UNITED NATIONS
Office on Drugs and Crime

WHY FIGHTING CRIME CAN ASSIST DEVELOPMENT IN AFRICA

Rule of Law and Protection of the Most Vulnerable

SUMMARY

May 2005

Acknowledgements

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PREFACE

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

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

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

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

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

A moral challenge

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

- *Historical causes.* Africa has suffered a long history of exploitation, with the successive impacts of the slave trade, colonization and, more recently, Cold War manipulation. Current national borders were imposed by the colonial powers without reference to culture, language, ethnicity, or to the economic viability of the states thus created.

- *Economic and trade barriers.* Much of Africa is geographically separated from the major northern markets, and suffers from terms of trade that are to the continent's disadvantage. African economies are also hampered by primary resource dependence. Agricultural productivity is low, and afflicted by periodic drought. Many African nations are struggling to recover from difficult periods of structural adjustment and crippling debt burdens.

- *Health conditions.* Malaria, tuberculosis, HIV/AIDS and a host of less widespread afflictions greatly impact on Africa's peoples and economies.

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

12 July 2000). This view was reiterated in April 2005 in the African Common Position on Crime Prevention and Criminal Justice presented at the 11th United Nations Congress in Bangkok.

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

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

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

Economic renaissance in Africa therefore depends on:

- the realization of the <u>hardware</u> traditionally needed to create incomes, jobs and services, such as roads, factories, schools and hospitals;

- the improvement of the <u>software</u> upon which development is based, including efficient administration, the rule of the law, integrity in government, and the security of citizens.

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

Stars aligned as never before

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

- *unite fellow nations* in the framework of the African Union, so as to transcend the artifice of colonial borders;

- *pursue domestic development* agendas in NEPAD, with a renovated sense of ownership;

- *stop conflicts* with African peacekeeping troops, and bring the violence mongers to trial in courts of law;

- *promote honest administration*, as evidenced by new leaders elected on strong anti-corruption platforms;

- *defend the poor*, made ever more vulnerable by violence, corruption and conflicts;

- *rid the continent* of the scourge of human trafficking and slavery once and for all;

- *bring to justice the kleptocrats*, public and private, responsible for fraud and cheating;

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

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

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

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

⇍# *assisting and encouraging African leaders* to persevere in their current drive towards integrity in public affairs, security for their people, and peace-building at home and abroad;

⇍# *incorporating attention to the rule of law*, crime prevention and victim assistance in development planning and aid allocation in Africa; and,

⇍# *detecting and punishing those outsiders* who profit from crime and corruption in Africa at the expense of its people.

This third point is crucial, and not new. As stated in the recent report of the Commission for Africa: "…the international community has a role to play in maintaining high standards of governance [in Africa]. If it does so in its own activities – and demands it in the activities of multinational companies … then it will be better positioned to encourage similar high standards in the way African countries manage the cash from their natural resources".

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

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

INTRODUCTION

"Crime has been identified as one of the major obstacles to development.".

- African Common Position on Crime Prevention and Criminal Justice[2]

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

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

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

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

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

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

There is presently great international momentum around development in Africa. African leaders have been promoting projects for democratic reform and economic growth for the people of their countries, and there are signs of progress on many fronts. This Report and the Round Table for which it was prepared were mandated by a 2004 resolution of the United Nations Economic and Social Council, based on the special commitment made by member states to the development of Africa in the Millennium Declaration. It also represents part of a

broader United Nations objective of probing the links between security and development, as explored in the March 2005 report of the Secretary General, *In Larger Freedom*. Similar exercises are being considered for other regions of the world, such as the Balkans and Central Asia.

The Round Table is being organized jointly by the African Union and the UNODC and is scheduled for the end of May 2005 in Addis Ababa. It will provide the opportunity for senior officials to meet with development partners in order to take stock of rule-of-law concerns across the continent. Participants are expected to assess the progress to date in the struggle against crime and to determine a priority programme of action for Africa over a five-year period.

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

LIST OF ACRONYMS

The following abbreviations have been used in this report:

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

I. CRIME IN AFRICA

The need for direct poverty alleviation has, understandably, captured most of the international attention concerning Africa. Relatively little has been done to assess the extent to which the continent suffers from crime. Most African governments have not yet begun to fully participate in the international sharing of official crime statistics, largely because of institutional incapacity to do so. In addition, little research has been done on crime in Africa. Where data do exist, however, they seem to support the contention that many countries in Africa are experiencing a very serious crime problem.

Part One of this report lays out the available data on crime on the continent. Police statistics and survey data are discussed across a range of conventional crimes, including:

⍰ violent crime: murder, violent assault, sexual assault, and robbery; and

⍰ property crime: theft, burglary, and consumer fraud.

This is followed by a discussion of how seriously Africa is impacted by some of the most robust *correlates of crime*, including:

⍰ income inequality;

⍰ share of unemployed youth in the population;

⍰ urbanisation rates;

⍰ under-funded criminal justice systems; and,

⍰ the proliferation of firearms.

Next is an exploration of the role of *conflicts* in crime in Africa, followed by a brief look at *organized crime*, including:

⍰ trafficking of drugs;

⍰ trafficking of human beings;

⍰ trafficking of minerals and oil, timber, and wildlife;

⍰ money laundering;

⍰ a special focus on West African organized crime, taken from an upcoming UNODC report on the topic.

Part One closes with a discussion of *corruption* in Africa.

1.1   Conventional crime

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

⍰ The statistics recorded by the police;

⍰ Data from specialised household surveys (victim surveys).

Police-recorded crime figures are not available for about half of all African countries and there are also problems with the reliability of such statistics. Many people do not report their victimisation, and reported crimes are not always recorded by the authorities. Member states

submit these statistics to the United Nations Office on Drugs and Crime (UNODC) in response to its Crime Trends Surveys (CTS).

Where figures are available, they underestimate the scale of crime in Africa. The International Victims of Crime Surveys programme (ICVS) has asked people in thirteen African nations about their experiences of victimisation, and less than half said they had reported the offence to the police (Figure 1). Looking at specific types of offences, these African countries have some of the lowest reporting rates when compared internationally (Figure 2).

Survey data are also limited. While victimisation surveys have been run in a range of African countries,[3] these have occurred in different years, and most of these surveys are not nationally representative.

Figure 1: Share of crime victims who reported the offence to the police
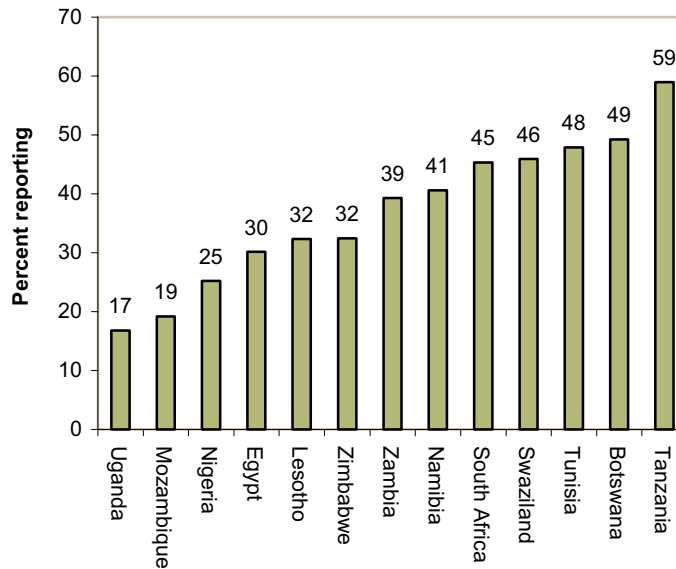
Source: ICVS , 2000 or latest available year

Figure 2: Share of crime victims who reported the offence to the police
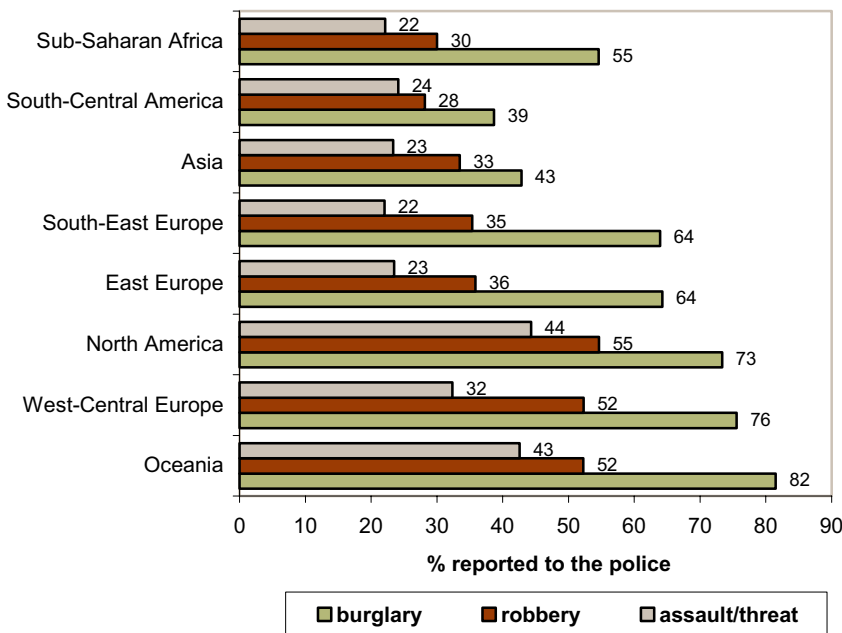
Source: ICVS 2000 or most recent data

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While both police statistics and survey data are incomplete, when they are considered together, a coherent picture emerges. It would appear that African people experience more crime than people from other regions of the world in many important offence categories.

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

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

Violent crime

In recent decades, Africans have suffered more from violence than people from other regions. Though highly limited, data from the World Health Organization places Africa at the top in terms of both war deaths and homicides (Figure 3), and aggregated police statistics from across the continent support this ranking. Looking at a sub-regional level, police in Southern, Western, and Central African countries record more cases of murder per capita than just about anywhere in the world, with the exception of the Caribbean (Figure 4).

Figure 3: Homicides and war causalities
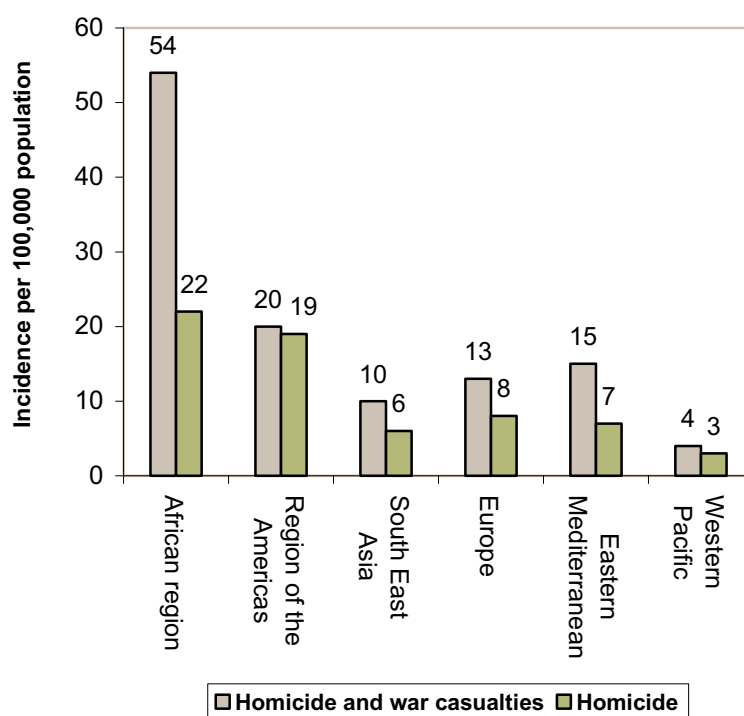
Source: WHO, World Report on Violence and Health, 2002

Figure 4: Police-recorded homicide

Region	Value
Caribbean	30
Southern, West and Central Africa	29
South America	26
East and South-East Asia	22
Central America	22
East Europe	17
Central Asia and Transcaucasian countries	9
East Africa	8
North America	7
South Asia	4
Southeast Europe	3
Oceania	3
West & Central Europe	2
North Africa	1
Near and Middle East /South-West Asia	1

Recorded crimes x 100,000 population

Source: CTS, 2002 or latest available year

High levels of murder are usually associated with high levels of other forms of violence, and both the police statistics and the survey data show that rates of assault in Africa are higher than on other continents. Looking at sub-regions, police in Southern, Western, and Central Africa record more assaults than police elsewhere (Figure 5). When polled, the people of sub-Saharan Africa are more likely to report having been assaulted in the previous year than other people (Figure 6).

Figure 5: Police-recorded assault

Region	Value
Southern, West and Central Africa	409
Caribbean	340
North America	258
South America	131
Oceania	63
Central America	58
North Africa	55
West & Central Europe	45
East Europe	25
Near and Middle East /South-West Asia	8
Southeast Europe	8
East Africa	7
South Asia	5
East and South-East Asia	5
Central Asia and Transcaucasian countries	4

Recorded crimes x 100,000 population

Source: CTS, 2002 or latest available year

Figure 6: Survey respondents assaulted with force in the previous year
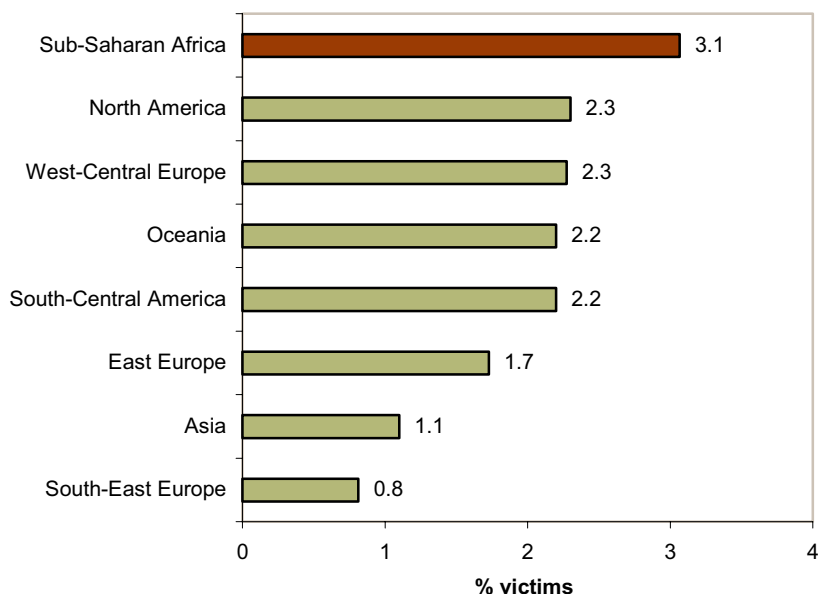
Source: ICVS 2000 or most recent year

Globally, data on rape and sexual assault are especially dubious, because of low rates of reporting and the difficulty in discussing the topic in the context of a household survey. But there is no reason to believe that African women are more likely than women in other parts of the world to report this crime to either the police or to pollsters. It is therefore disturbing, though not conclusive, that more rape per capita is reported to the police Africa than in other regions, and that more women polled said they had recently been sexually assaulted (Figures 7 and 8).

Figure 7: Police-recorded rape

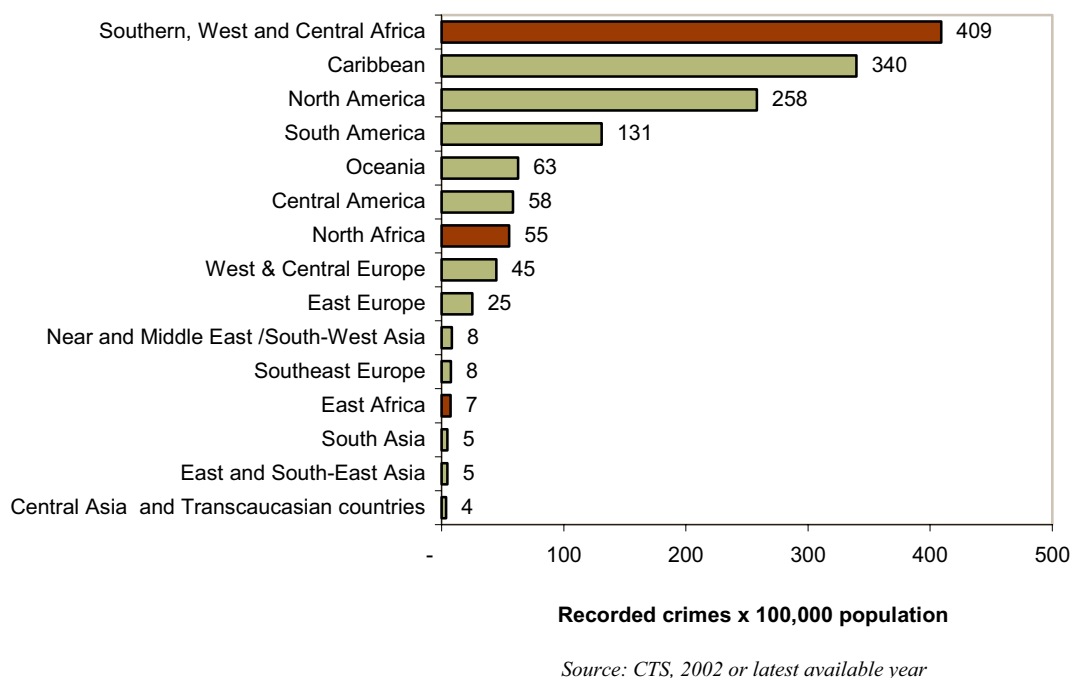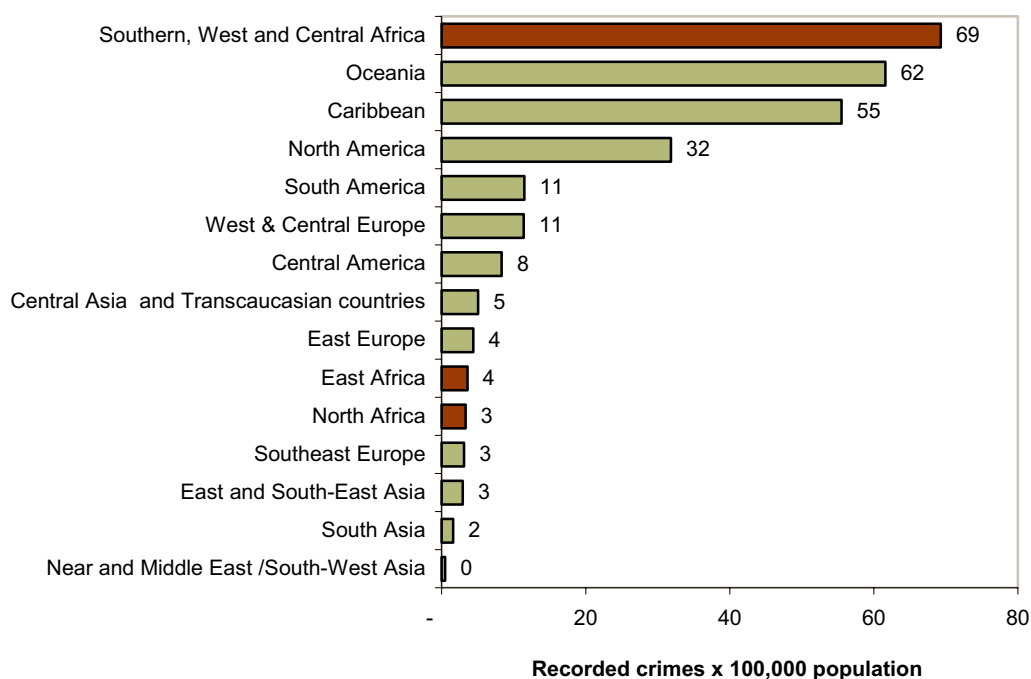*Source: CTS, 2002 or latest available year*

Figure 8: Share of survey respondents sexually assaulted in the previous year
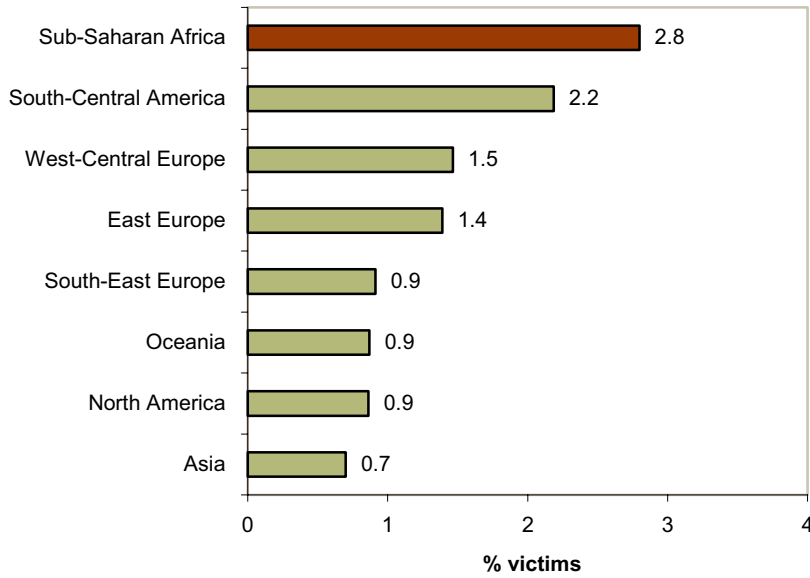
Source: ICVS 2000 or most recent year

Robbery is the crime of taking property by force or threat of force. It is therefore arguably both a violent and a property crime. The incidence of this crime in Africa ranks second after South and Central America, according to both the police and survey statistics. Looking at sub-regions, Southern Africa remains second to South and Central America (Figures 9 and 10).

