

# ORGANISED CRIME AND LAW ENFORCEMENT IN SOUTHERN AFRICA: THE CHALLENGES CONFRONTING RESEARCH

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## Abstract

From the early 1990s onwards, research and policies concerning organised crime in the southern African region have grown apace. But the quest for both quantitative and qualitative research is far from being satisfied. The paper uses an ambitious research project (titled Enhancing Regional Responses to Organised Crime, or EROC) as a case study in order to explore the dynamics which inform and shape research on organised crime from the point of project initiation through to project conceptualisation, data-gathering and analysis, the dissemination of findings, and the formulation of policy recommendations for effective law enforcement. The discussion provides an overview of the many challenges which research on organised crime and law enforcement strategies have to contend with in the southern African region. A critical analysis of the macro- and micro-processes which shape the development of research-based policy interventions in relation to organised crime can contribute to our appreciation of the problem of organised crime itself and of the prospects for police cooperation in the region.

## I Introduction

In the last twenty years, transnational criminal networks and organised crime have become a key challenge to regional security in southern Africa. It is now acknowledged that organised forms of criminality of a diverse and complex nature have widely penetrated a region characterised by economic underdevelopment, weak systems of governance and surveillance, and fickle law enforcement capacity.<sup>1</sup> At a rhetorical level there is agreement about the need to harmonise legal frameworks, standardise training, create specialised capacities and develop cross-border operational strategies. Law enforcement cooperation is considered key to address the new 'transnational' crime threat. In select areas of action the spirit of cooperation prevails with a regional

<sup>1</sup> S Ellis 'The new frontiers of crime in South Africa' in JF Bayart, S Ellis & B Hibou (eds) *African Issues: The Criminalisation of the State in Africa* (1999); P Gastrow 'Organised crime in South Africa' (1998) 28 *ISS Monograph*; P Gastrow 'Main trends in the development of South Africa's organised crime' (1999) 8(6) *African Security Review*; P Gastrow 'Organised crime in the SADC region: Police perception' (2001a) 60 *ISS Monograph*; P Gastrow 'The SADC region: A common market for criminals?' (2001b) 10(4) *African Security Review*; C Goredema 'Money laundering in East and Southern Africa: An overview of the threat' (2003) 69 *ISS Paper*; G Mutume 'Organized crime targets weak African states' (2007) available at <http://www.un.org/ecosocdev/geninfo/afrec/vol21no2/212-organized-crime.html>, accessed on 15 September 2011; M Schonteich 'How organised is the State's response to organised crime?' (1999) 8(2) *African Security Review* 3 – 12; M Shaw 'Organised crime and state responses in Southern Africa' in C Clapham, G Mills, A Morner & E Sidiropoulos (eds) *Regional Integration in Southern Africa: Comparative International Perspectives* (2001); M Shaw 'West African criminal networks in South and southern Africa' (2002) 101 *African Affairs* 291 – 316.

structure such as the Southern African Regional Police Chiefs Coordinating Organisation (SARPCCO) and the police agency of the regional hegemon, South Africa, having assumed important roles.<sup>2</sup> Many challenges confront the building of crime prevention capacities vis-à-vis the complex phenomenon of organised crime. For purposes of this paper the discussion focuses on the challenges confronting research on which containment strategies within the southern African region should, at least in theory, be built. More specifically, the paper considers the kinds of issues which a research project titled 'Towards more effective responses to organised crime in southern Africa (EROC)', undertaken under the auspices of the Institute for Security Studies (ISS) in collaboration with SARPCCO, has had to contend with.<sup>3</sup>

## II Paving the way for EROC

In 2000, a pioneering study of police perceptions about organised crime patterns in South Africa was undertaken by Peter Gastrow.<sup>4</sup> A questionnaire, which was completed by nine law enforcement agencies, yielded baseline data on how organised crime was conceptualised in law enforcement circles and on their views on the operational dynamics of organised crime formations. So, for example, it was found that, of the nine police agencies surveyed, five had no definition of *organised crime*, while the definitions used in the remaining four were quite varied. It was also apparent that, even where a definition had been adopted, police agencies found it very difficult to track and quantify the activities associated with organised crime interests. While this exploratory research exercise provided some useful information about law enforcement perceptions of, and approaches to, organised crime, it highlighted the need for more substantive research. The alliances and goodwill spawned through this project proved instrumental when the idea of a much more ambitious project (EROC) involving SARPCCO and ISS came to be considered. In this way, the exploratory research encounter yielded longer-term research dividends.

