised crime. Closer regional and international co-operation will be essential to prevent organised crime from remaining a step ahead of law enforcement agencies in the region. Such co-operation has to be based on reliable information about organised crime.

This study aimed to contribute to the quantitative data available on organised crime in the region and thereby to assist in developing a better understanding of its nature and extent. SARPCCO, working with the regional office of Interpol, is well placed to initiate and co-ordinate the collection of more extensive data on organised crime in the region. The participation of nine of Southern Africa's police agencies in this survey suggests that regional co-operation will be forthcoming to achieve this objective.

This survey covered only nine of the 14 SADC member countries. But it has produced a reasonable indication of the situation in the region as a whole. However, almost every question and response beg more questions and require further study and elucidation. This task has to be addressed by the police agencies themselves and by international organisations, governments, and NGOs. This study will hopefully contribute towards developing a greater interest among these bodies to undertake research and provide assistance to the region in its efforts to combat organised crime more effectively.

Much remains to be done before regional and international co-operation can reach its full potential. The survey results point to several areas in respect of which the national police agencies of Southern Africa need to intensify their efforts if regional initiatives against organised crime are to be effective.

The constitution of SARPCCO provides for regional co-operation to combat crossborder crime. It refers to joint efforts to be undertaken for the "management of all forms of cross-border and related crimes with regional implications." This mandate, while clearly broad enough to include organised crime, covers all forms of crime that have regional implications, whether organised or not. This broad mandate to combat regional crime has resulted in organised crime not being elevated into a distinct phenomenon and category of crime that requires a specialised focus. This probably explains why five of the nine police agencies that contributed to the survey have not yet adopted a definition of organised crime. It also explains why little progress has been made in the region to develop joint criteria for data collection and for developing a regional definition. As a result, the concept of organised crime remains blurred.

An organised crime desk in SARPCCO?

The need therefore exists for SARPCCO to become more specific in its approach to organised crime and to distinguish organised crime from other categories of crime with regional implications. Not only will such an approach provide the basis for more focused regional action against organised criminal groups, it will also enable Southern African countries to speed up the ratification process of the UN Convention against Transnational Organised Crime. The convention is very specific about what type of organised criminal activity it covers and countries that wish to benefit from international co-operation will have to develop clear criteria and definitions to distinguish organised from other criminal activities as envisaged in the convention.

A step towards developing a more focused approach towards organised crime in the region could be the establishment of an organised crime desk or subcommittee by SARPCCO. This would provide a regional forum and co-ordination point for policy issues relating to organised crime. A SARPCCO organised crime desk or subcommittee could address issues such as:

- the definition of organised crime within member countries and perhaps a common definition for the region;
- the development of common criteria for the collection of data relating to organised crime;
- the development of compatible threat analysis methodologies and procedures for countries in the SADC region;
- the development of criteria and methodologies for compiling regional organised crime threat analyses;
- the refining and extension of the present regional database on activities of organised criminal groups;
- the facilitation of assistance to all SADC countries with the ratification of the UN Convention against Transnational Organised Crime; and
- the co-ordination of international assistance with regard to issues around organised crime in the region.

Police agencies across the world tend to be reluctant to share information on organised crime. Sometimes, this reluctance is motivated by their desire to conceal their inadequacies. However, they may also have a legitimate concern about the possibility of compromising existing investigations. This survey showed that it is feasible to obtain the co-operation of SADC police agencies to collect quantitative data. Future regional surveys with a wider focus will be essential to provide police chiefs and policy makers with data on which to base their operational and policy decisions. Such surveys will also assist international organisations and governments to identify those areas of need in respect of which they can provide assistance and co-operation. If this survey contributes towards achieving these goals, it will have served a useful purpose.