Figure 9: Police-recorded robbery
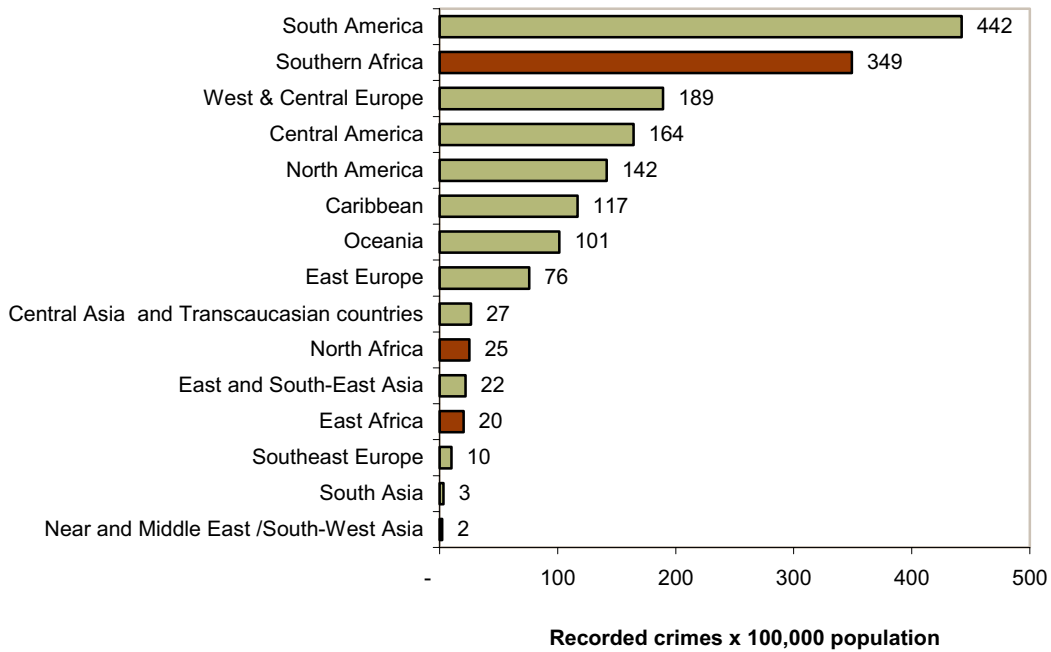
Source: CTS, 2002 or latest available year

Figure 10: Share of respondents robbed in the previous year

Source: ICVS 2000 or most recent year

Property crime

Police statistics indicate low levels of property crime in Africa, with a victimisation rate of less than 1% per annum. This is undoubtedly a result of under-reporting, related to issues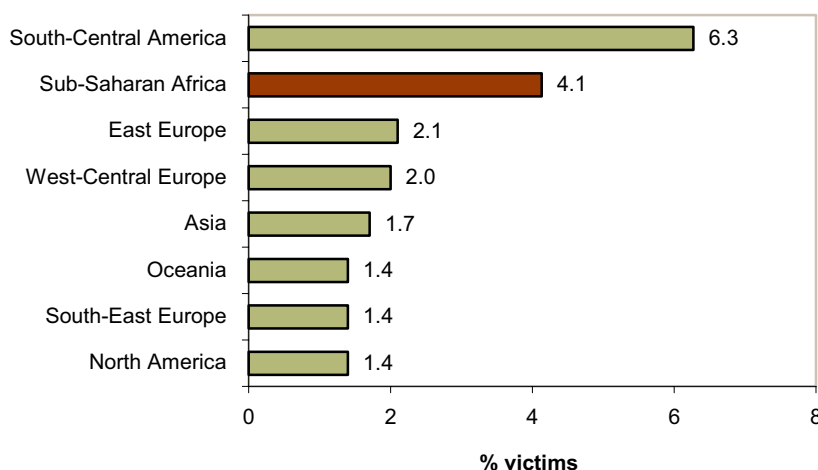 of access to justice, as the survey data highlight. In the urban ICVS surveys, only 14% of those who said they had been victims of property crime said they had reported it to the government authorities. If reporting rates in the rural areas of these countries are equally low, and access to justice issues would indicate they should be even lower, this would suggest that police figures could be off by a factor of seven.[4] In contrast, victims of property crime in the regions where developed countries predominate were much more likely to report: 94% in Oceania and 53% in Europe. Other areas containing large number of developing countries showed low reporting rates for property crime, but not as low as Africa: 23% in the Americas and 18% in Asia.

The case of theft provides an example. Figure 11 shows both the police recorded and the survey findings with regard to this crime. Africa scores in the middle in terms of the police statistics (green bars) but highest in the survey findings (grey bars). For this reason, the discussion of property crime is best based on the survey findings exclusively.

Figure 11: Theft, police-recorded and survey response rates
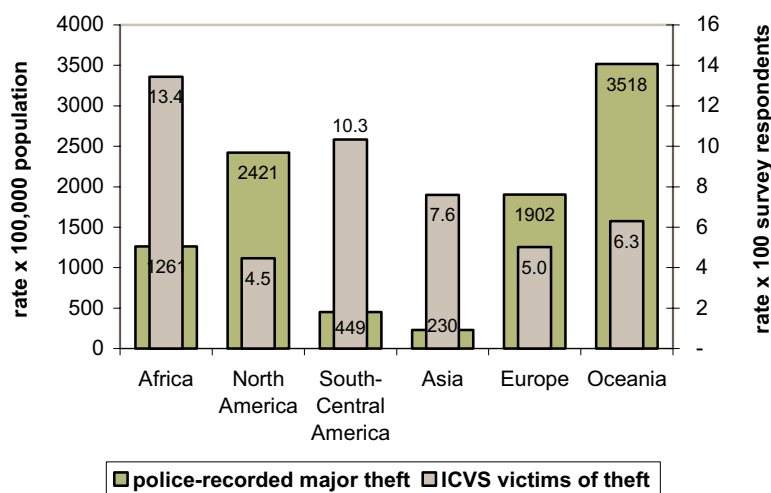
Source: CTS, 2002 or latest available data, and ICVS, 2000[5]

It might be expected that as the majority of Africans are poor, they might be spared the experience of having their homes burgled, but unfortunately this is not the case. Africans report being burglarised more than people of other areas – over twice the international average (Figure 12).

Figure 12: Survey respondents who suffered burglary in the previous year
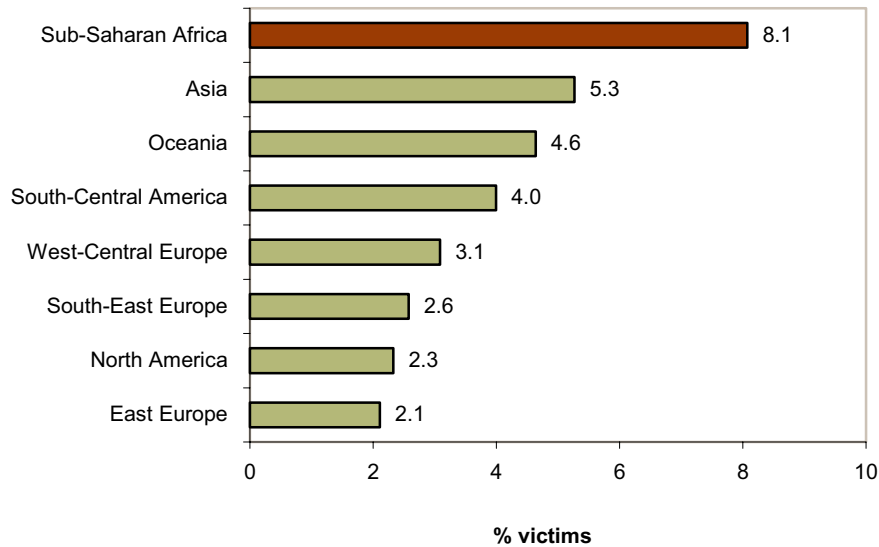
Source: ICVS 2000 or most recent year

Similarly, it might be hoped that consumer fraud would spare Africa, but it would appear to be more common on the continent than anyplace else besides Eastern Europe, with nearly 30% of Africans polled saying they had been defrauded in the previous year (Figure 13).

Figure 13: Survey respondents who suffered fraud in the previous year

Source: ICVS 2000 or most recent year

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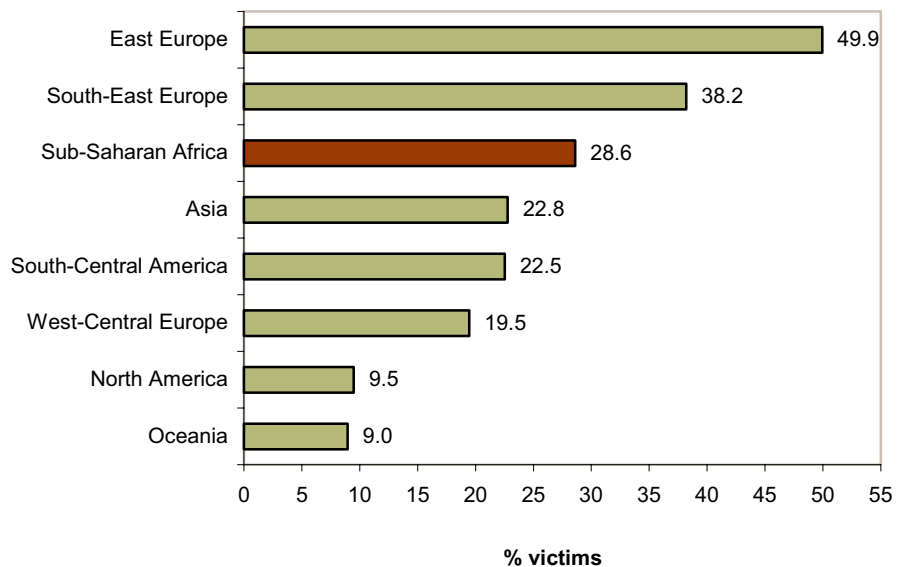
1.2   Associates of crime

Thus, taking both official statistics and survey findings into consideration, Africa appears to suffer from high rates of crime in many of the major crime categories. While this fact is not widely recognised, it should come as no surprise: Africa's social challenges are precisely the issues that have been recognised by criminologists internationally as the cohorts of crime. Crime rarely occurs in isolation – it is usually one of a number of symptoms of social stress that usually manifest themselves together. In the developed country context, these are often seen in inner-city areas, but in developing countries they can affect entire countries. These associates of crime include:

⍈ Mass poverty and inequality

⍈ High shares of unemployed youth in the population

⍈ High urbanisation rates

⍈ Weak criminal justice systems

⍈ Availability of firearms

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

Income inequality is one of the most robust quantitative correlates of police-recorded crime rates, and Africa hosts some of the most unequal countries in the world: on average, the richest 10% earn 31 times more than the poorest 10%. In aggregate, South America has the highest rates of inequality in the world, with Africa coming second (Figure 14), but the most extreme cases of income inequality in the world are situated in Africa.

Figure 14: Income ratio of the richest and poorest deciles
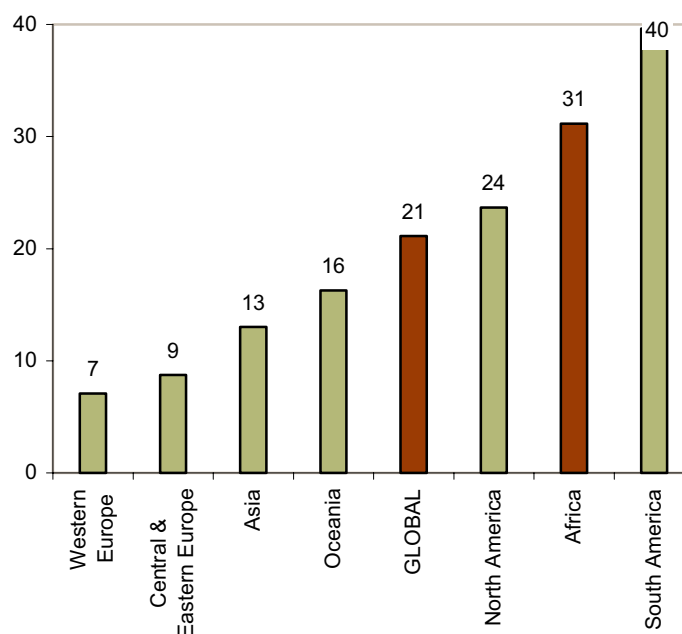
Source: UNDP, World Development Report 2004 data

The relationship between inequality and crime is complex. It has been theorised that feelings of relative deprivation could fuel social tensions.[6] Inequality may also breed violent crime, as

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expressive "frustration violence" is vented against vulnerable targets. As South African President Thabo Mbeki has argued, citing the 2000 UNDP Human Development report, "poverty is not only expressed in shortage of food shelter and clothing. It is also expressed … in high levels of crime, including violence among the poor themselves, especially against women and children, in many instances accompanied by substance abuse."[7]

A **youthful population** is a great asset, but it can also be a source of social vulnerability. Throughout the world, perhaps the most important single fact about crime is that it is committed mainly by teenagers and young adults. [8] At least 140 studies conducted internationally looking at a range of offences and using a variety of methodologies have found that people are most likely to commit crime between the ages of 12 and 30. No known study has ever failed to find this relationship. Comparing between countries, the ages of peak vulnerability only vary by three or four years, falling in the teens and early 20s, with the exact age depending on the offence studied.[9] Africa hosts the world's youngest population (43% under the age of 15), which means that a greater part of the society is vulnerable to becoming involved in criminal activity (see the Map on the next page). Many of these young people are not enrolled in educational programmes (Figure 15) and cannot find employment, which exacerbates the problem.

Estimates of unemployment levels illustrate the difficulties in securing reliable data for Africa. The International Labour Organization reports a wide range of values for African countries from a range of different years using a range of methodologies, and, surprisingly, poorer countries often report much lower levels of unemployment than more affluent ones. Data for 2003 are available for Uganda (3%), Mauritius (10%), Egypt (11%), Morocco (12%), Tunisia (14%), and South Africa (28%). In developed countries, youth unemployment is typically two to three times as high as general unemployment. Data on educational enrolment are more predictable, with sub-Saharan Africa having the lowest levels internationally (Figure 15).

Figure 15: Combined primary, secondary and tertiary enrolment
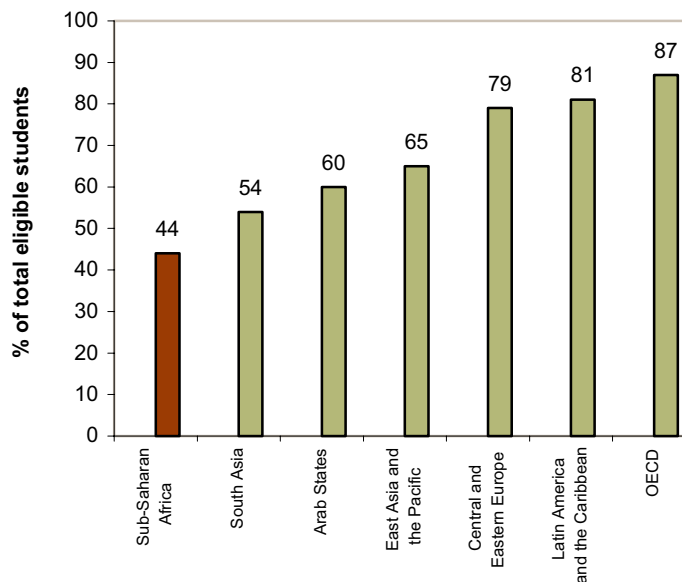
Source: UNESCO

Tanzanian President Benjamin Mkapa recently addressed the causes of crime as co-Chair of the World Commission on the Social Dimension of Globalisation. He said crime was exacerbated by the "cultural aspect of globalization, which engenders desire for the beckoning western lifestyle portrayed in the electronic, and print media."[10] This effect is probably most acute among the youth.

Proportion of population under 14 in 2002

Legend

Proportion of population under 14

- 12.6 - 25.0
- 25.1 - 33.0
- 33.1 - 50.1
- no data available

Robinson Projection
Datum: WGS 84
Scale 1 : 100,000,000

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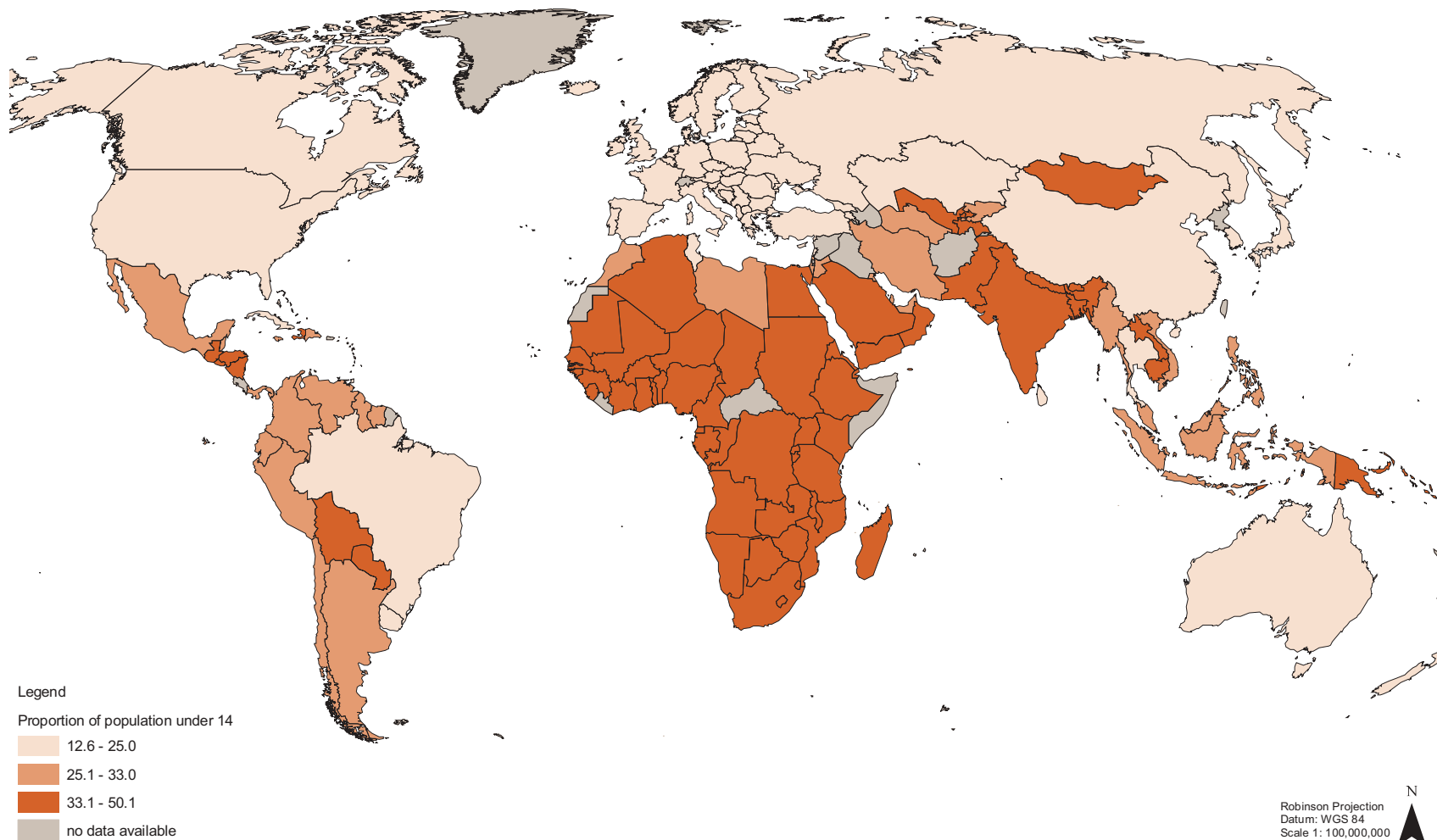
Source: UNDP (2004) Human Development Report 2004: Cultural Liberty in Today's Diverse World, UNDP: New York.
Note: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Rapid rates of **urbanisation**, a factor that combines elements of population density, cultural clash, and population instability, is also a strong correlate of crime rates. Africa is urbanising at about 4% a year, about twice the global average (see map). This is also likely to lead to an upward trend in crime rates, as crime is generally more common in urban areas, especially large metropolitan areas. An analysis of risk factors for victimisation, based on a national victim survey conducted in South Africa in 2003, illustrates the prevalence of crime in major cities. Those living in urban, traditional and farming areas were found to be 45% to 50% less at risk of theft than those living in metropolitan areas. The same trends applied in the case of robbery and assault.[11]

Poor countries have **under-funded criminal justice systems**. As might be expected, there is a significant relationship between the amount a country spends on criminal justice and its national income.[12] This resource shortage makes it more difficult to suppress (through police patrols), deter (through the threat of capture and punishment), incapacitate (by holding criminals behind bars) and rehabilitate (by changing the motivations of offenders). This extent of this problem in Africa is reflected in a comparison of the per capita levels of policing (Figure 16). African nations cannot afford the levels of police coverage seen in more affluent areas of the world.

Figure 16: Number of police officers per 100,000 citizens

Source: UNODC CTS, 2002 or most recent year

Because African societies also face more crime than the better policed societies of Europe, Asia and the Americas, this means that there is far more crime per police officer in Africa. This is illus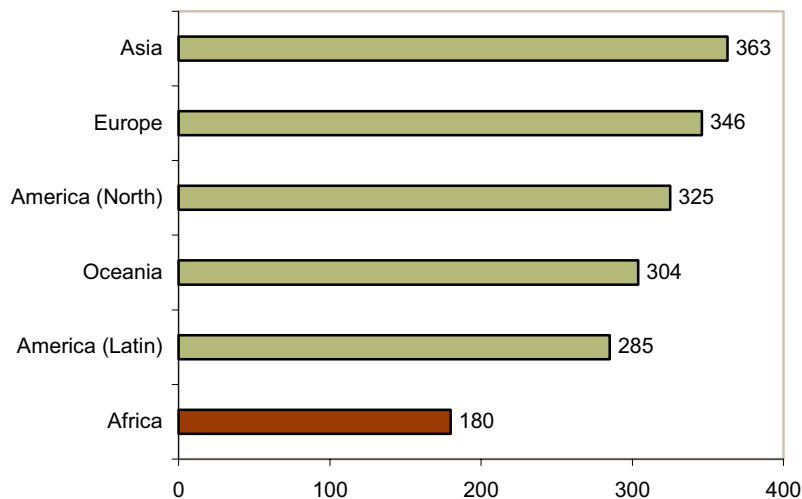trated by comparing police caseloads for important crimes like murder. While the average for the 78 non-African countries for which data are available is 188 police officers per recorded homicide, and the median for these countries was 118, the average for the 10 African countries for which data were available was only 84 police officers per recorded homicide, and the median value was 22.

In Africa, there are also fewer judges per capita than in any other area of the world (Figure 17). Fewer judges mean that criminal cases are processed more slowly. This is important because the rate at which a case is processed is directly related to its prospects of success. Over time, victims lose their commitment and witnesses disappear, particularly in areas where they can be difficult to locate in the first place, as is often the case in Africa.

Figure 17: Number of judges per 100,000 population
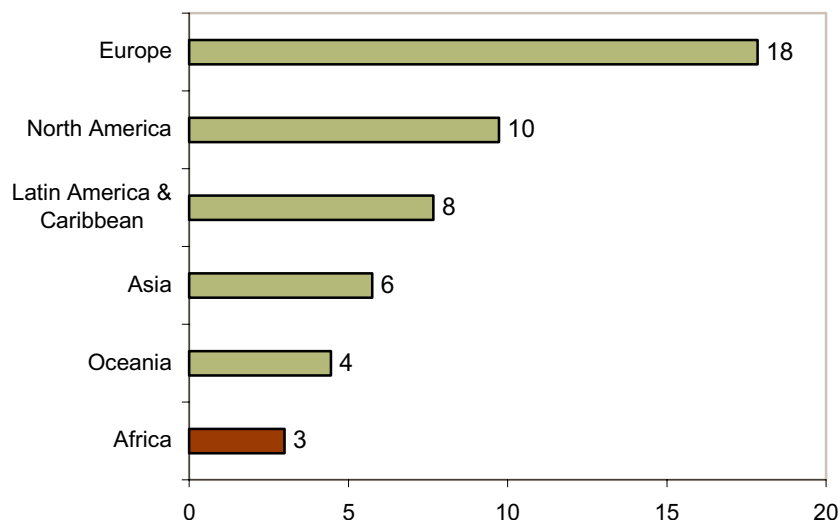
Given the low numbers of police and judges, it is therefore surprising that Africa has nearly as large a share of its population in prison as do other regions of the world (Figure 18). However, a large share of this population is resident not by design, but by inefficiency, as many of these prisoners have not yet been convicted of anything. In Africa (and Asia), about one third of inmates are "awaiting trial", much higher rates than are seen in the rest of the world.[13] This is, in many cases, tied to delays in the courts, due to the lack of judges and other factors. High awaiting trial rates may also be linked to poverty of the accused and of the society, as bail systems only work when people can be traced to fixed addresses and assets can be used as surety.

Figure 18: Inmates per 100,000 population

One way developing countries are able to afford so many prisoners is by overcrowding the available cells. As Figure 19 shows, Asia, Africa and Latin America show very high occupancy rates. This undermines rehabilitation efforts.

21

Figure 19: Prisons overcrowding: ratio of prisoners to prison berths

Region	%
South Asia	191
Sub-Saharan Africa	154
Latin America and the Caribbean	151
Arab States	125
Asia and the Pacific	120
Europe	107
North America	100
Southern Europe	99
Central-Eastern Europe and CIS	95
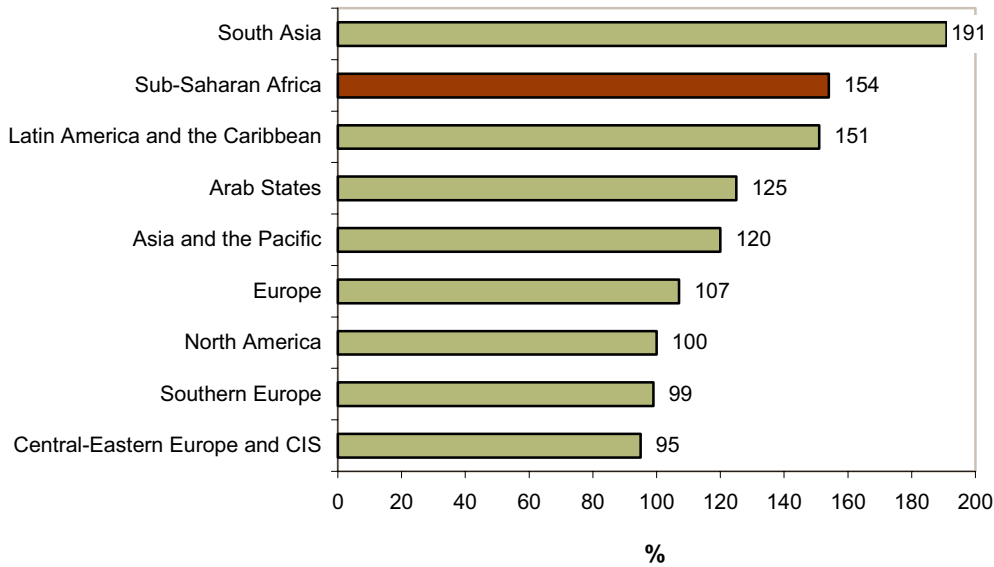
Source: CTS and World Prison Population List

Resource shortcomings manifest themselves in low conviction rates. Murder, a crime taken seriously everywhere in the world, provides a good example. The chances of a murder resulting in a conviction are much lower for murders in Africa than in other regions: around 11% (Figure 20). In South Africa, which has one of the best police to public ratios on the continent, the share of murders that result in a conviction is about 18%, compared to 56% in the US and 61% in the UK.[14] In contrast Ethiopia, with one of the lowest police to public ratios in Africa, recorded 4893 murders in 2001 and 8660 in 2002, but returned just 224 and 310 murder convictions in those two years, respectively. While it is difficult to come up with credible rates when the number of offences is so variable from year to year, this would indicate a murder conviction rate of less than 5%. If the chances of a murder resulting in a conviction are less than one in 20, the deterrent effect of the criminal justice system is likely to be very weak, and serial offenders may have long careers before being apprehended.

Figure 20: Homicide conviction rates

Region	
Europe	69
Oceania	66
Asia	63
America (Latin)	46
Africa	11
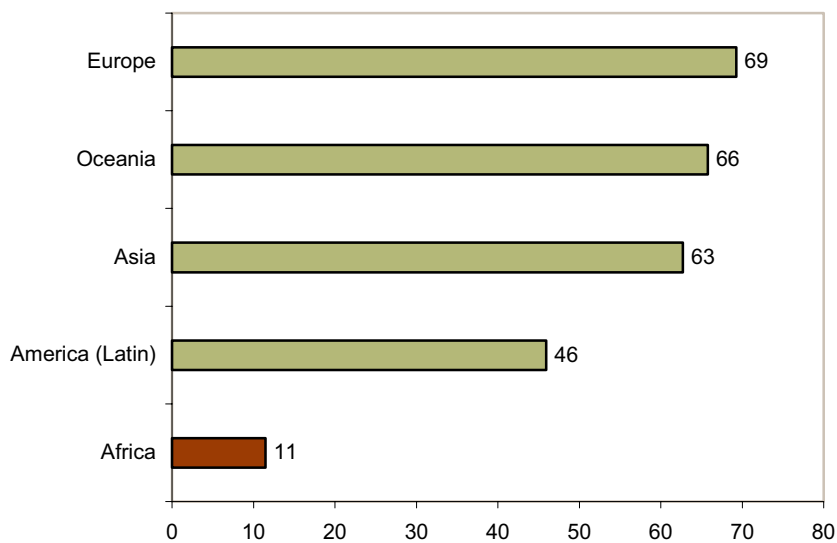
Source: UNODC CTS, various years

Aside from the question of adequate coverage, there may be other reasons why law enforcement in Africa is hampered. In contrast to the growing body of work on the military, very little research has been done on policing in Africa, but a few broad generalisations are possible: Africa's police forces tend to be quasi-military institutions, their work is not perceived as having much status, and African police officers tend to use more violence than their colleagues in other parts of the world. Police officers are also paid extremely poorly and this, combined with their wide discretion and the weakness of the justice system's checks and balances, tends to result in high levels of corruption. [15]

In the Transparency International Global Corruption Barometer surveys, respondents rated the various sectors of society in terms of their perception of corruption. In all five African countries polled in 2003 (Cameroon, Nigeria, Kenya, Ghana, South Africa), the police received the highest corruption rating. This was true in only nine of the 57 non-African countries polled, suggesting that the police are held in lower esteem in Africa than in any other region of the world.[16] In TI's Kenya Urban Bribery Index, respondents claimed 78% of their transactions with the police involved requests for bribes, the highest incidence of any sector. In Uganda, CIETinternational found the police were cited most often in a corruption survey there (63%).[17] They also found that 35% of over 4500 households polled in Tanzania had paid bribes to police officials.[18] In the latest Afrobarometer survey, 70% of Nigerians said they thought most or all of the police in their country were corrupt. [19]

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

Poor resource levels can manifest themselves in other basic inefficiencies. According to Schaerf, "In Malawi, the police in many rural areas do not have the transport to collect suspects, the courts often run out of paper half way through the month and then can't hear cases until more paper arrives, parties have to pay marshals to serve summonses, court records are written on already used documents and folders, some of the court buildings leak so badly that during the rainy season court records get damaged."[20]

Where the police are deemed ineffective, people understandably take measures to protect themselves. For the rich, this generally means investment in private security. For the poor, it can mean a return to traditional forms of justice or, when this is not possible due to social dislocation, to vigilantism. Even setting aside the human rights abuses involved in mob justice, international experience has shown that self-protection groups tend to degenerate into protection rackets over time, and can eventually become little more than predatory gangs.

Finally, the **proliferation of firearms**, related in part to the recurrence of conflict in all regions of the continent and in part to a growing sense of public insecurity, enables and aggravates violent crime. Globally, non-conflict related firearm deaths, such as from suicide or homicide, are estimated at approximately 200,000 per year.[21] There are sharp regional variations, however, with Latin America and the Caribbean showing the highest number of recorded deaths. Africa is generally rated the second highest region for non-conflict-related firearm deaths, carrying 18% of the global burden, with an estimated 4.2 to 6.5 firearm deaths per 100,000.[22] The WHO estimates that approximately 35% of homicides in Africa are committed with a firearm.[23]

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

1.3   Crime and conflict

Africa has paid an enormous cost to wars. According to the Strategic Plan of the African Union Commission, "Not less than 26 armed conflicts erupted in Africa between 1963 and 1968 affecting the lives of 474 million people representing 61% of the population of the Continent and claiming over seven million lives."[24] Even if wars of liberation are excluded, 20 countries in Sub-Saharan Africa have experienced at least one period of war since 1960.[25] And while remarkable progress in African peacekeeping has been made in the last decade, conflict still impacts on a disproportionate number of Africans. At the turn of the century, one fifth of all Africans lived in countries in which severe conflict was underway,[26] and half of all the people who lost their lives to war were Africans.[27]

The links between crime and conflict were clearly made by African leaders in the Dar-Es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region, made in November 2004. Violent conflict and crime are interlinked in at least two distinct ways. First, war has changed in recent years, and many contemporary conflicts have substantial overlaps with organized crime. In the post-Cold-War world, insurgents and terrorists often fund themselves through criminal activity. This is probably most evident in Africa's "resource wars", where rebels (or even government groups) smuggle extracted commodities to international organized crime syndicates in exchange for weapons, supplies, and currency. Smuggling of Africa's natural resources can become a means of laundering dirty money for both criminal and terrorist groups.[28]

Second, countries recovering from war can anticipate elevated levels of crime due to the profound effects modern war has on individuals, the social structure, and the state. Indicative of this is effect is that fact that homicide rates increase by 25% in the five years following a civil war.[29] Some of the factors that have increased crime in Africa post-conflict periods are:

- *Psychological trauma.* The traumatising effects of violence on both the perpetrators and the victims may result in cycles of violence, reverberating for generations.

- *Disaster and displacement.* The humanitarian disasters following the end of the war feed violence and organized crime. The displacement of populations may result in further conflict.

- *Continued use of the skills of war.* The education of young men in the skills of violence, without alternative livelihoods in the post-conflict era, can result in extended careers as predators. The creation of profitable smuggling routes can provide the basis for organized crime.

- *Loss of authority.* War weakens the state and the entrenching of corruption can keep it weak, thus undermining its role in securing order.

Violence reverberates for generations

It is characteristic of the "new wars" that civilians are more likely to be targeted than in the past. As Kaldor notes, "the goal is to capture territory through political control rather than military success. And political control is maintained through terror… Population displacement, massacres, widespread atrocities are not just the side effects of war; they are a deliberate strategy for political control."[30] This is true in recent conflicts both outside and within Africa.

The impact of this brutality is profound, especially for children. In the UN Report on the Impact of Armed Conflict on Children, two thirds of the Angolan children interviewed had seen people murdered. In Rwanda, 56% had seen children kill people, nearly 80% had lost immediate family members, and 16% had been forced to hide under dead bodies. More than 60% of the Rwandan children interviewed said they did not care whether they ever grew up.

In addition to being exposed to violence, children may be forced to actually commit it. According to the Coalition to Stop the Use of Child Soldiers, up to 100,000 children, some as young as nine, were estimated to be involved in armed conflict in mid-2004 across Africa.[31] The Coalition notes that Africa is the worst affected area of the world in this regard, with about a third of global child soldiers being African. The widespread use of children in combat in Africa is partly a result of the demographics of the continent – in many countries, the majority of the population is under age. But whatever the cause, the effect can be to increase violence in a society in the long-term: "… child soldiers risk involvement in continuing cycles of violence. Violence becomes a way of life…They may also become more susceptible to later recruitment into armed groups."[32] This tendency is more than just theoretical: over two-thirds of the Liberian ex-combatants recently interviewed by Human Rights Watch said they had been asked to join fighting "missions" in Guinea and Côte d'Ivoire.[33] Child soldiers may also be introduced to substance abuse, a problem that may plague them for the rest of their lives.

Humanitarian disaster and population displacement

The social impact of conflict and its aftermath can be more damaging than the war itself. In nine recent African wars, less than 30% of the deaths were due to combat.[34] In the Democratic Republic of Congo, battle deaths constituted only 6% of the deaths due to the war between 1998 and 2001.[35] The World Health Organization cites studies indicating that domestic violence, child abuse, and sexual offences are all increased by a humanitarian disaster, as communities suffer from the loss of livelihoods, post-traumatic stress, and the breakdown of law enforcement.[36]

War and its aftermath can also have long ranging impact on the environment. Foresting may be accelerated in the post-conflict period as countries struggle to kick start their economies and harvesting activities progress at a rate in excess of the ability of the state to regulate them, as is predicted to be the case in the DRC and Liberia.[37] Environmental degradation can have a long-term impact on the feasibility of sustainable livelihoods.

Displaced populations are also a serious issue in Africa. According to the United Nations High Commission on Refugees, in 2004 there were over 2 million refugees in sub-Saharan Africa, including 1 million refugees in Central Africa and the Great Lakes region, 670 000 in Eastern Africa and the Horn of Africa, 220 000 in Southern Africa, and 330 000 in Western Africa.[38] African refugees comprise about 37% of the global total. In addition, there exist an untold number of illegal immigrants in Africa's cities, essentially economic refugees, whose lives are lived on the margins of society and whose plight is often comparable.

The World Bank says the flow of refugees "…negatively affects living conditions and security in the host communities, even when substantial humanitarian assistance is provided."[39] For example, refugee camps can generate crime:

> *…camp conditions often lead to high rates of conflict and violence against women and children, … as does the problem of bored and frustrated young men. These are ingredients for crime and violence, the rise of political and ethnic factions, and the increased likelihood of recruitment into militias or organized crime. Refugee camps, notably in West Africa … have become zones of drug smuggling, human trafficking, illegal logging, and gun running. Perpetrators are able to elude justice by hiding amongst the refugee population, or camps fall under the control of political or military element. Refugees are then more likely to be deprived of their rights, and subject to violence and intimidation.*[40]

The skills of war and the weakened state

In the disorder of a post-conflict society, many African youth may find that the only marketable skills they possess are the skills of war, and their only property, a gun. According

to the World Bank, "The civil war creates a cadre of young people experienced in the use of deadly weapons who, in the process of unconventional terrorizing war, develop a 'mercenary mentality' that would underpin criminality".[41]

Since smuggling has become an increasingly important source of funding for African insurgent groups, continued opportunities may exist in international organized crime. The same resources exploited during the war may be stolen – as exemplified through ongoing oil and diamond theft in unstable areas of countries nominally at peace – or new commodities substituted, such as drugs or stolen property.

Conflict in Africa is often rooted in weak states, and civil war can weaken states further still. Physical infrastructure may be decimated, access to land and markets disrupted, massive debt accumulated, and the civil service may actually collapse altogether.[42] The World Bank says, "Civil war, a challenge of the authority of the regime in power, erodes the legitimacy of the institution of government, damages public facilities and weakens the provision of public services."[43] State incapacity means weak law enforcement, and few checks on corruption.

As military rather than civil police techniques are used to maintain order during civil war, a period of adjustment in the post-conflict period should be expected as law enforcement adopts a more democratic approach. This period reflects a window of opportunity for organized crime, which can take advantage of a weakening of controls before the police can regain the trust and cooperation of the public.

International terrorists are also interested in weak states as staging posts, training grounds, and money-laundering facilities. In the end, political and criminal groups may be difficult to distinguish, and both have an interest in the kind of instability found in parts of Africa.