NOTES

1. SADC member countries are Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Namibia, the Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.
2. The surface area of France is 547 030 km². See *The world factbook 2000*, CIA Directorate of Intelligence, <www.cia.gov/cia/publications/factbook/indexgeo.html>, August 2001.
3. Ibid.
4. UNDP, *Human development report 2001*, <www.undp.org/hdr2001/presskit.pdf>. Countries falling into the 'medium human development' category are Mauritius (63), South Africa (94), Namibia (111), Swaziland (113), Botswana (114), Zimbabwe (117) and Lesotho (120). The least developed countries, or those with a low human development index are Tanzania (140), the Democratic Republic of Congo (142), Zambia (143), Angola (146), Malawi (151) and Mozambique (157). (The 2001 report does not list Seychelles.)
5. P Williams & D Brooks, Captured, criminal and contested states: Organised crime and Africa in the 21st century, *South African Journal of International Affairs* 6(2), Winter 1999, p 86.
6. Ibid, p 81.
7. For the South African experience, see P Gastrow, Organized crime and the state's response in South Africa, *Transnational Organized Crime* 4(1), Spring 1998, p 56.
8. F Msutu, Responses to organised crime in SADC: Interpol and SARPCCO, in C Goredema (ed), *Organised crime in Southern Africa: Assessing legislation*, ISS Monograph 56, Institute for Security Studies, Pretoria, July 2001, p 15.
9. Nigeria, Nigerian criminals, and the drug trade, working papers prepared by Europe, Asia, Africa Unit, Strategic Intelligence Section, Intelligence Division, Drug Enforcement Administration, US Department of Justice, October 1996.
10. South Africa: The Angolan connection, *The Geopolitical Drug Dispatch* 79, May 1998.
11. For a study of the weapons flows in Zimbabwe, Mozambique and Swaziland, see T Nkiwane, M Chachiuwa & S Meek, *Weapons flows in Zimbabwe, Mozambique and Swaziland*, ISS Monograph 34, Institute for Security Studies, Halfway House, January 1999.
12. Including the following member countries of SADC: Angola, Lesotho, Malawi, Mozambique, Namibia,

South Africa, Swaziland and Zimbabwe.

13. For a copy of the convention, see <www.odccp.org/palermo/convmain.html>.
14. The questionnaire was also made available to a senior officer of the Mauritius police agency in February 2001. However, this was done more for the purpose of informing them about the content of the questionnaire than expecting them to complete it. The Mauritius police were unfortunately not contacted during the initial phase of this project to explain the purpose of the questionnaire and to seek their support. This is now regretted and the Mauritius police should form part of all regional initiatives relating to law enforcement matters in future.
15. SAIRR, *South Africa survey 2000/2001*, South African Institute of Race Relations, Johannesburg, 2001, p 108.
16. Xinhua News Agency Bulletin, 17 March 2001, reported in *Reuters Business Briefing*, 19 March 2001.
17. Articles 2 and 5 of the UN Convention against Transnational Organised Crime, <www.uncjin.org/Documents/documents.html>.
18. SA a major producer of fake dollars, *Business Day*, 3 March 2000.
19. Crime Information Analysis Centre, South African Police Service, *Annual crime statistics*, <www.saps.gov.za/8_crimeinfo/bulletin/942000a/rsa.htm>.
20. However, the South African Insurance Association estimates that, of the vehicles reported stolen, approximately 60 000 were subsequently reregistered, 36 000 were smuggled across South Africa's borders, and 24 000 ended up in 'chop shops'. See SAIRR, op cit, p 74.
21. Government recruiting policemen in a bid to stem escalating crime, *Pan African News Agency*, 16 March 2000, reported by *BBC Monitoring Africa*, 20 March 2000.
22. K E du Bois, The illegal trade in endangered species, *African Security Review* 6(1), 1997.
23. Ibid.
24. R Shoko, Stuck in a quagmire of corruption, Pan African News Agency (Dakar), 13 April 2001, <allafrica.com/stories/200104130160.html>.
25. Ibid.

26. **Anti-corruption commission freezes minister's account, *Pan African News Agency Daily Newswire* (Lusaka), 8 June 2001.**
27. **"[N]o government, no matter how strong its technology, can fight and hope to win the war against organised crime syndicates without co-operating with other governments, both regionally and worldwide." See S V Tshwete, Legislative responses to organised crime in the SADC region, in Goredema, op cit, p 9.**
28. **This case study relies on a paper by T van der Heijden, Measuring organised crime in Western Europe, National Institute of Justice/National Criminal Justice Reference Service, Washington DC, <www.ncjrs.org/policing/mea313.htm#note1>.**
29. **Msutu, op cit, p 17.**
30. **Ibid.**
31. ***Pan Africa News Agency* (Dakar), 16 March 2000; BBC Worldwide Monitoring, 2000.**
32. **Drug trafficking, armed robbery resurfacing in Tanzania, *Pan African News Agency Daily Newswire*, 21 February 2001.**
33. **Quoting the Botswana Police Commissioner in Police need special crime units — Moleboge, Gaborone, Botswana, 26 March 2001, <www.mmegi.bw/main_stry_frnt_pg3.htm>.**
34. **Crime Information Analysis Centre, op cit.**
35. **Msutu, op cit, p 19.**
36. **R S Gelbard, Assistant Secretary for International Narcotics and Law Enforcement Affairs, paper read at a conference on *War and peace in Southern Africa: Crime, drugs, armies and trade*, Johannesburg, 406 August 1996.**
37. **Ibid.**
38. **Msutu, op cit, p 20.**

39. Quoting Commissioner Raphael Mungole in CIA sees Zambia as the region's money laundering centre, *The Post of Zambia*, 16 February 2001.