> *Instability is in the interest of terrorists because it diminishes the legitimacy of governments in the eyes of the mass populations – the very group terrorists seek to gain support from; and it is in the interest of criminal groups seeking to maximise criminal operations. This is especially true for groups engaged in wide-scale smuggling of licit or illicit commodities.*[44]

1.4 Organized crime

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

It is therefore difficult to establish the existence of organized crime on the basis official data, in Africa or elsewhere. But perception surveys, as well as international crime intelligence and seizures of contraband, suggest that Africa has become the continent most targeted by organized crime. The growth in international commerce and transport has made Africa, with its weak enforcement capacity and underpaid officials, an ideal conduit through which to extract and/or tranship a range of illicit commodities, such as drugs, firearms, minerals and oil, timber, wildlife, and even human beings. Lack of official controls also makes the continent vulnerable to money laundering and corruption activities.

Illicit drugs: From trafficking to abuse

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

There is now ample evidence that the drug situation in Africa is changing rapidly. The continent is increasingly being used to trans-ship drugs from producer countries to markets in other parts of the world. Such trafficking produces its own collateral damage. According to the Southern African Development Community Protocol on Combating Illicit Drugs:

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

Experience shows that trans-shipment countries tend to become user countries over time. The situation is quite advanced in South Africa, and there are signs of this occurring in urban centres in Western, Eastern, and other parts of Southern Africa. For example, a recent survey of 299 youth in Old Stone Town in Tanzania found lifetime use of heroin at an alarming 9%, annual use at 4%, and past month use at 3%, while 29% described the substance as "easy to obtain".[45] In addition, African trafficking organizations, particularly West African networks, have become major players in the global drug trade, and will continue to develop markets on the continent.

The rate at which a drug problem can develop is well illustrated by the emergence of crystal methamphetamine use among youth in South Africa over the last two years. In the last half of 2002, none of the under 20-year-olds admitted to treatment in Cape Town mentioned methamphetamine as their primary or secondary drug of abuse. By the second half of 2004, 42% did so.[46]

African drug markets also show shifting seizure patterns. As Figure 21 below shows, in the early 1980s most drugs were seized in Northern Africa. Drug seizures shifted to Southern Africa from the mid 1980s to the mid 1990s. Over the last few years, drugs seizures increased in Eastern, Western, and Central Africa. In 2003, most drugs were seized in Eastern Africa (37%) and Western and Central Africa (31%), followed by Northern Africa (24%). Seizures in Southern Africa (8%) were rather moderate in 2003.

Figure 21: Drug seizures in Africa (million units equivalents)
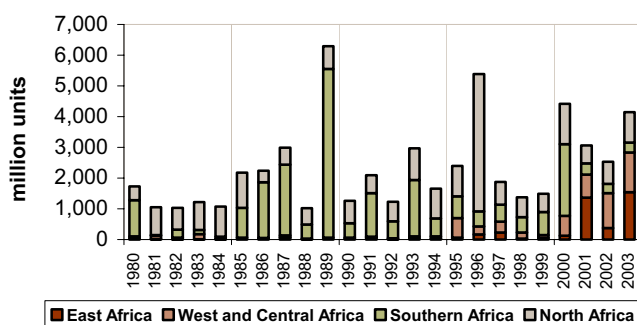
Source: UNODC, Annual Reports Questionnaire Data

Seizures of all drugs – expressed in unit equivalents (doses) – amounted to 4.1 billion units in Africa in 2003 or 13.3% of the world's total seizures in unit equivalents in that year (31 billion units). This proportion was almost identical to the continent's share in the world's population (13.5%), indicating that large amounts of drugs are being trafficked across Africa. Seizures made in Africa with respect to heroin, cocaine, amphetamine or ecstasy are rather modest (1% or less of global seizures), but over a quarter of all herbal cannabis seized was found in Africa, as was 8.5% of the cannabis resin (mainly from Morocco).

Africa is responsible for a quarter of the world's cannabis seizures and is home to the world's leading supplier of hashish: Morocco. Increasingly, Africa is being used to route drugs destined for other markets, and, consequently, it is becoming a destination site with a growing consumer base. Cocaine from Colombia is trafficked through Western Africa, largely for re-export to Europe. Similarly, growing amounts of Afghan heroin are currently trafficked through Eastern Africa. In both cases, Africa is used as a transhipment point because law enforcement is not accustomed to these drugs arriving from the continent. "Drug cartels", until recently associated with Andean organized crime, or with Europe and North America, are today no longer alien to Africa.

Trafficking in human beings

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

> … recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.[47]

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

Despite the lack of formal data, human trafficking in Africa has been documented by numerous sources. According to UNICEF, human trafficking is a recognised problem in about half of all African countries. The number of countries reporting trafficking in children is twice those reporting trafficking of women. In Western and Central Africa, human trafficking is a recognised problem in 70% of the countries of the region. In more than one in three of these, the problem is regarded as severe. In Southern Africa, trafficking is recognised as an issue in a third of countries, but it is generally not regarded as severe.[48]

In total, 89% of African countries are affected by human trafficking flows, either as source, destination, or receiving countries, according to UNICEF survey work. There is no clear-cut distinction between countries of origin and destination: in 58% of countries flows are in both directions. Cote d'Ivoire, Nigeria, and Gabon are the best known destination countries for trafficking victims, but over half of Western and Central African countries are believed to receive victims. In addition to trafficking within Africa, trafficking to Europe is a problem for 34% of African countries, and trafficking to the Middle East for 26%. Within Africa, 91% of trafficking occurs between countries of the same region.[49]

Victims are trafficked for three main purposes: forced labour; commercial sexual exploitation; and forced enlistment in militaries and rebel groups. The issue of child soldiers is discussed in Section 1.2 above. Awareness about human trafficking for labour or prostitution is highest in Western Africa[50]. Estimates are that 40% of the street children and hawkers in Nigeria were trafficking victims.[51] According to the ILO, 200,000 to 300,000 children are trafficked each year for forced labour and sexual exploitation in Western and Central Africa.[52] West African woman are trafficked to Europe for commercial sexual exploitation, particularly members of one Nigerian minority group.[53]

One contributing push factor is the devastation wrought by AIDS. Children who have been orphaned by the death of a parent from AIDS are at risk of being trafficked. Even in instances where one or both parents are still living, a child may be forced to care for or support a sick parent and/or the other children or may be pressured to leave a village due to the stigma attached of having a family member with AIDS. All these factors place African children at high risk of falling victim to trafficking and exploitation.

Trafficking Patterns in Benin, Nigeria and Togo

Benin

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

Nigeria

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

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

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

Togo

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

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

Firearms

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

It is nearly impossible to estimate the number of small arms circulating in Africa, and attempts to do so are complicated by the fact that weapons are "recycled" in conflicts throughout the region. Gamba and Chachiua point out that in Mozambique alone, estimates of weapons imported during the civil war range from half a million to six million, and that estimates of the number of illegal weapons in use in South Africa range from 400,000 to eight million.[54]

In 2003, the Small Arms Survey drastically revised down past estimates on the number of small arms on the continent, from 100 million to 30 million weapons, which highlights the level of uncertainty that exists in this area. The Survey estimates that most of these weapons are in civilian hands (79%), with much smaller shares being held by the military (16%), police (3%) and insurgents (2%).[55] The Survey also estimated that:

⬚ Kenya, Tanzania and Uganda each have an estimated national stockpile of between 500,000 and one million small arms;

⬚ There are about 77,000 small arms in the hands of the major West African insurgent groups;

⬚ The total number of illicit military-style guns is unlikely to surpass one million for all of sub-Saharan Africa, and may be considerably lower;

⬚ While most of the arms that plague Africa are imported from the outside, at least 10 countries in sub-Saharan Africa, including Kenya, Tanzania and Uganda, have some domestic capacity to produce small arms and/or ammunition. Illicit production of small arms occurs in a number of countries in sub-Saharan Africa, including Ghana and South Africa.[56]

Weapons have traditionally been trafficked between countries in Africa, as conflict spreads through whole regions, or imported from overseas. The Ukraine is said to be one major source of former Soviet arms.[57] The impact of these weapons is discussed in Section 1.1 above. While a comprehensive discussion of gun trafficking and its effects is beyond the scope of this report, a few examples are illustrative:

⬚ Member countries of the Economic Community of West African States (ECOWAS) pledged not to import, export, or manufacture small arms in 1998, but there is evidence that weapons have still been finding their way into the region, both into countries enmeshed in civil conflict and those nominally at peace. For example, the Nigerian Customs Service reported that it had intercepted small arms and ammunition worth more than US$30 million at border posts in a six-month period in 2003. In a single haul in November 2003, it took in a consignment of 170,000 rounds of ammunition. These weapons are used in ethnic, religious, and political violence, as well as in criminal activity, such as that surrounding the illicit oil trade in Niger Delta .[58]

⬚ The conflict in the DRC is fuelled by weapons flows from all over the region, and foreign businessmen interested in the import and export of raw goods are allegedly involved in supplying the rebels with arms.[59]

⬚ In South Africa, the most commonly used small arms are not military weapons but handguns, and much of the criminal market is supplied through robbery and burglary of licensed guns. Between 1995 and mid-2003, almost 200,000 guns were reported lost or

stolen in the country. Docket research in South Africa has indicated that both legal and illegal firearms are used in crime in that country.[60]

Resource smuggling, wildlife poaching, and environmental crime

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

For example, in Nigeria, criminal gangs steal large amounts of crude oil from pipelines and ship it on river barges to larger craft offshore in a practice referred to as "bunkering". It is a massive industry, with high end estimates of its value ranging from US$4 billion[61] to US$6 billion[62] a year, or over 10% of Nigeria's oil production. Violence occurs between rival gangs fighting for "bunkering turf", known locally as "cults", with names like the KKK, the Germans, and the Mafia Lords. These groups trade oil for guns, and also claim to have received weaponry from local political leaders.[63]

Of course, oil-theft would be impossible if it were not for willing buyers, and the involvement of outsiders in the trade is well-documented. The oil bunkering syndicates are highly international, including not only other West Africans, but also Moroccans, Venezuelans, Lebanese, French and Russians, for example. By these means, oil bunkering links to wider patterns of organized crime, with cash, drugs and weapons all being traded in exchange for illegal oil. A typical oil-bunkering case, reported in a Nigerian newspaper on 22 April 2004, mentioned the arrest by the Nigerian navy of a ship loaded with 8,000 metric tons of crude oil without valid papers. Its crew of eight foreigners was also arrested.[64]

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

Elephant ivory is probably Africa's best-known wildlife commodity, and its illegal extraction has been tied to both conflict and organized crime. It is estimated that at least 12,500 elephants were poached in Africa and 95.3 metric tons of ivory were seized globally between 1998 and 2004.[65] While the largest elephant populations are found in Eastern and Southern Africa, ivory is also openly marketed in West Africa to tourists, including Americans, Asians, and Europeans.[66]

A good deal of ivory is also smuggled out of the continent to foreign markets. For example, between 1997 and 2002, French Authorities made at least 809 confiscations involving 18,248 elephant products, weighing 4.1 tonnes.[67] As with other poached wildlife parts, China appears to be a major destination, with 13,000 kg being seized in 41 seizures in Beijing in 2001 alone.[68] In addition, Singapore, and through it, Japan, is another large market: in June 2002, a container with 532 elephant tusks and over 40,000 blank hankos (traditional Japanese name seals) was seized in Singapore, equivalent to as many as 600 elephants.[69]

Rhino horn is sold in the Far East as an aphrodisiac. According to the World Conservation Union, one half the world's Northern White Rhino population, resident in a single park in the DRC, was wiped out in the course of just 14 months by organized poachers, including cross-border groups from Sudan.[70] Chinese Triad groups have been involved in the extraction of this resource from Africa since the 1970s.[71]

Abalone, a marine snail, is regarded as a delicacy and an aphrodisiac in the Far East. Massive poaching of this ocean resource is predicted to render the species extinct in South Africa in three to four years.[72] This extraction has been tied to South African organized criminals working with Chinese Triad gangs.[73]

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

Money laundering

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

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

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

Of course, the importance of criminal financial flows is relative to the size of the local economies. It is estimated that US$22 billion was laundered through the financial systems of members of the Southern African Development Community (SADC)[74] between 1999 and 2001 alone. Of this, US$15 billion was generated within the SADC sub-region. An estimated US$7 billion infiltrated the sub-region from other regions, including East Asia (US$1 billion), North America (US$5 billion) and Europe (US$1 billion).[75] For perspective, US$22 billion is more than the combined annual GDPs of eight of the 14 SADC member states.

The proceeds of crime committed in Africa are also laundered abroad, most notably the monies stolen by a few notorious "kleptocrats", such as the former Zaire's Mobutu Sese Seko and Nigeria's Sani Abacha. With the help of the German, Swiss and British Governments, Nigeria was able to recover US$240 million from the late Abacha's family in 2004. A report from the Commission of the European Communities estimates that stolen African assets held in foreign bank accounts are equivalent to more than half of the continent's external debt.[76] The responsibility of foreign banks to ensure the legitimacy of monies deposited in overseas accounts and the importance of repatriating these funds is discussed further in the conclusion of this Report.

Most African nations are signatories to, and many have ratified, the United Nations' Convention against Transnational Organized Crime (see Annex C), which requires criminalization of money laundering, but the ability to implement it may be lacking.

According to Goredema, as of October 2004, half of all members of the Southern African Development Community, probably the best-resourced region of the continent, had not yet criminalized money laundering.[77]

West African organized crime

Finally, it is worth saying a few words specifically about West African Organized Crime. The commentary that follows is based on a forthcoming UNODC publication, *Transnational Organized Crime in the West African Region.*

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

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

The United States Drug Enforcement Administration says:

> *Nigeria and Nigerian drug traffickers dominate the African drug trade. Nigerian trafficking organizations are responsible for a significant amount of SEA heroin smuggled to the United States. Nigerian traffickers are well established in other parts of West Africa, Southeast Asia, and Europe and are rapidly entrenching themselves in such places as the former Communist bloc countries, South Africa, Russia, Brazil, New Zealand, and the Philippines.[78]*

In human trafficking, a particularly flourishing trade in prostitutes exists from Nigeria. Many of the girls or young women involved are from Edo State and Benin City because those individuals who pioneered the trade have kept it in the hands of networks of kin and associates, thus excluding outsiders. The main destinations are Europe – especially Italy – and the Middle East.

1.5   Corruption

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

Statistics based on the number of police-recorded cases provide little assistance in assessing the true incidence of corruption, because neither the person paying or receiving the bribe is likely to go to the police about the matter. Survey work is again the best supplement to the deficiencies of the official statistics, but most surveys focus on only one kind of corruption. This can lead to a great deal of confusion when results of surveys on the perception of corruption among foreign business leaders are compared to surveys of ordinary Africans on how often they are asked to pay a bribe, for example.

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

A sub-regional analysis, however, shows that victimisation patterns parallel those of fraud, with Eastern Europe showing the highest overall level of corruption (Figure 22).

Figure 22: Survey respondents who suffered from corruption in the previous year
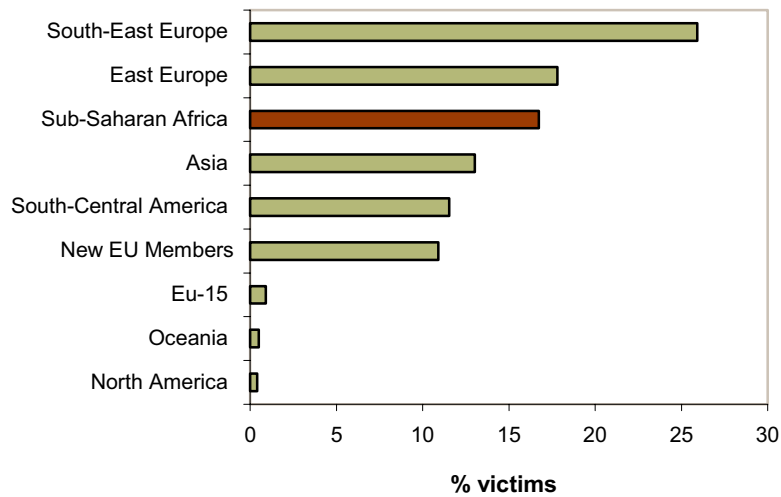
Source: ICVS 2000 or most recent year available

This aggregate figure conceals great divergence in the victimisation rates between countries, however. Looking at the ICVS data for specific cities, African cities are clustered on both ends of the spectrum (Figure 23). The Figure, however, omits 20 countries that have corruption rates of less than 5%. Thus, the "low" corruption African countries shown are only relatively so, with all of them clustered in Anglophone Southern Africa. Mozambique, Uganda, and Nigeria show very high victimisation rates, with levels of 30% or more.

This ranking is roughly consistent with survey data on bribe taking collected in Transparency International's Global Corruption Barometer 2004, in which five sub-Saharan African countries were featured. Respondents were asked whether they had paid bribes, as well as a range of opinion questions about the nature of corruption in their countries. Cameroon, Kenya and Nigeria edged out Albania in reporting the top three victimisation rates in the world (Figure 24, only countries with more than 10% positive response shown), while South Africa reported a rate comparable to many European countries (3%).

Figure 23: Have you or anyone who lives with you paid a bribe in the last 12 months?
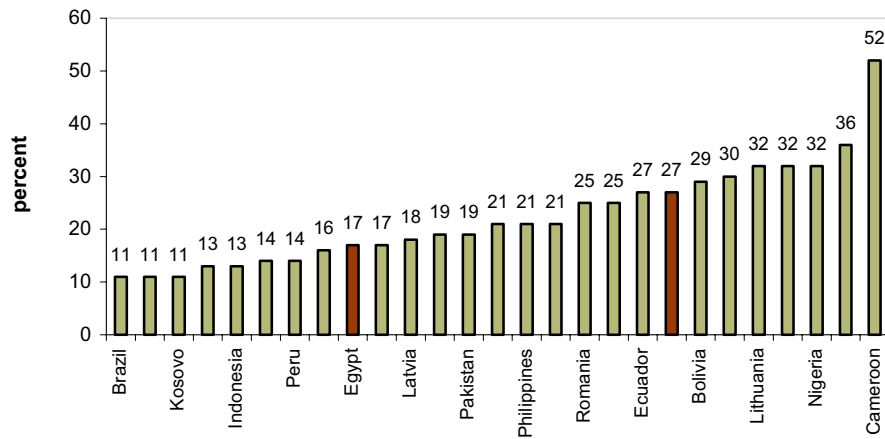
Source: TI, Report on the Global Corruption Barometer 2004

Figure 24: Survey respondents who were asked to pay bribes in the previous year
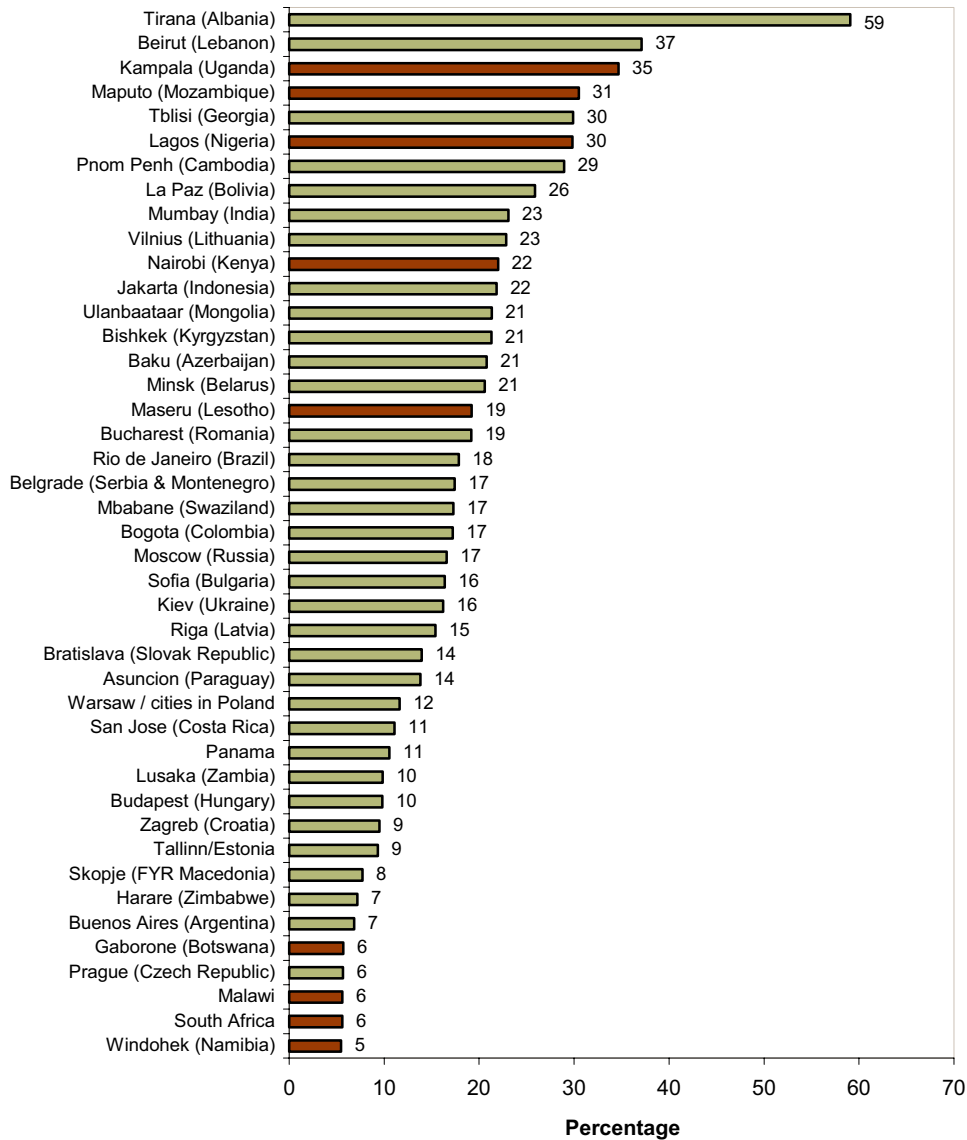
Sources: ICVS 2000 or latest available year and other victim surveys

This ranking differs in some respects from the results of a World Bank Survey done in 1996 in preparation for the 1997 World Development Report, which focused on the experiences of African business people. Survey respondents were 3600 entrepreneurs from 22 African countries, who were asked to evaluate the statement "It is common for firms in my line of business to have to pay irregular 'additional payments' to get things done." Though dated, this survey also sheds light on a number of countries that are often left out of African survey samples, and, alarmingly, these countries showed even higher levels than the better known situations. South Africa and Malawi again ranked well, Botswana, Lesotho, and Namibia were not included, but Kenya only ranked 9th, Mozambique 13th, and Uganda 14th of the 22 African countries. Survey respondents said they had to pay these 'irregular payments' more frequently in Congo-Brazzaville than in any other country, followed by Cameroon, Guinea, and Madagascar.79

Perceptions surveys are clearly more controversial. The most prominent of these is Transparency International's Corruption Perception Index, which focuses on the opinions of business leaders. This is thus an entirely different measure than the household surveys, but again African countries scored lower as a group than any other region of the world in 2004 (Map).[80] Even if Africa is compared to sub-regions of other continents where corruption is widespread, such as South America (including Central America and the Caribbean) or Eastern Europe, Africa still fares slightly worse in perceived corruption. Out of 36 African countries evaluated, only four (Botswana, Tunisia, South Africa and the Seychelles) received more favourable ratings than the global average (4.2). Recall that Botswana and South Africa also score relatively low in the household survey findings. Corruption is perceived as being particularly widespread in Western and Central Africa.

Whatever the merits of the perception data, it is perhaps not surprising that corruption would exist in Africa, as some have argued that it is deeply related to poverty. Sachs and his collaborators at the Millennium Project argue that the quality of governance is proportionate to the amount of money available for it – poor countries presumably cannot afford the corruption controls available in better-resourced ones.[81] Adjusting a number of corruption-related indicators for poverty, they found that, if poverty is controlled for, African governance is not bad by international standards.

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

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

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

Global corruption perception index

Legend

Corruption perception index

(Scale: 10=no corruption; 1=complete corruption)

- Less than 2.5
- 2.6 - 5.0
- 5.1 - 7.5
- More than 7.5
- no data available

Robinson Projection
Datum: WGS 84
Scale 1: 100,000,000

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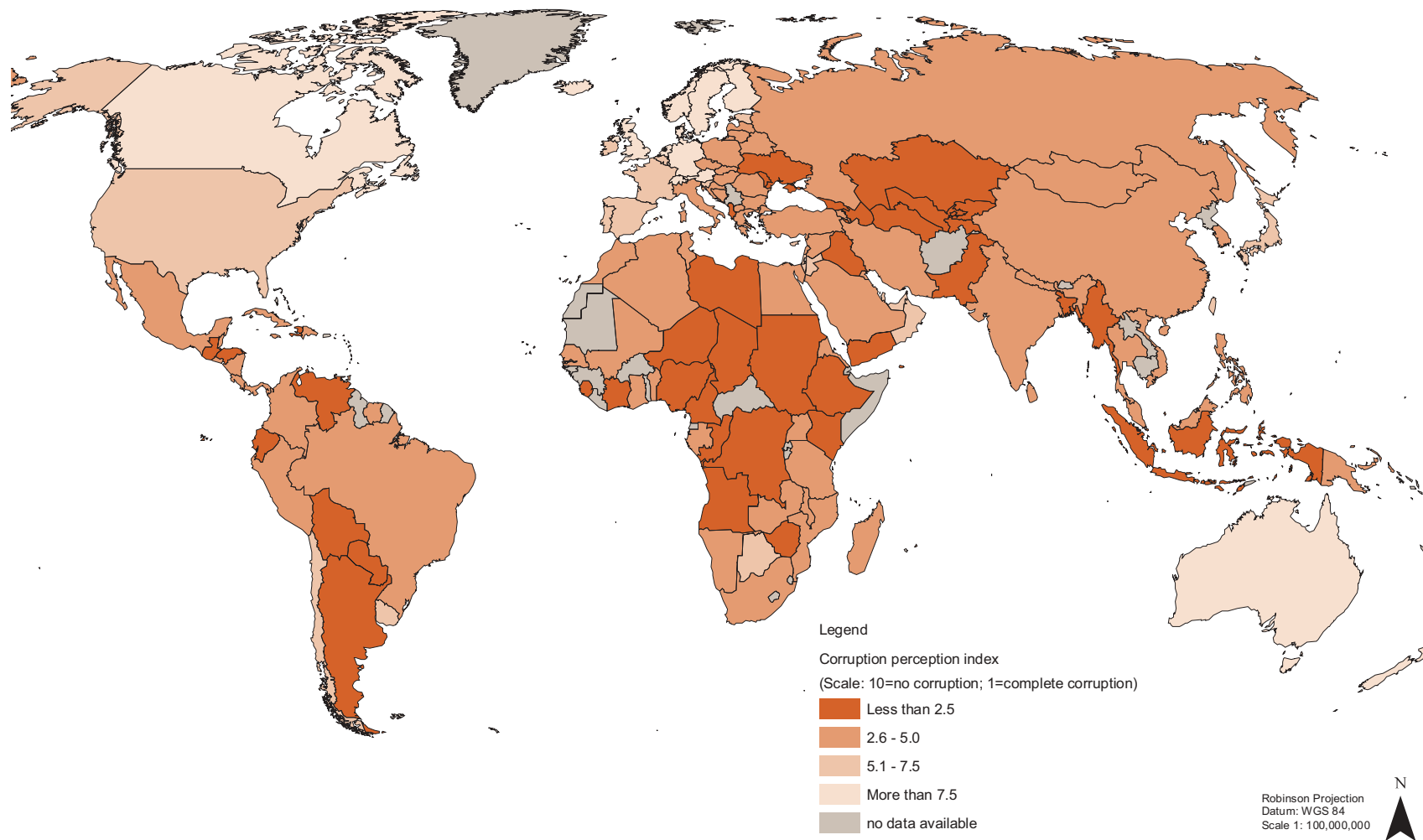
Source: Transparency International (2004) Transparency International Corruption Perception Index, Passau: Germany [http://www.transparency.org/cpi/2004/cpi2004.en.html#cpi2004]
Note: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by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

Global control of corruption in 2002

Legend

control of corruption
(Scale: -1.89=low; 2.39=high)

- -1.89 - -1.30
- -1.29 - -0.76
- -0.75 - 0.00
- 0.01 - 0.75
- 0.76 - 1.50
- 1.51 - 3.00
- no data available

Robinson Projection
Datum: WGS 84
Scale 1: 100,000,000

N
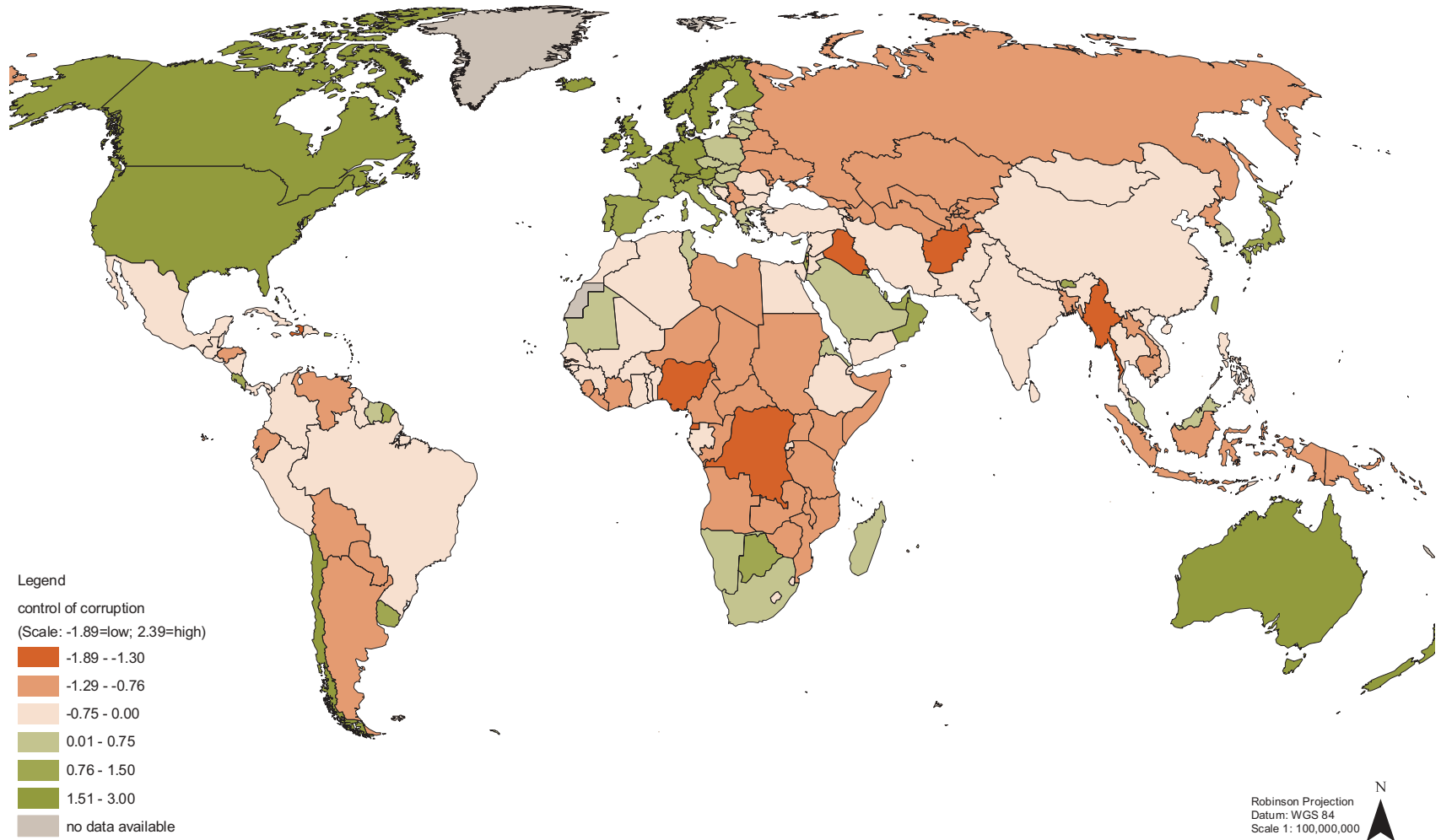
Source: Source: Kaufmann, D., Kraay, A. & Mastruzzi, M. (2004) Governance Matters III: Governance Indicators for 1996-2002, World Bank: Washington DC.
World Bank (2005) World Bank Aggregate Governance Indicators 1996-2002 [http://info.worldbank.org/governance/kkz2002/indicator_report.asp?indicatorid=5 - Last access date: 23rd February 2005]
Note: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

II. HOW CRIME HINDERS AFRICAN DEVELOPMENT

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

⊯ ***Crime drives business away from Africa***: Investors see crime in Africa as sign of social instability, driving up the cost of doing business. Corruption is even more damaging, perhaps the single greatest obstacle to development. Further, tourism, of large and growing importance for Africa, is an industry especially sensitive to crime.

⊯ ***Crime destroys Africa's social and human capital***: Crime degrades quality of life and can force skilled workers overseas; victimisation, as well as fear of crime, interferes with the development of those who remain. Crime impedes access to possible employment and educational opportunities, and it discourages the accumulation of assets.

⊯ ***Crime undermines the state***: Crime and corruption destroy the trust relationship between the people and the state, undermining democracy. Aside from direct losses of national funds due to corruption, crime can erode the tax base as the rich bribe tax officials and the poor recede into the shadow economy. Corruption diverts resources into graft-rich public works projects, at a cost to education and health services.

2.1 Crime drives business away from Africa

Most capital inflows into Africa are in the form of aid. Total private inflows to sub-Saharan Africa as a percentage of GDP are lower than for all other developing regions.[82] At the 2004 Africa Economic Summit, it was noted that this had not always been the case: in the early 1970s, Africa attracted a higher percentage of world FDI than Asia or Latin America. By the turn of the century, flows into Latin America were 5.5 times higher, and those into Asia were nine times higher, than flows into Africa.[83] Even looking at FDI as a share of GDP, Africa comes up short (Figure 25), a demonstration that Africa continues to suffer from low levels of investor confidence.

Figure 25: FDI as a percentage of GDP
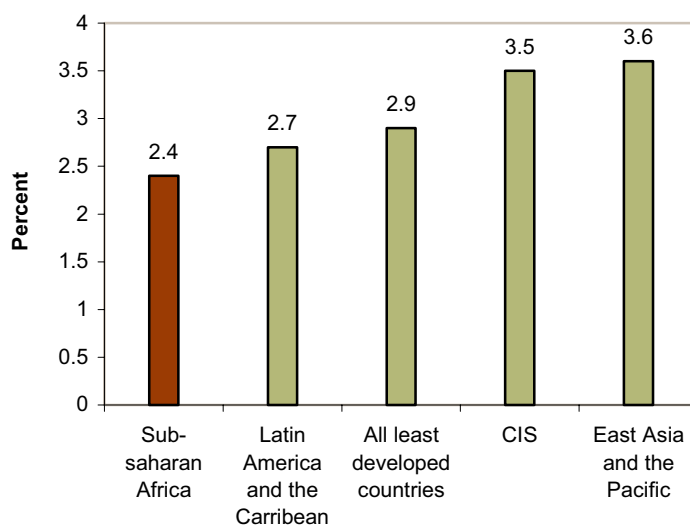
Source: UNDP World Development Report 2004 Data

One of the reasons FDI is so important in Africa is that few Africans save, and many of those that do so choose to invest their wealth overseas. Africa has the world's highest incidence of capital flight, with 40% of private portfolios being held outside the continent: were Africa able to attract back this component of private wealth, the private capital stock would increase by around two thirds.[84] Domestic capital flight is estimated to reduce continental GDP by some 16%. Since private capital stock is more significant than public capital stock (it takes almost $2 of public capital to offset the loss of $1 of private capital), 60% of public capital stock in Africa is required simply to offset private capital flight.[85]

Figure 26: Share of private wealth invested abroad
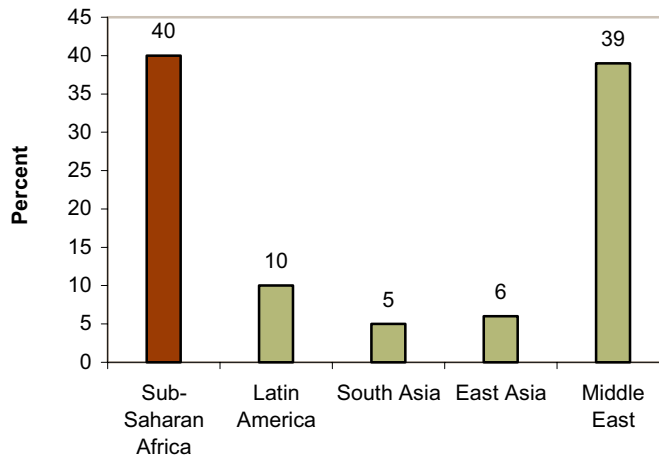
Source: Collier, Hoeffler, and Pattillo 2001[86]

The paucity of capital formation in Africa is perplexing. According to Collier *et al*, "Africa has been rated by international investors as the riskiest continent," but "Africa is regarded as more risky than is warranted by the fundamentals."[87] People are afraid to invest in Africa, despite the fact that rates of return on FDI have generally been much higher in sub-Saharan Africa than in other regions (Figure 27).[88]

Figure 27: Rate of return on investment
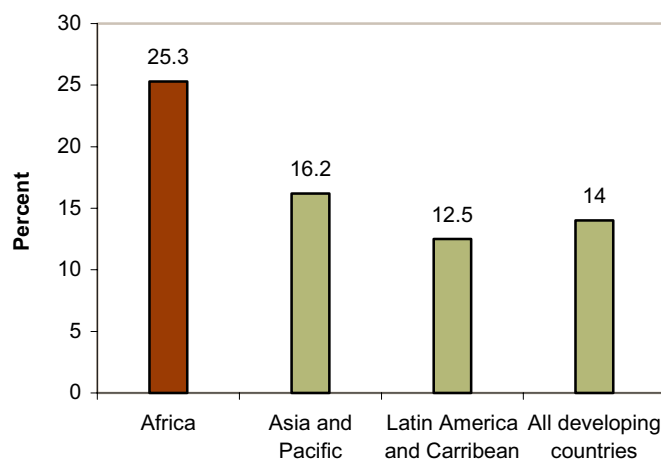
Source: UNCTAD

The gap between the economic fundamentals and investor confidence is puzzling. It has been attributed to the perception among investors that the rule of law does not prevail in Africa. African countries score poorly on international indices of governance and rule of law.[89] Although some of these indicators used by the World Bank in the compilation of its

governance ratings are controversial, they attempt to measure how effectively the state fulfils its law enforcement functions. The World Bank has rule of law ratings for 50 African states and 195 countries worldwide. Only one African state ranks in the top 50 countries in terms of rule of law and only 14 African states appear in the top 100 in 2004. Overall, African states are rated among the most lawless in the world.[90] In 2000, the United Nations Economic Commission for Africa identified "rule of law" as one of the most robust indicators in explaining differences in growth performance among countries.[91]

Of course, "rule of law" encompasses both civil and criminal matters, and it might be expected that investors would be more concerned about predictable resolution of commercial disputes than street crime. Recent research indicates that this is not the case. The 2005 World Development Report, entitled *A better investment climate for everyone*, discusses crime as barrier to business at length.