40. Ibid.

41. For an assessment of existing legislation in SADC countries relating to organised crime and the aspects that require attention to bring such legislation in line with the requirements of the UN Convention against Transnational Organised Crime, see Goredema, op cit.

APPENDIX

Condensed questionnaire for Southern African police agencies

The ... Police Service: General Questions

1. What was the total number of members serving in the ... Police Service as at 31 December 1999?

Answer:

Explanation (*only if thought necessary*):

2. How many members of the ... Police Service are allocated to the investigation of criminal cases? (e.g. how many members serve in the CID or how many are in the detective branch?)

Answer:

Explanation (*only if thought necessary*):

3. What was the total amount of money that was allocated to the police components that investigate criminal cases during the 1999 financial year? (e.g. to the Detective Branch or the CID)

Answer:

Explanation (*only if thought necessary*)

Definition of Organised Crime

4. Has the ... Police Service adopted a definition of organised crime? Please tick with a tick.

Yes No

5. If the answer to Question 4 is "Yes", what definition of organised crime does it use?

Answer: (*If this is insufficient space, please attach the definition to this questionnaire*):

Police units to combat organised crime

6. Are there specific units within the ... Police Service whose task it is to investigate criminal offences committed by organised criminal groups? (e.g. Narcotics Branch, Organised Crime Unit or Endangered Species Unit)

Yes No

7. If the answer to Question 6 was "Yes", (i) what are the names of such units (e.g. *Narcotics Unit, Endangered Species Unit etc.*), (ii) how many such units exist and (iii) what are their main tasks?

Answer: (*if this is insufficient space, please attach your response to this questionnaire*)

The nature of organised crime in ...

8. The different organised criminal groups in the SADC Region are involved in a wide variety of criminal activities. Please indicate whether or not *organised criminal groups* in ... are involved in the criminal activities listed below. (please tick with tick).

In addition, if the particular criminal activity is a cross-border one, i.e. the criminal groups in question commit their crimes within and outside ... please indicate with a tick

		Yes	No	Not known	Cross-border
8.1	Drug trafficking				
8.2	If the answer to 8.1 is "yes", please indicate the type of drugs below:				
	Cocaine				
	Heroin				
	Marijuana				
	Mandrax				
	Other synthetic drugs				
	Other drugs (Please specify)				
8.3	Counterfeit notes				
8.4	Forgery				
8.5	Poaching				
8.6	Smuggling ivory and rhinohorn				
8.7	Dealing in endangered species and/or products (other than ivory or rhino horn)				
8.8	If the answer to 8.7 is "yes", please specify:				
8.9	Smuggling firearms				
8.10	Smuggling illegal immigrants				
8.11	Trafficking in women and/or children				
8.12	Prostitution				
8.13	Child pornography				
8.14	Pornography				
8.15	Money laundering				
8.16	Insurance scams				
8.17	Bank fraud (cheques etc)				
8.19	Credit card fraud				
8.20	Other large-scale fraud/embezzlement				
8.21	Illicit dealing in gold				
8.22	Illicit dealing in diamonds				
8.23	Illicit dealing in other precious metals, semi-precious metals or gems				
8.24	If the answer to 8.22 is "yes", please specify:				
8.25	Kidnapping for ransom				
8.26	Extortion, including protection money				
8.27	Illegal trafficking in explosives				

8.28	Illegal gambling				
8.29	Trading in human body parts				
8.30	Armed robbery				
8.31	Vehicle theft/hijacking and trafficking				
8.32	Smuggling of cultural artefacts				
8.33	Loan sharks/usury				
8.34	Environmental crimes, including illicit waste disposal				
8.35	Computer crime, including internet fraud				
8.36	Intellectual property theft, including software piracy and dealing in counterfeit goods				
8.37	Corruption in the business sector				
8.38	Corruption in Government departments				
8.39	Other criminal activities not mentioned above				
8.40	If the answer to 8.38 was "Yes", please specify:				