According to the Report: "…the costs associated with crime, corruption, regulation, unreliable infrastructure, and poor contract enforcement can amount [in Africa] to 25% of sales – or more than three times what is typically paid in taxes." This finding is based on global Investment Climate Surveys, which included polling businesses in eight African countries on how seriously crime impeded investment. In these countries, over 29% of business people reported that crime was a major constraint on investment, about 50% more than the global average.[92] Similarly, the World Bank argues, "crime … increases the costs of business, whether through the direct loss of goods or the costs of taking precautions such as hiring security guards, building fences, or installing alarm systems. In the extreme, foreign firms will decline to invest, and domestic ones will flee the country for a more peaceful locale."[93]

Corruption and investment

Corruption is probably an even more important concern for investors, and the negative impact of corruption on investment has been well documented. In a review of the role of corruption in development, UNDP reports the findings of empirical work that demonstrates the negative impact of corruption on growth, concluding "corruption affects growth predominantly through its effect on the level of investment…"[94]. The World Bank agrees that, by distorting the rule of law and weakening the institutional foundations of economic growth, corruption is the single greatest obstacle to economic and social development. The harmful effects of corruption are especially severe on the poor, who are hardest hit by economic decline, are most reliant on the provision of public services, and are least capable of paying the extra costs associated with bribery and fraud.[95]

In a World Bank survey from eight countries in sub-Saharan Africa, corruption is listed the number one obstacle to doing business in Africa, outpacing taxes, infrastructure, and inflation.[96] The IMF notes, "there is a close association between corruption and slow growth, as well as between corruption and political instability…"[97] Speaking specifically of Kenya, the IMF says "corruption hampers a country's ability to attract investment, the effectiveness of its institutions, and revenue generating ability."[98]

Of those forms of corruption likely to have an impact on investment, one of the most common forms is the demand for bribes from government officials in order to receive services, licenses, or access to benefits. The demand for bribes raises transaction costs and uncertainty in an economy.[99] These demands seem to impact more heavily on small businesses.[100] The World Bank Investment Climate Survey data show that bribes as a share of sales are 50% larger for small firms that large ones. Large firms pay larger bribes in absolute terms, but their impact is smaller.[101] This may make smaller firms less competitive, reducing innovation and promoting monopolization. Corruption in the courts is also of concern to foreign investors. The results of a judicial integrity study conducted by the UNODC in Nigeria found companies with foreign capital investment generally perceive the country's justice system less accessible than

domestic businesses, and they are also by far more likely to experience corruption in the courts.[102]

In addition to deterring investment, corruption may be behind another formidable barrier to business in Africa: red tape. As the World Bank notes "In many [African] countries restrictive regulations and practices, often aimed at generating rents for officials and favoured groups, constrain business activity, affecting both agriculture and industry."[103] The maps show the number procedures and the number of days required to enforce a contract. While the correlation with perceived corruption is not perfect, countries generally rated as the least corrupt countries on the continent have either the fewest number of procedures required (Tunisia) or the shortest waits (Tunisia, Botswana), while countries widely regarded as most corrupt (Nigeria, Chad, DRC, Angola, Cote d'Ivoire, Cameroon) have either a high number of procedures or very long waits or both. Ironically, very poor countries can have very elaborate bureaucracies.

African businesses themselves view corruption as a serious impediment to business. In the World Bank African firm surveys noted above, 35% of Algerian firms, 38% of Ugandan firms, 39% of Ethiopian firms, 40% of Senegalese firms, 46% of Zambian firms, 51% of Tanzanian firms, and 73% of Kenyan firms said corruption was a major or very severe constraint on business.[104] In a UNODC study in South Africa, 64% of firms described corruption as a major obstacle to business.[105]

Complying with the demands of corrupt officials can be very costly. Figure 27 shows the results of the most recent World Bank Investment Climate surveys for Africa: many firms are losing between 2% and 9% of their total sales to bribes.[106] Put another way, the cost of bribes in Uganda was found to comprise just under 8% of total costs, compared to other essential expenditures like fuel (6%), interest payments (7%) and wages (18%).[107] A government contract is said to cost 3.7% of the value of the contract in bribes in Zambia.[108] It is almost impossible to estimate the impact of bribery on the economy because it can kill business ventures before they are even born. In South Africa, 12% of businesses polled said they had refrained from making a major investment because of fear of being required to pay excessive bribes.[109] Looking at economic crimes more broadly (including corruption, embezzlement, and extortion), a survey of 189 organizations in Kenya, Tanzania, and Zambia found that, between them, US$206 million was lost over two years.[110]

Figure 28: Firms paying bribes and share of sales spent on bribes
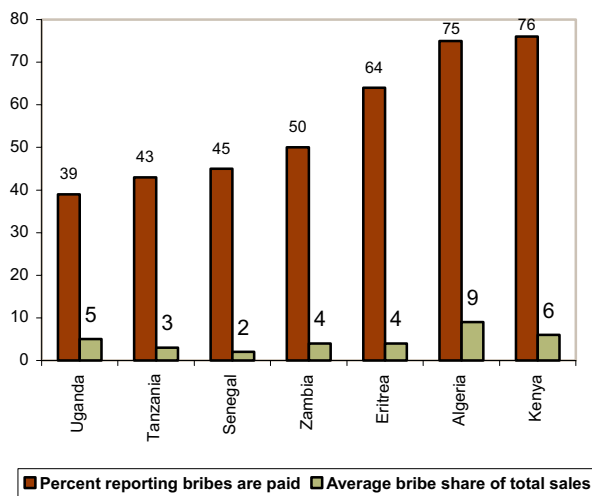
Source: World Development Report 2005

Number of procedures required to enforce a contract
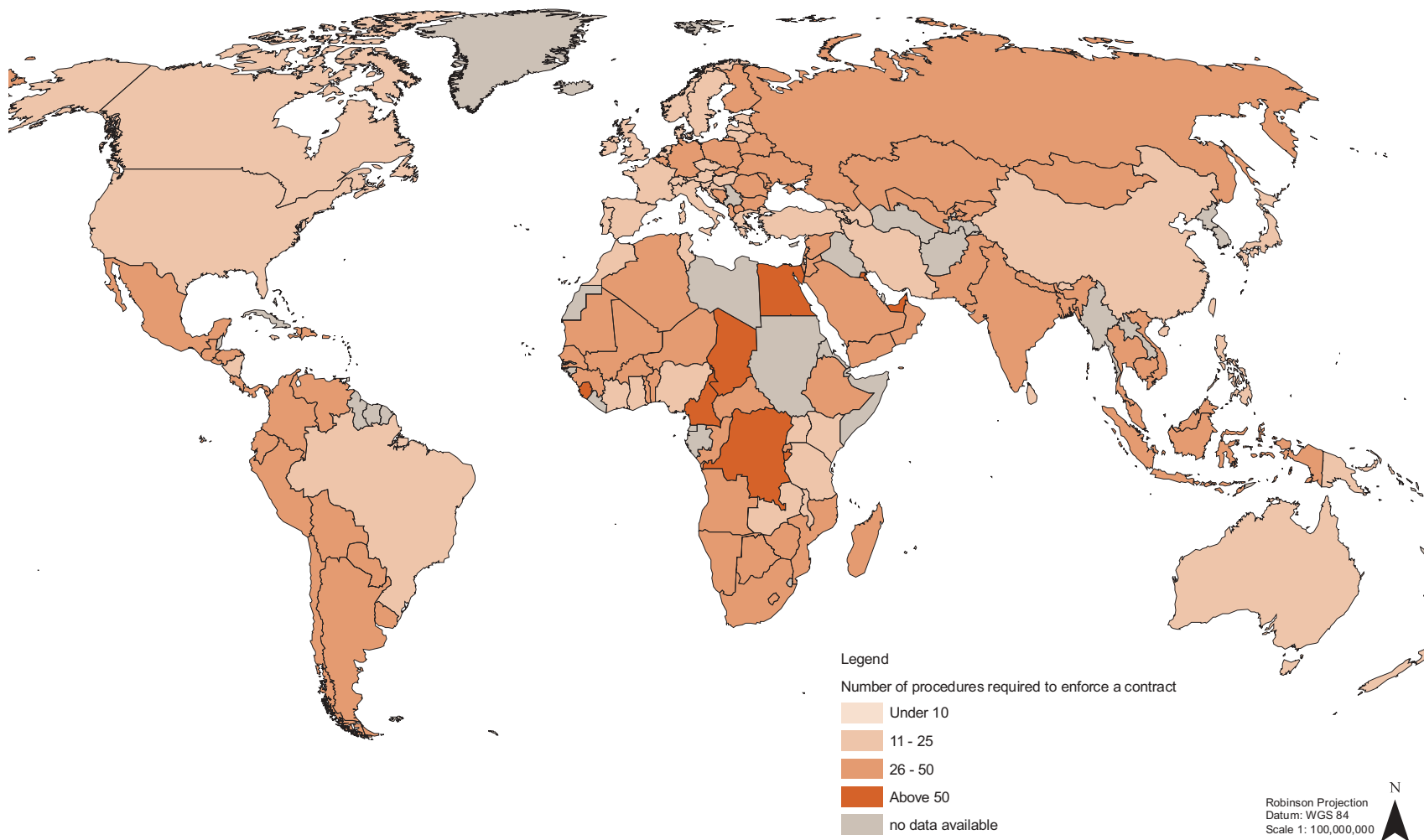
Legend

Number of procedures required to enforce a contract

Under 10

11 - 25

26 - 50

Above 50

no data available

Robinson Projection
Datum: WGS 84
Scale 1: 100,000,000

N

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

Number of days required to enforce a contract
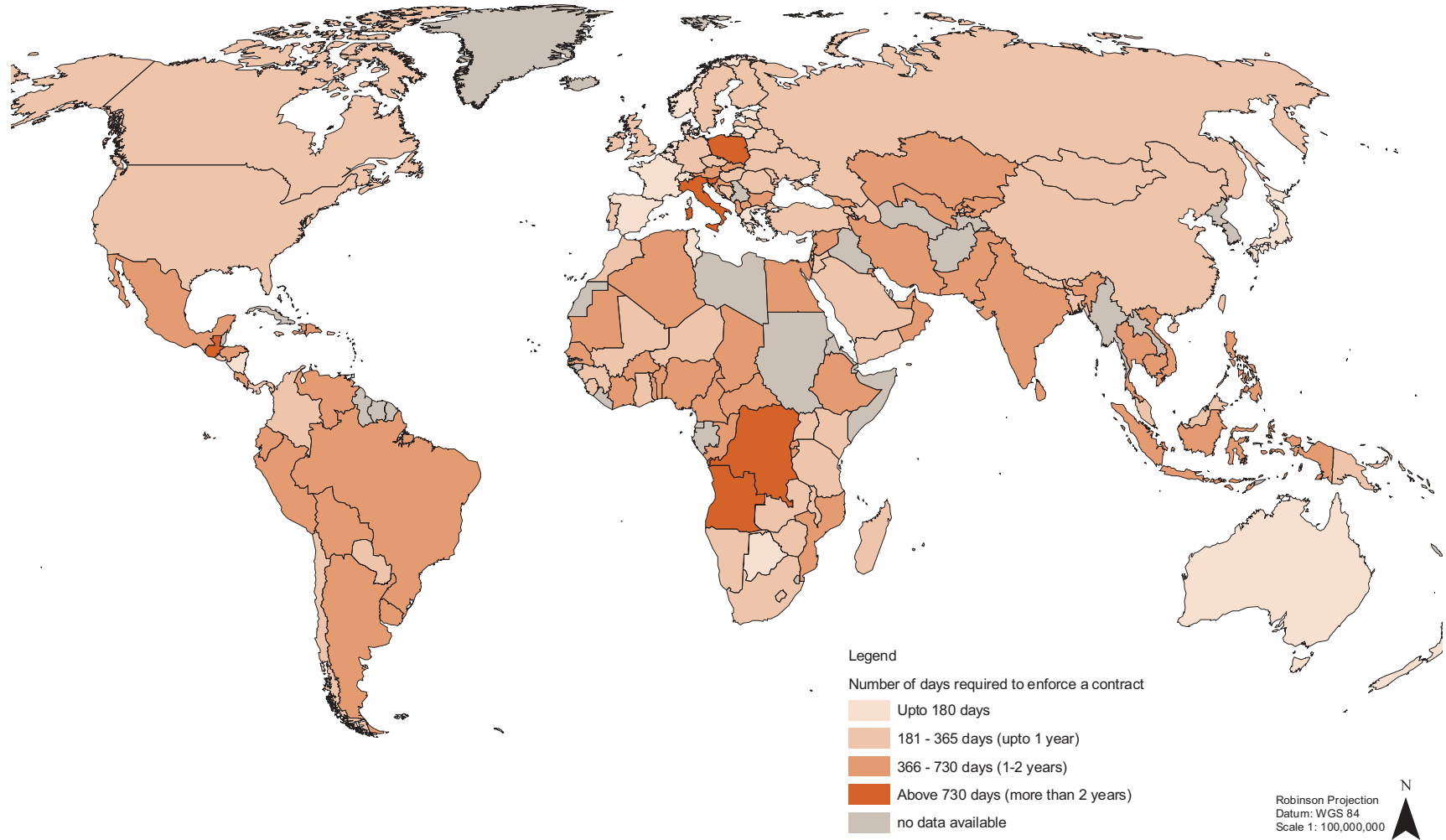
Legend

Number of days required to enforce a contract

Upto 180 days

181 - 365 days (upto 1 year)

366 - 730 days (1-2 years)

Above 730 days (more than 2 years)

no data available

Robinson Projection
Datum: WGS 84
Scale 1: 100,000,000

N

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

Finally, an emerging opportunity for the continent exists in the expanding tourism sector, but crime, particularly against tourists, has a negative impact on this industry. In 2004, the WTTC estimates tourism in sub-Saharan Africa was expected to directly generate almost US$55 billion of economic activity. Directly and indirectly, it estimated to be responsible for 6% of employment and over 7% of GDP. Tourism GDP was expected grow nearly 10% in 2004, and the employment generated by it by just under 9%, far outpacing total growth on the continent.[111] While the direct impact of crime on the industry is difficult to determine with precision, the Kenya Tourism Board estimates that adverse travel advisories cost the country nearly US$200 million in recent years. [112]

2.2 Crime destroys the social and human capital of Africa

Beyond macro-economic costs, the most profound impact of crime is personal. Becoming a victim to crime can change people's lives forever. Coping with the emotional and practical costs of victimisation can be extremely burdensome especially in Africa, where access to health and social services is limited.

In the language of development economics, crime erodes social and human capital. It undermines the norms and networks that enable collective action. It also interferes with social and geographical mobility, and may even drive skilled labour overseas.

The human costs of crime

Violent crime can have a disproportionately large impact in Africa. Death and disability can rob households of their only breadwinners, and government supports are limited. According to the ILO's Social Security Index, Africans are offered lower levels of social protection than people in the rest of the world,[113] and the impact of physical injury is obviously greater for those who rely on physical labour to make a living.

The same injury can have very different long-term consequences when experienced in a developing country than in a developed one, due to the accessibility of medical services. The *Small Arms Survey 2003* reports, for instance, that in northern Uganda, "most victims of gunshot injuries take hours, sometimes days, to reach a health facility. More than 24% of all gunshot victims in a recent survey did not receive medical treatment within the first seven hours of their injury, and more than 34% had to wait two days or never reached a medical facility."[114] Thus, injuries that might mean a few days off work in developed countries can end a career in poorer areas, or even be life-threatening.

Assessing the larger impact of property crime is difficult, because the asset itself is rarely destroyed, and it is hard to say to what extent its redistribution results in a net social loss. But on a household level, it can be devastating, particularly if productive assets are targeted. The dollar value of the assets lost may greatly underestimate their significance. A 2003 victimisation survey in Mozambique found that the average value of goods stolen in an incident was only about US$13.[115] This finding is supported by the results of a number of victimisation surveys conducted in Africa. The low absolute value of this loss might be interpreted to mean that property crimes committed in that country are trivial. However, the average annual income of Mozambicans is just $1,050, so this loss represents 1.24% of a year's wage. This is actually no less than the average loss suffered by an American victim ($410, about 1.14% of average annual income). Given the lack of social and private insurance, the impact is therefore likely to be much greater.

Since a large share of Africans are farmers, the most common and important of property crimes is stock theft. Most of the ICVS surveys are done in capital cities, usually the most metropolitan areas, where livestock theft would be relatively rare. But a recent national victim survey conducted in Malawi found that 40% of all crimes experienced were incidents of crop theft, and another 20% were incidents of livestock theft, two-thirds of which involved the loss of

poultry.[116] In a survey of three urban areas in Tanzania, three of the five most commonly reported crimes were crop theft, livestock theft and the theft of a bicycle.[117] It is likely that livestock and crop theft would figure even more prominently if the survey were done in rural areas. A recent survey of four provinces in Mozambique, which included rural areas, found nearly a fifth of the sample had fallen victim to livestock theft, but less than 2% had reported a case of livestock theft to the police (Figure 29).

Figure 29: Victims experiencing and reporting livestock theft
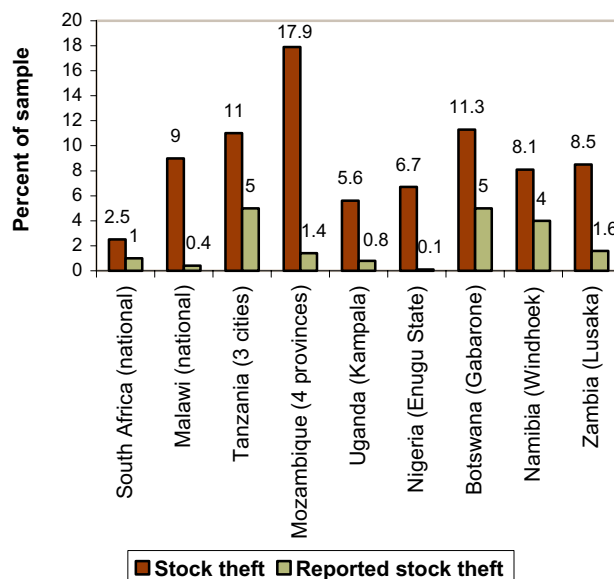
Source: ICVS, various years; ISS, 2004

Women, who also have to face the additional threats of sexual violence and harassment, may be more strongly affected by crime than men. World Bank research in Jamaica found that some girls were afraid to go to school due to violence in their communities.[118] Research in South Africa highlights how education opportunities can be limited when attending class means exposure to sexual violence, even at the hands of teachers.[119] In Zambia, a World Bank study found that fear of crime was limiting the movement of women in one poor community, where 93% said they felt unsafe, and that fear of crime was preventing teachers from showing up at work. Crime was rated as the second most pressing concern by women of the community, after water supply.

Figure 30: Respondents feeling unsafe walking alone after dark in their area
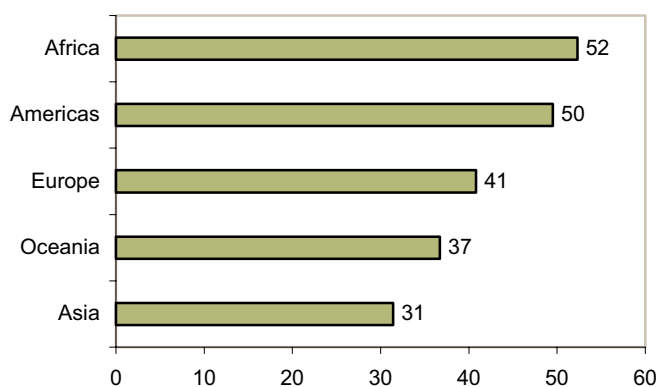
ICVS, Various years

In addition to the high-level impact of deterring investment, crime also impedes economic development at the grass roots. Vulnerable groups find many of basic transactions essential for small business to be too risky. Starting a business may not be worth the trouble if it increases the visibility of the entrepreneur as a possible target, or if capital is likely to be pillaged. Speaking specifically about poverty reduction in Malawi, the IMF says, "insecurity makes it too risky for the poor to accumulate assets and wealth, particularly in a rural setting, as any assets or wealth are likely to be stolen."[120]

Figure 31: Respondents abstaining from activities for fear of crime
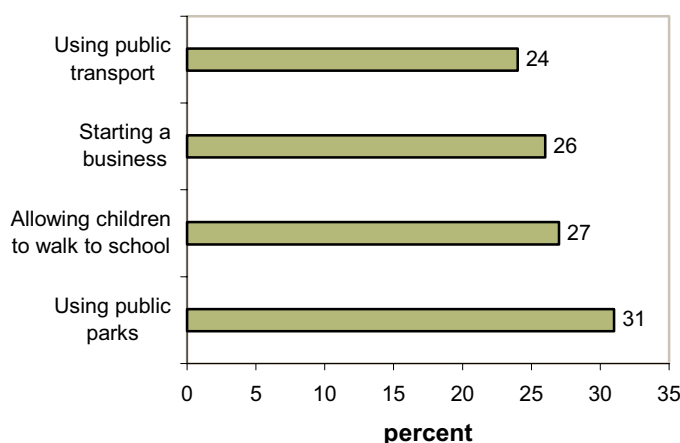
Source: Burton et al, 'National Victims of Crime Survey: South Africa 2003'

In a national victim survey conducted in South Africa, over a quarter of respondents (26%) said that they felt that crime prevented them from starting their own business. Another quarter said they could not use public transportation for fear of crime. Thus, fear of crime has paralysed the economic development of many South Africans, both victims and non-victims.

The brain drain

Emigration is the ultimate form of disinvestment. According to the World Bank:

> …Cross-border migration, combined with the brain drain from developing to industrial countries, will be one of the major forces shaping the landscape of the 21st century… A brain drain can hamper a developing country's ability to harness modern agricultural and industrial technology. Some countries in Sub-Saharan Africa…have lost one third of their skilled workers.[121]

Loss of skilled labour is particularly painful for a continent where, according to UNECA, "both the volume and the quality of human capital are widely acknowledged to be grossly insufficient to meet the challenges of the 21st Century."[122] According to the Strategic Plan of the African Union Commission, a "quantitative and qualitative human resource deficit persists in some key areas, arising from slow progress in education and health."

The data speak clearly: large numbers of skilled Africans leave their home for better income prospects in the developed world. The International Organization on Migration (IOM) estimates that 3.8 million Africans live in Europe, North America, and Australia, and some 80,000 highly qualified people leave the continent every year to take up work overseas, not including students.[123] The reasons for such departures are less clear, but the International Organization on Migration was able to interview many African emigrants in the framework of its Return of Qualified African Nationals Programme in the mid-1990s. "Poor socio-economic living conditions" topped the list of push factors: and "corruption" was also specifically noted.[124]

"Crime" is conspicuously absent from this list, though it may be associated with poor living conditions.

2.3   Crime and corruption undermine the state

Corruption interferes with the ability of the state to promote development. As South African President Thabo Mbeki recently put it, "…corruption is inimical to development. It constrains our ability to fight poverty, negatively affects economic development, damages social values and undermines democracy and good governance."[125]

Earlier, it was illustrated how corruption can drive away investment, but this is not the only way it interferes with development. Corruption allows favoured groups to monopolise the benefits produced by the state and to demand extra rents from the public. Predictably, this tends to alienate those who are not part of the inner circle. In Africa, the division between the privileged and the disadvantaged masses is often drawn on clan, ethnic, religious, or regional lines, sometimes dressed in political trappings. In extreme cases, this can lead to civil conflict or insurgency.

On a day-to-day level in many parts of Africa, corruption blocks the delivery of development services to the public. The 2004 Transparency International (IT) Global Corruption Barometer survey covered 64 countries, including five from sub-Saharan Africa. Respondents were asked whether in the last 12 months they had been asked to pay bribes. The three countries with the highest positive response rates were all African: Cameroon (52%), Kenya (36%), and Nigeria (32%, in a three-way tie for third). In Cameroon, a further 14% answered "don't know" (the second-highest non-response rate), so that only about a third (34%) denied having to pay a bribe in the last year. Thus, it would appear that the citizens of some of the world's poorest countries could have to pay out more bribes than the citizens of any other region.

According to Transparency International's Kenya Urban Bribery Index, 67% of the respondents' interactions with public institutions involved bribes, and the average urban Kenyan pays 16 bribes a month, 99% of which are to public officials.[126] Kenya is not unique in this regard. In a survey in Uganda, 40% of respondents said they had been forced to pay a bribe in order to receive a basic service, including access to primary education and health care.[127] In Ghana, two thirds (66%) in one survey said they paid 10% of their incomes in bribes to public officials.[128] Empirical research shows that the poor Africans pay a higher share of their income to bribes than do the rich,[129] although it is the rich that truly benefit from corruption.

While Africans are harassed and denied service at the grassroots, there have been well-publicised stories of much higher-level corruption. Senior politicians have been implicated in resource smuggling, and/or in the receipt of kickbacks from foreign corporations. Corruption deprives the public of the benefit of the national wealth: this is particularly problematic in Africa, where many economies are reliant on natural resource extraction. In some countries, such as Nigeria, the mineral and oil wealth of the country is the property of the state, so losses are even more direct. As mentioned above, high-end estimates of oil theft values suggest that this crime costs Nigerians up to US$6 billion a year in a country with a GDP of US$43.5 billion.[130] Aside from robbing the people of the benefit of their country's wealth, unregulated resource extraction can have a devastating effect on the environment, undermining sustainable livelihoods for generations.

Siphoning off of funds by wealthy elites is doubly problematic in Africa, as much of this graft is immediately invested outside the continent. As indicated above, about 40% of all African private portfolios are held overseas, and this share is likely to be even greater when the funds were obtained through corruption. The illicit gains of many of Africa's past dictators have still not been recovered from their foreign hiding places: the recently agreed UN Convention against Corruption has provisions aimed at recovering these stolen assets. [131]

Corruption-linked income and corporate tax avoidance can be equally costly. Due to a longstanding patronage networks,[132] many African countries have tax regimes that favour the wealthy and powerful, and corruption exacerbates this effect. Studies of The Gambia, Mozambique, and Ghana suggest that corruption allows the rich to avoid paying taxes.[133] This fuels further income inequality,[134] which, as noted above is highly associated with crime[135] and has a negative effect on growth[136] and development.[137]

Figure 32: Share of shadow economy of GDP 1999/2000
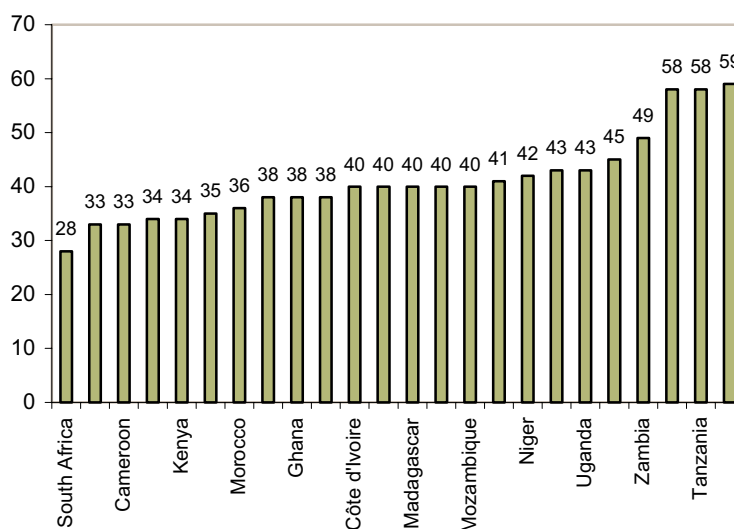
Source: Schneider, 2002

As a result of bribe-seeking officials, unfair tax regimes, and excessive regulation, a large share of economic activity in Africa is informal, as Figure 32 shows. Countries with inefficient regulatory environments and high levels of corruption tend to have informal economies in excess of 40% of GDP.[138] Large informal sectors are strongly associated with criminal activity. In the end, the grey market and the black market may be closely inter-related. And all this activity is untaxed.

After both the wealthy and the poor have dodged their taxes, whatever funds that remain may be misallocated. Countries with higher levels of corruption tend to have lower levels of social spending in general.[139] The IMF, speaking specifically of Kenya, notes: "corruption affects the way public money is allocated, diverting expenditures away from sectors such as health and education to sectors such as public works where contracts can be manipulated and bribes more easily secured."[140]

In addition, the quality of large-scale public works projects may also be lacking, because contractors who win their tenders through bribery may not feel compelled to stick to specifications. Thus, corruption may result in still more costs to the country, as corrupt officials seek immediate benefits to the detriment of the public interest.[141]

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

> *[Corruption] is found in all countries—big and small, rich and poor—but it is in the developing world that its effects are most destructive. Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a Government's ability to provide basic services, feeding inequality and injustice and*

> *discouraging foreign aid and investment. Corruption is a key element in economic under-performance and a major obstacle to poverty alleviation and development.*[142]

Corruption can enable other forms of crime when the custodians of the law, the police and the courts, are themselves corrupt. When law enforcement becomes corrupted, even the most unambiguous crimes become permissible, if the perpetrator can pay the price. As discussed in Section 1.2 above, nearly all available African survey data show the police to be the most corrupt sector of African government, with the courts often close behind. Rule of law becomes suborned to rule by connections and wealth, and the public cynicism that comes with these conditions can be difficult to erase. Without the cooperation of the public, the criminal justice system cannot function, and so societies can get locked into a downward spiral of criminality.

As discussed in 1.2 above, corrupt police may prompt the formation and use of vigilante groups, who themselves have a tendency to turn predatory. As Human Rights Watch recently said of the conflict over oil bunkering, "Across the Niger Delta, as throughout Nigeria, impunity from prosecution for individuals responsible for serious human rights abuses has created a devastating cycle of increasing conflict and violence."[143] And drawing from that example, if the state or privileged groups appear to be siphoning off the benefits of the country's natural resource endowments, there is little disincentive for the people, either individually or collectively, to do the same.

Organized crime and corruption are deeply inter-related. Criminal markets cannot flourish unless officials turn a blind eye. Corruption allows criminal commodities to be cross borders with ease, allows money to be laundered without question, and allows well-known criminals to walk the streets without fear. As United Nations Secretary General Kofi Annan said in his March 2005 report entitled *In Larger Freedom*, "Organized crime contributes to State weakness, impedes economic growth, fuels many civil wars, regularly undermines United Nations peacekeeping efforts and provides financing mechanisms to terrorist groups."

III. BREAKING THE CYCLE OF CRIME AND POVERTY

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

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

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

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

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

The final section of this Report looks at a few ideas of what could be done to address crime as a development issue in Africa, noting some of the progress already made by African nations in achieving this goal to date. Such a review is necessarily incomplete, as both of these subjects will be discussed at the Round Table for which this Report was prepared. Part Three of this Report is simply offered to provide some background for these discussions.

What can be done

How can crime be specifically addressed, given competing needs?

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

⊄# *By generating knowledge as a first step* – Only when crime data are seen as development indicators will the consolidation of knowledge in this area become a priority; tailoring interventions to African conditions requires a detailed understanding of the nature of crime on the continent.

⊄# *By helping governments deliver security, efficiency and integrity* – African countries have demonstrated the will to adhere to international standards in the fight against drug trafficking, organized crime, and corruption, but need further international assistance in translating policy into effective interventions.

∉# *By breaking the crime/conflict continuum* – If criminal and political violence lie along a continuum, crime and conflict prevention should be integrated; the establishment of the rule of law and efforts to promote post-conflict recovery should be complimentary to one another.

∉# *By including crime prevention in grassroots interventions* – Nearly every form of development work is impacted by crime and can be adapted to address it.

∉# *By making corporate business part of the solution* – This Report has highlighted several ways that international business has exacerbated the plight of the African people, but the potential for partnership in this area is immense.

Knowledge as a first step

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

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

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

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

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

can prevent illicit practices from spreading, nip cycles of violence in the bud, and arrest the development of criminal markets.

Helping governments deliver security, efficiency and integrity

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

∉ There have been three major international drug control treaties since 1961. In addition to including general provisions on illicit trafficking and drug abuse, they seek to ensure the availability of narcotic drugs and psychotropic substances for medical and scientific purposes and to prevent their diversion into illicit channels.

∉ The Convention against Transnational Organized Crime (2000) is a legally binding instrument committing State parties to taking a series of measures. These include the creation of domestic justice systems to combat the problem, and the adoption of new, sweeping frameworks for mutual legal assistance, extradition, law enforcement cooperation, technical assistance and training. It also includes specific protocols on trafficking in human beings, migrants and firearms.

∉ The adoption by the UN General Assembly of the UN Convention against Corruption (Resolution 58/4 of 31 October 2003) represented another major step to promote transparency and high standards, particularly in the public service. The chapter of the treaty dealing with the recovery of assets was specifically designed to address a problem faced by many African nations – recovering the money misappropriated by past dictators and hidden in bank accounts in developed countries.

As illustrated in Annex C, the ratification of these conventions by African countries is very good in many instances. Indeed, it was Zambia's recent ratification of the Firearms Control Protocol that allowed it to enter into force globally in April 2005. But there remain areas for improvement, and efforts should be renewed to bring every African nation on board with the full range of conventions and protocols.

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

∉ The Organization of African Unity (OAU) issued the African Charter on Human and Peoples' Rights (1981), which includes basic protections in terms of the criminal law; a Convention on Terrorism (1999); and the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (2000). The African Union (AU) has passed a Convention on Corruption (2003) and a Protocol on the OAU Convention on Terrorism (2004). The Declaration on Control of Illicit Drug Trafficking and Abuse in Africa was issued in December 2004 by the Heads of State and Government of the OAU/AU at their 38th Ordinary Assembly in Durban, South Africa. The African Peer Review Mechanism (APRM), an initiative of the New Partnership for African Development (NEPAD), has among its aims an assessment of corruption control mechanisms.

∉ The Economic Community of West African States (ECOWAS) is a dynamic organization that has played an active role in addressing violence in the region. It has passed a Convention on Extradition (1994), a Declaration and a Plan of Action on Trafficking in Persons (2001), and numerous instruments relating to small arms and collective security. West Africa is also the only region of the world to have voluntarily banned in the import of small arms. In connection with this moratorium and other matters, ECOWAS launched the

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

⊄# The Southern African Development Community (SADC) has passed several crime-related protocols. In fact, of 21 protocols passed by the sub-regional organization, at least a half a dozen are crime related, including the Protocol on Combating Illicit Drugs (1996), the Protocol On Wildlife Conservation And Law Enforcement (1999), the Protocol on Legal Affairs (2000), the Protocol on Corruption (2001), the Protocol on the Control of Firearms, Ammunition and Other Related Materials (2001), the Protocol on Mutual Legal Assistance in Criminal Matters (2002), and the Protocol on Extradition (2002). A number of collective enforcement activities have been undertaken, including joint operations on stolen vehicles (Operations Voyager 4, Mangochi, and Atlantic), cannabis (Operation Matokwane), diamonds (Operation Stone), and small arms, notably the successful destruction of weapons in Mozambique, Operation Rachel. SADC also maintains a Drug Control Committee, and the Southern African Forum Against Corruption, founded in 1999, involves many of the countries of the sub-region.

⊄# The Intergovernmental Authority on Development (IGAD) in Eastern Africa has held two conferences on terrorism, in 2003 and 2004, which is of particular concern for the sub-region. The International Conference on the Great Lakes Region issued the November 2004 Dar-Es-Salaam Declaration, which clearly places crime among broader human security issues and calls on the nations of the sub-region to cooperate in finding collective solutions.

⊄# Most African nations are members of one of the regional police cooperation organizations, such as the Southern African Regional Police Chiefs Cooperation Organization (SARPCCO), the East African Police Chiefs Cooperation Organization (EAPCCO), the Comité des Chefs de Police de l'Afrique Centrale (CCPAC), and the West African Police Chiefs Cooperation Organization (WAPCCO). These organizations can take a leading role in promoting international standardisation and cooperation. For example, WAPCCO recently drafted a protocol for the region on terrorism and SARPCCO has established an Anti-Terrorism Early Warning Centre. Most African nations are also members of Interpol.

⊄# There are three regional anti-money laundering groups that have been granted observer status to the Financial Action Task Force: the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMALG), the Intergovernmental Action Group against Money Laundering in West Africa (GIABA), and the Middle-East and North Africa Anti-Money Laundering Group (MENAFATF). There is also a fourth group attached to CEMAC (GABAC), but it has not yet been granted observer status.

Many of these international accords call upon signatory nations to pass relevant domestic legislation, and, in some instances, the quality and quantity of this work have been astounding. For example, South Africa has, since the coming of democracy in 1994, passed a series of innovative pieces of legislation and policy, including the 1994 Green Paper on Safety and Security, the 1995 Police Act, the 1996 National Crime Prevention Strategy, the 1996 Proceeds of Crime Act, the 1997 Criminal Procedure Second Amendment Act (which tightened bail), the 1998 National Prosecuting Authority Act, the 1998 White Paper on Safety and Security, the 1998 Prevention of Organized Crime Act, the 1998 Judicial Matters Second Amendment Act (which modified the standards on use of force), the 1998 South African Police Service Second Amendment Act (creating the municipal police), the 1998 Magistrates Court Amendment Act, the 1998 Domestic Violence Act, the 2000 Firearms Control Act, and the 2000 (unpublished) National Crime Combating Strategy. And while the causes of crime trends are complex, there is no denying that, 10 years after the establishment of democracy, all indicators suggest that crime in South Africa is stabilising, if not declining.[144]

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

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

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

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

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

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

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

Donor commitment is needed to help African nations attain the capacity to adhere to international standards, for the benefit of both the African people and the people of rest of the world. The British Commission for Africa points out, "support for conflict management and the reform of the security and justice sectors (including policing) is not generally been given, despite evidence that security is essential to development."[145] Clearly, this has to change.

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

Breaking the crime/conflict continuum

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

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

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

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

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

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

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

From crime supression to prevention

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

- *Housing and urban planning*: Public housing projects are often high crime areas in many parts of the world. Urban planners need to mediate the effects of rapid urbanisation, to avoid overcrowding, and to promote stability in order to foster a sense of community.

- *Public works*: Internationally, public works, defence procurement, and any other area where large discretionary contracts are awarded, are known to be sources of corruption, and measures should be taken to ensure that transparency and fairness prevail.

- *Health*: Competition for health funds is stiff in Africa, but addressing the needs of crime victims can greatly reduce the consequences of victimisation. This is particularly true for women survivors of domestic violence and rape, especially because of the HIV risks.

- *Education*: Since a good share of the perpetrators of crime are of school age, keeping them enrolled in meaningful programmes that build self-worth and a sense of hope is essential. Education on civic rights and procedures can help young citizens to interact with the state when crime matters arise, and build trust in the criminal justice system.

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

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

Making corporate business part of the solution

This report has suggested some of the reasons why foreign direct investment is critical to Africa's development, but it has also highlighted several ways international business has contributed to Africa's crime problem, from funding resource wars to fuelling corruption. It is

essential that the relationship between African states and international business be repaired and that partnerships are formed to ensure that Africa is seen as a safe and profitable place to invest human and material resources.

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

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

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

CONCLUSION

Nobel-laureate economist Amartya Sen opens his book *Development as Freedom* with the oft-paraphrased declaration, "Development [is] a process of expanding the real freedoms people enjoy." Development is not just about resolving economic deprivation, Sen argues. It is about removing a range of "unfreedoms" that impinge on quality and quantity of life. While raw poverty is a major source of unfreedom, it is intertwined with other social issues equally significant in limiting the freedom of poor people. In discussing examples, Sen specifically mentions conditions surrounding "law and order, the prevalence of violence, and so on" as forms of unfreedom.[146]

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

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

This Report was written to raise awareness and stimulate discussion. If it has served its purpose, it will help to gather momentum towards tackling Africa's crime problem and thus promoting development. The Round Table in Addis Ababa on 30 and 31 May 2005 will be the next step in achieving these goals. This Report thus represents not the end of a process, but a beginning. African nations, development professionals, aid agencies, and business need to engage in an ongoing dialogue around the ways crime may be impacting progress in Africa. In the end, creating crime awareness in development planning is primarily about shifting mindsets. It is a matter of breaking through the artificial barriers that conceptually separate economic development from other aspects of life. By recognising that freedom from crime is important, and that crime is a contributing factor to poverty, a whole cluster of mutually reinforcing "unfreedoms" can be addressed at once.

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

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

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

I. INTRODUCTION

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

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

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

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

II. PREAMBLE

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

1. Deeply concerned that crime and armed conflicts generally constitute major obstacles to development, good quality of life, security of life and property, as well as democracy, proper management of public affairs, the rule of law and full enjoyment of human rights;

2. Aware that poverty is one of the core causes of crime, and that it is widespread in Africa with consequential impact on development and the empowerment of groups, families and individuals in the countries of the Member States of the African Union;

3. Recognizing that transnational organized crime, including drug trafficking, human and firearms trafficking, and smuggling of migrants, terrorism, corruption, economic and financial crimes, including money-laundering, and cyber crime, severely hamper sustainable socio-economic developments, perpetuate inequity, lowers productivity, reduces efficiency and effectiveness, and undermines the integrity of the social, economic, cultural and political order;

4. Concerned about the negative effects of corruption and punitive effects on the political, economic, social and cultural stability of African States, its undermining of accountability and transparency in the management of public affairs and its devastating effects on the economic and social development of the African peoples;

5. Inspired by the various African Union and United Nations Conventions and Protocols (listed in Annex A) and Codes of Conduct, Declarations, Decisions, Recommendations, Plans of Action, Programmes of Action, Standard Minimum Rules, Principles, Guidelines, Safeguards, Procedures, Model Agreements and Regimes (listed in Annex B) in the field of crime prevention and criminal justice, have deliberated extensively on the issues and problems concerning crime prevention and criminal justice, in order to overcome the negative impact and deleterious effect of crime in our various communities;

6. Taking Note of the General Assembly resolution 56/119 of 19 December 2001, which, in its paragraph 2(h) and (i), enjoined each of the United Nations Congresses on Crime Prevention and Criminal Justice to adopt a Single Declaration containing recommendations derived from the deliberations of the High-level Segment, the Round Tables and the Workshops, to be submitted to the Commission on Crime Prevention and Criminal Justice, acting as the preparatory body of the Congresses, for its consideration;

7. W*e*lcoming the Contribution of the African Regional Preparatory Meeting for the Eleventh Congress on Crime Prevention and Criminal Justice, held in Addis Ababa, 1-3 March 2004, and its request that the African Union identify and coordinate issues pertinent to Africa;

8. Underscoring the importance of enhancing the capacity of Member States in the field of crime prevention and criminal justice, and of strengthening international cooperation;

9. Desirous of adopting an African Common Position on Crime Prevention and Criminal Justice;

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

III. PRIORITY POLICY OPTIONS

A. NATIONAL SOCIO-ECONOMIC DEVELOPMENT

10. Plan and design national crime prevention and criminal justice policies within the overall socio-economic policy and legislative context.