9. Of all the criminal activities mentioned in Question 8 above, please specify the ten that you regard as constituting the most serious threat to

(Please list them in the order of seriousness. If those that are a serious threat to your country are less than ten, please only list as many as you regard as constituting a serious crime threat to your country)

9.1

9.2

"Indigenous Organised criminal groups"

(Please see the explanatory note on page 3 of this document)

10. Please specify the five most serious criminal activities (i.e. those that constitute the biggest crime threat to your country) in which "indigenous organised criminal groups" in ... are involved. Also indicate whether those criminal groups operate only within ...'s borders or whether they are involved with cross-border crimes.

Type of Criminal Activity Cross-border

10.1 Yes/No

10.2 Yes/No

10.3 Yes/No

10.4 Yes/No

10.5 Yes/No

"Transnational organised criminal groups" ?

(Please see the explanatory note on page 3 of this document)

11. Please specify the five most serious criminal activities (i.e. those that constitute the biggest threat to ...) in which "transnational organised criminal groups" that operate from ... are involved. Please confirm if the criminal activities referred to also take place across the borders of

Type of Criminal Activity Cross-border?

11.1 Yes/No

11.2 Yes/No

11.3 Yes/No

11.4 Yes/No

11.5 Yes/No

12. Are criminal groups that consist wholly or in part of nationals originating from the following countries active in ...? Please tick

Criminals originating from Active in ...?

Mozambique Yes/No

Zimbabwe Yes/No

Namibia Yes/No

Swaziland Yes/No

Lesotho Yes/No

South Africa Yes/No

Zambia Yes/No

Angola Yes/No

China/Hong Kong/Taiwan Yes/No

Russia Yes/No

Pakistan Yes/No

Nigeria Yes/No

India Yes/No

Lebanon Yes/No

Cameroon Yes/No

Romania Yes/No

United Kingdom Yes/No

Japan Yes/No

Other: (please specify, e.g. other neighbouring states, the East or Europe)

13. Of those that you have ticked as "Yes" in Question 12 above, which three do you regard as constituting the biggest threat to ...?

13.1

13.2

13.3

14. How would you describe the penetration by organised criminal groups of the legitimate economy (i.e. private sector businesses and business organisations) in your country? (*Please tick*)

Low (i.e. not significant)

Medium (i.e. Penetration into some areas and industries)

High (i.e. Significant penetration into numerous areas)

Very High (i.e. Major impact on legitimate economy)

15. How would you describe the penetration by organised criminal groups of state structures (i.e. local, provincial and national government structures) in your country? (*Please tick*)

Low (i.e. not significant)

Medium (i.e. Some penetration into lower levels of some departments)

High (i.e. Significant penetration into numerous areas)

Very High (i.e. Major impact on State structures)

16. How would you describe the extent to which organised crime has increased/decreased in your country *during the past five years?* (*Please tick*)

Decreased slightly

Decreased significantly

Static (i.e. no increase or decrease)

Moderate Increase

Major Increase

17. Do you think that additional or more effective legislation against organised criminal groups would assist in combating organised crime in ... more effectively?

Yes No

18. If your answer to Question 17 was "Yes" please indicate what aspects additional legislation should cover in order to combat organised crime more effectively (*e.g. money laundering, stiffer penalties, mutual legal assistance, legislation on corruption, etc. etc.*)

19. Do you think that international assistance to the ... Police Service or to the criminal justice system in ... would assist in combating organised crime more effectively?

Yes No

20. If your answer to Question 19 was "Yes", please indicate the three areas in which international assistance to the ... Police Service will contribute the most to combat organised crime more effectively. (*e.g. detective training, border control, training in narcotics detection, etc. etc.*)

21. Do you think that improved co-operation between the member states of SADC would make the fight against organised crime in the region more effective?

Yes No

22. If the answer to Question 21 was "Yes", please indicate in what way co-operation between SADC member states could be improved to enhance the fight against organised crime.

23. If you have any comments, criticism, or advice about this questionnaire or the manner in which it was administered, please record them below:

24. Contact person from the ... Police Service: Please provide your particulars or the particulars of the appropriate contact person in the ... Police Service with whom I could liaise about this questionnaire if necessary.

Rank and Name

Physical address

Telephone No and Fax No

Thank you for your assistance!

This questionnaire was prepared by:

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For any questions or comments, please use the above contact details.