11. Call upon Member States to take preventive, protective and rehabilitative measures, through enforcement of compulsory education and provision of vocational training for the youth, monitor and bring abuses to light, carry out situation analysis at various levels, and raise awareness through public education activities and the mass media, including the incorporation of the appropriate educational modules into the school curricula at the primary, secondary and tertiary levels, and build coalitions with the civil society;

12. Pursue policies of economic growth to create employment, alleviate poverty and ensure better and equitable income distribution, in order to ensure access by the most vulnerable groups, particularly women and children, to productive assets, including land, credit, technology and information. The resultant programme can be prosecuted in a partnership between government, the private sector, the citizens and the international community, particularly targeting accelerated growth of agriculture and food production, and also complementing these with health services and transportation systems at affordable rates. Particular attention should be paid to strengthening family economic empowerment programmes and social safety nets for the most disadvantaged families and vulnerable groups, including women, children and youth, prone to crime commission and recruitment into criminal syndicates;

13. Ensure effective capacity-building for the national law enforcement, prosecutorial, judicial and custodial components of the criminal justice systems, to play a key role in the formulation of national policies on crime prevention and criminal justice, on the one hand, and poverty alleviation, on the other;

14. Ensure that custodial authorities adopt necessary measures to prevent HIV/AIDS, blood-borne, and other communicable diseases, and that inmates affected by these diseases are given appropriate treatment;

15. Address and prevent abusive treatment and corruption on the part of public services and mobilise the vulnerable and disadvantaged groups in the fight against abusive treatment and corruption;

16. Call upon the World Bank, International Monetary Fund (IMF), United Nations Development Programme (UNDP), United Nations Commissions on Narcotic Drugs (UNCND) and Crime Prevention and Criminal Justice and (UNCCPCJ) and United Nations Office on Drugs and Crime (UNODC) to look into the question of international resources and the social impact of Structural Adjustment Programmes (SAP) on the citizens of Member States, with a view of ameliorating the adverse impact of these programmes on the poor, with its resultant crime-producing tendency;

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

17. Collect, collate, analyse and disseminate information about the hazards and consequences of drugs, crime and criminality on citizens, their families and societies, including the severe cost of drug abuse and crime on sustainable development;

18. Advocate for the protection of women, children and youths in particular, and the combating and elimination of trafficking in persons and the recruitment of children and youths into criminal syndicates, by giving the family a more important role in combating crime and drugs, with due regard to creed, religious and cultural values;

19. Ensure access by women, children and youths to information about their rights, and warnings about the modus operandi of human traffickers, including traffickers in human organs, and recruitment syndicates into crime, prostitution and pornography;

20. Adopt effective measures to prevent child labour, in conformity with the relevant international and national labour laws;

21. Involve relevant government units, citizens, societal organizations, NGOs, professional associations and trade unions to participate fully in the process of developing national policies and programmes to combat drug, crime and criminality;

22. Promote representative government, proper management of public affairs and public property, transparency and accountability to the public interest, and supportive of national and local/grassroots social and economic development with a clear rejection of the phenomenon of impunity;

23. Support micro-credit, marketing and investment schemes to assist the poor and the disadvantaged including victims of human trafficking and organized crime, in the areas of agriculture, food production and other small scale enterprises, which will be designed to assist them in becoming respectable self-employed individuals, who will contribute to national development;

24. Develop programmes aimed at addressing the needs of communities emerging from conflicts, with a view to alleviating the consequential scourge of crime and drugs;

25. Support efforts to draft and finalize as appropriate:

    a) the United Nations Convention against Theft of and Trafficking in Cultural Property,

    b) the United Nations Convention against Cyber Crime,

    c) the United Nations Code of Conduct against Terrorism, and

    d) Draft Comprehensive Convention Against Terrorism in all its ramifications.

26. Address the root causes of terrorism, including the factors which motivate individuals and groups to commit terrorist acts. Such knowledge should be used to generate public awareness about the problems, root causes and effect of terrorism on the society and the process of development, as well as enhance the capacity of law enforcement, criminal justice, social services and other relevant officials to develop appropriate strategies for eliminating the root causes of terrorism and its motivation, and for eliminating terrorism itself from the society;

27. Call upon Member States to mobilize their national resources, including governmental, other institutional, private sector, civil society and citizens to enhance the capacities of Member States in the field of crime prevention, law enforcement, prosecutorial, judicial and custodial functions, through training, reform and reorganization, information/intelligence gathering, research, collation and analysis, and dissemination of information in crime prevention and criminal justice;

28. Promote respect for human and peoples' rights, in accordance with the provisions of the African Charter on Human and Peoples' Rights, and other relevant regional, continental as well as international instruments, including international humanitarian law. and to promote the provision of legal aid to citizens, to enable them effectively enforce their rights in criminal justice administration;

29. Ensure Declaration of Assets by elected and/or appointed public officials, through the adoption of Codes of Conduct, and allow the general public to have access to such Assets Declarations;

30. Adopt necessary measures to promote integrity, transparency and accountability in the Public and Private Sectors.

31. Promote institutional collaboration among agencies fighting against organized crime, drug, terrorism, corruption and fraud at the national, bilateral, regional, continental and international levels, in order, inter alia, to enhance information exchange and share best practices;

32. Call upon Member States to incorporate treatment sentencing within their criminal justice systems, with due regard to their national legislations.

C. LEGAL FRAMEWORKS AND IMPLEMENTATION

33. Sign, ratify and adopt as appropriate, the sub-regional, regional and international instruments in the field of crime prevention and criminal justice listed in Annex A, and such Codes of Conduct, Declarations, Decisions, Recommendations, Plans of Action, Programmes of Action, Standard Minimum Rules, Principles, Guidelines, Safeguards, Procedures, Model Agreements and Regimes, in the field of crime prevention and criminal justice, listed in Annex B. Member States should give priority attention to their full implementation.

34. Participate in the preparation and timely completion of new bilateral, regional, continental and international arrangements for effectively combating crime and improving criminal justice, particularly those relating to terrorism, money-laundering, cyber crime, and theft and trafficking in cultural property, whilst pursuing the speedy accession to existing Conventions and Protocols and their effective implementation;

35. Enact and harmonize national legislations and formulate policies on effective measures to combat crime and criminality.

36. Formulate time-bound, measurable programmes of action and targets, in order to-

    a) reduce the incidents and impact of organized crime, drug abuse and trafficking, trafficking in persons and firearms, smuggling of migrants, terrorism, corruption, economic and financial crimes, money-laundering, urban crime and risks to youth, and develop and strengthen international cooperation in law enforcement, including mutual legal assistance and extradition measures, within the context of respect for human rights;

    b) reform the criminal justice system, including the introduction or enhancement of restorative justice, as appropriate;

    c) monitor and evaluate ongoing programmes periodically, and use the results of the evaluation to replicate and adapt best practices;

37. Strengthen capacities at national and regional levels for addressing the problems of crime prevention and criminal justice in the context of the African economic, social, cultural and political development, through research and analysis of problems leading to increase in the number of incidents of crime, with a view to establishing appropriate strategies and mechanisms for solving those problems;

D. REGIONAL AND INTERNATIONAL COORDINATION AND COOPERATION

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

39. Strengthen cooperation and partnerships among Member States and the AU Commission, relevant UN Agencies, and African and other international partners, in order to effectively combat transnational organized crime, including drug trafficking, trafficking in persons and firearms, smuggling of migrants, terrorism, corruption, economic and financial crime, money-laundering and cyber crime, promote crime prevention and enhance criminal justice reform, including restorative justice;

40. Encourage closer link between the Commission of the African Union and the United Nations Commission on Crime Prevention and Criminal Justice in the field of crime prevention and criminal justice;

41. Establish inter-ministerial mechanisms at sub-regional and regional levels to monitor the incidents of crime, collect and analyse data, and coordinate efforts to prevent and combat them;

42. Stress the imperative need to implement the African Union Plan of Action on the Prevention and Combating of Terrorism; and in this regard, welcome the establishment and launching of the African Centre for the Study and Research on Terrorism, in Algiers, Algeria, as a novel achievement in Africa's collective efforts to outlaw and eradicate the scourge of terrorism from the Continent;

43. Urge all Member States of the Union to extend full cooperation and support to the Centre as well as take active part in their activities, and further urge those that have not yet done so to establish, as soon as possible, National Focal Points to liase with the Centre;

44. Appeal to Africa's Partners, including international organizations, agencies, institutions and similar Centres around the world to provide support to the Centre and establish networks for information sharing, training, research, investigative and joint activities;

45. Establish the African Regional Centre for the Prevention and Eradication of Illicit Firearms Trafficking (the Regional Firearms Centre) to serve as a regional focal centre for effective promotion of cooperation, collaboration and coordination in this area, as well as facilitate the collection and exchange of information, and harmonization of the relevant legislation;

46. Establish urgently the Advisory Board on Corruption which shall collect and document information on the nature and scope of corruption and related offences in Africa, develop methodologies for analysing the nature and extent of corruption in Africa, and disseminate information and sensitize the public on the negative effects of corruption and related offences, and advise governments on how to deal with the scourge of corruption and related offences in their domestic jurisdictions, among other functions;

47. Create an African Crime and Criminal Justice Information Network, under the auspices of the African Union Commission, as the core of Pan-African crime prevention and criminal justice activities and programmes;

48. Urge Member States to intensify efforts to accelerate the establishment of these two Centres and Network and mobilize, with necessary contribution from their private sectors, the necessary financial and other assistance, to enable the Centres and the Network function effectively and efficiently. To this end, call upon Africa's Partners, including international organizations, agencies, institutions and similar Centres and Networks around the world, to provide support to these Centres and Network, and establish networks for information sharing, training, research, investigation and joint activities;

49. Mobilise funding for specific crime and criminal justice related Pan African projects. To this end, the African Region should additionally recommend the repatriation of all monies unlawfully removed from the economies of their Member States to the countries of origin, to enable Member States of the African Union cope better in their fight against such sophisticated crimes as transnational organized crime, drug trafficking and trafficking in persons and firearms, smuggling of migrants, terrorism, corruption, money-laundering, economic and financial crimes and cyber crimes;

50. Utilize the available expert resources of United Nations Office on Drugs and Crime (UNODC), United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) and United Nations Interregional Crime and Justice Research Institute (UNICRI), International Organization for Migration (IOM) and International Criminal Police Organization (ICPO-INTERPOL) in the various capacity building and

research projects/programmes outlined above. To this end, international technical assistance, on bilateral and multilateral bases, should be provided for African countries to enhance their capacities for ratifying and implementing the OAU/AU Conventions and Protocols on Corruption and Terrorism, and the United Nations Organized Crime Convention and its Protocols, as well as the adoption and implementation, at the international level, of other arrangements on corruption, economic and financial crimes, including money-laundering, cyber crime and theft of and trafficking in cultural property;

IV. ADOPTION OF COMMON POSITION

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

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

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

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

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

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

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

We reaffirm our commitment to the measures identified in the1996 Declaration and Plan of Action on the Control of Drug Abuse and Illicit Drug Trafficking, taking into account emerging associated problems. In this context, we commit ourselves and our countries to ensure an integrated and balanced approach to drug control and to mobilize adequate human material and financial resources, including from the organized private sector, in order to address the problem effectively including the provision of safe working environment, and in a timely manner.

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

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

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

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

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

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

a)   Assessing the drug problem in its two aspects of supply and demand of illicit drugs as well as ensuring the capacity of countries to address the problem;

b)   Integrating drug demand reduction programmes into the national health and social policy and providing, where not available, infrastructures for treatment of drug addicts and their social integration;

c)   Evaluating periodically the programmes that were being implemented;

d)   Ensuring coherence of action in drug control at national, regional and continental levels;

e)   Setting up appropriate institutions to address illicit drug trafficking and demand in a balanced, integrated and timely manner;

f)   Developing human resources and mobilizing resources at national, regional, continental and international levels for carrying out the actions identified

g)   Mobilizing the community and non-governmental organizations in eradicating drug abuse and illicit trafficking in Africa; and

h)   Adopting African and International Drug Conventions and legal instruments to deal with the problem;

i)   Fostering cooperation among countries sharing the same problems, preferably in the same region.

j)   The Assembly of Heads of State and Government in Yaounde, Cameroon in 1996 committed itself to:

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

a)   Ensuring that mechanisms for the collection and analysis of data on the drug problem are introduced to improve formulation of policies;

b)   Institutional building;

c)   Human resources development;

d)   Suppression of illicit drug traffic;

e)   Reducing illicit demand for drugs;

f)   Community mobilization, and

g)   International cooperation.

Rationale for the Review of the 1996 - 2001 Plan of Action

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

a)   Political instability in some countries and regions;

b)   Challenge of limited resources in the context of competing needs or demands regardless of the political will;

c)   Absence of effective follow-up, monitoring and mobilization mechanisms;

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

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

a)   Raising the profile of drug control in the continent;

b)   Support of the capacity of OAU Secretariat to address drug control by the establishment of the Drug Control Focal Point (DCFP);

c)   Developing and implementing of national and regional drug control strategies;

d)   Improving the research capability and institutional data collection mechanisms in many countries;

e)   Capacity building at the national and regional levels in the areas of coordination, law enforcement, legislation, judicial training and demand reduction;

f)   Development of data base of African Experts on Drug Control as well as African NGOs active in Demand Reduction activities.

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

a)   HIV/AIDS, increasing injecting drug use (IDUs), growing variety of drugs of abuse - including local plants, solvents and other substances;

b)   Poverty

c)   Gender inequality,

d)   Conflicts, human displacement, refugees and voluntary migration;

e)   Street children;

f)   Trafficking in humans, especially women and child for labour and sexual exploitation;

g)   Organized crime and increasing sophistication of organized African criminal syndicates with international ramifications coupled with terrorism.

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

a)   Mainstreaming drug control into development planning and implementation incorporating elements of poverty alleviation, women empowerment, alternative development strategies and HIV/AIDS programmes;

b)   Strong partnership particularly with sister organizations at the regional and international levels for increased visibility and resource mobilization for drug control;

c)   The transformation of the OAU into the African Union (AU); and

d)   The adoption of the New Partnership for Africa's Development (NEPAD).

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

Revised Plan of Action

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

Plan and Strategic Actions

Key areas	Objectives	Action
1. Institution Building and Policy Development	(a) Create a strong coordination unit at the OAU/AU and more effective cooperation between RECs for the discharge of their coordination function and advisory services;	- OAU/AU to establish a drug control unit at the Secretariat for advocacy, policy development, coordination, resource mobilization and collaboration with agencies of the UN and relevant international and continental drug control organizations - The OAU/AU to advocate for the establishment of Drug Control Units (DCUs) in Member States and the RECs without DCUs as well as the coordination and the strengthening of the existing DCUs. - To support RECs in the development of regional Drug Control Strategies in order to provide for the implementation of the regional legal instrument.
	(b) The OAU/AU to play the lead role	- The OAU/AU to form Partnership with sister organizations at the regional and international level;
	(c) Support Regional and National policy- making bodies to develop integrated policies and strategies addressing drugs and drug-related problems.	- RECs and Member States to sensitize and train development planners and policy-makers in each country to mainstream drug control into regional and national development planning, including HIV/AIDS Programmes;
	(d) Encourage and support the mainstreaming of drug concerns in all aspects of regional and national development plans;	- RECs and Member States to introduce and sustain poverty alleviation programmes, and alternative legitimate sources of employment and income agricultural and non-agricultural sectors among groups and in areas prone to cultivation and trade in cannabis and other related substances;
	(e) The OAU/AU to make efforts at mainstreaming components of drug control dams into relevant programmes and activities at the General Secretariat;	

Key areas		Objectives	Action
	(f)	Create frameworks in the concerned Member States for developing and implementing sustainable alternative development strategies for the control of illicit drug trade and cultivation, especially of cannabis, Khat and opium poppy.	- Member States to promote sustainable producer cooperatives (especially in the agricultural sector), micro-credit schemes and community self-help projects through grants and extension programmes; - Member States, RECS and OAU to train staff at national level and jointly at the regional and continental levels, and encourage expert-exchange through secondment; organize conferences and workshops, and refresher courses.
	(g)	OAU/AU to take the lead note in formulating policy on Alternative development, and organise training workshops in coordinating with development partners, for Member States.	
	(h)	Member States to maintain effective control of licit, narcotic drugs, psychotropic substances and processor chemicals to ensure availability for medical scientific purpose and industrial purposes (in the case of chemical precursors) and prevent their diversion into illicit market.	- Member States should develop or strengthen policy and legislative measures to control licit drugs; - Re-orientate and train pharmacy and medical personnel to maintain rational use of drugs
2. Information, Research and Networking:	(a)	Create networks of local African experts in licit drugs, in key domains (demand reduction, drug abuse Epidemiology, judicial cooperation, money laundering, law enforcement) and Utilize expert networks in project design, delivery and evaluation, and in the conduct of local and regional studies on key issues.	- Member States, RECs and OAU to train personnel, create and maintain data base on drug control organizations (including NGOs) and experts in Africa in order to facilitate networking among them within the context of research, conferences, workshops and publications, and for purposes of exchanging expert skills and the design, delivery and evaluation of programmes;
	(b)	Facilitate better communication and exchange between African experts and those from other continents to adapt existing standards to the African environment;	- Member States and RECs to train researchers and journalists on gathering, analyzing and reporting information on drugs and drug-related issues;

Key areas		Objectives	Action
	(c)	Conduct targeted research to improve data collection and analysis of drug abuse and HIV/AIDS and drug-related crime in Africa;	- Member States to establish national and/or regional research centre(s) for the study of all aspects of drug - production, distribution, abuse, law enforcement, policies, prevention education, counselling, treatment, and rehabilitation. - Research and Educational institutions should be strengthened and engaged in drug control research.
	(d)	Develop effective management of data and information collection, analysis, utilization, dissemination, storage and retrieval.	- Member States, RECs and OAU to establish or strengthen and adequately fund research, data and information management systems;
3.Legal Systems and Implementation of Law:	(a)	Update drug control, organized crime and money laundering legislations with a view to harmonise these legal instruments;	- RECs and Member States to develop framework for reform and harmonise drug laws to take account of organized crime, money laundering, electronic and communication revolution and their use in drug trafficking and money laundering;
	(b)	Support the development of legal sanctions and remedial measures that distinguish among drug offences and offenders;	- RECs and Member States to reform drug laws to ensure due observance of rule of law and protection of human rights, and to differentiate between various types of drug offences and offenders; - Member States to develop monitoring standards on the sentence administration and procedure.
	(c)	Facilitate training in the effective use of different sentencing options for different drug offences and offenders;	- RECs and Member States to ensure that where required judges, magistrates and prosecutors are properly trained and equipped for effective administration of law. - Establishment of dedicated drug courts by member countries, where necessary.

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

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

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

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

Implementation Strategy

a) Role of OAU/AU

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

Advocacy:

∉# Maintain drug control on the Agenda of OAU/AU meetings

- Policy Development:

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

Mobilisation of Resources:

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

Coordination, monitoring and evaluation:

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

b) Partnerships

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

c) Implementation Target

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

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

d) <u>Monitoring and Evaluation</u>

a)   Member States, RECs and OAU to establish effective monitoring and evaluation framework to monitor and evaluate their respective implementation of the Plan and other drug control programmes;

b)   Member States to respond promptly to requests for information by RECs and OAU;

c)   Annual OAU Reporting system to be introduced to provide assessment of institutions and efforts;

d)   An inter-ministerial/inter-agency joint review framework for periodic assessment of the implementation of the Plan should be set up.

ANNEX C: DRUGS AND CRIME CONVENTIONS

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

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

States parties to the Single Convention on Narcotic Drugs of 1961or as amended by the 1972 Protocol.

(a) = Accession

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