## III Project conceptualisation: A marriage of convenience

The lack of basic research on organised crime in the subregion undermines the ability of law enforcement agencies to develop strategies to combat it, both at the national and subregional levels. SARPCCO has been aware that law enforcement agencies will not be able to implement the UN Convention against Transnational Organised Crime (the Palermo Convention) if it lacks adequate current data and analysis on organised crime. Due to these shortcomings, the SARPCCO Secretariat approached the ISS to undertake a joint research initiative. The former head of the SARPCCO Sub-regional Bureau met with the former director of the Cape Town office of the ISS on two

<sup>2</sup> E van der Spuy, 'Police co-operation in the context of peacebuilding: Observations from African quarters' in F Lemieux (ed) *International Police Co-operation: Emerging Issues, Theory and Practice* (2010); E van der Spuy 'Police cooperation in the southern African region: Politics and practicalities' (2009) 51(2) *Crime, Law and Social Change* 243 – 59.

<sup>3</sup> A Hübschle *Organised Crime in Southern Africa: First Annual Review* (2010).

<sup>4</sup> Gastrow (2001a) op cit note 1.

occasions in 2007. They finalised the details of the research undertaking and discussed draft project proposals. The project was endorsed at SARPCCO's 2007 Annual General Meeting (AGM) and a funding drive ensued. By the end of the year, funding had been secured from the Foreign Office of the Federal Government of Germany for its implementation over three years.

From the outset, the project had very ambitious objectives. For one, the project envisaged a rigorous process of mapping organised crime, which had not been systematically performed at the subregional level. Moreover, the baseline research study was to inform substantive policy recommendations and strategic initiatives against organised crime. In doing so, it was anticipated that sporadic donor-driven initiatives would make way for more coherence. Information relating to the major organised criminal activities had to be identified, collated and analysed. It was envisaged that the identity, structure and modus operandi of organised crime groups and networks would be captured in such a process. A detailed inventory of law enforcement measures in SARPCCO member states was also to be undertaken. Using that information, the project would then arrive at an assessment of the extent of the organised crime threat in the subregion and of law enforcement (in)capacities. Realities on the ground, however, soon tested the elaborate research objectives as originally conceptualised.

The EROC project commenced in mid-January 2008, after a project agreement had been signed. It was implemented from Cape Town, where the ISS's Organised Crime and Money Laundering Programme was based. The first three months were taken up mainly by planning, the recruitment of staff, and by meeting key stakeholders in order to explain the project to them and seek their cooperation. All activities in the initial planning phase turned out to be exhausting. A regional project of this nature stretched over a huge geographic area. The twelve southern African countries to be covered by the project were divided into five clusters for the purpose of allocating research tasks to a number of commissioned researchers who had to be recruited. The clusters were as follows: Mauritius, Tanzania and Zambia (Cluster A); Botswana, Namibia and Zimbabwe (Cluster B); Malawi and Mozambique (Cluster C); Angola (Cluster D); and Lesotho, South Africa and Swaziland (Cluster E).

A research coordinator was appointed. She assumed responsibility for the development of the research methodology, the overall implementation of the research objectives, and the dissemination of research findings. Securing research capacity became the next important activity. The scale of the project required seasoned and full-time researchers appointed for a three-year fixed contract. They would be required to undertake frequent travel and would need a home base in each of the geographic clusters for which they took responsibility. Advertisements for four commissioned researchers were placed in newspapers throughout the subregion. After a short-listing process, five researchers and a research assistant were appointed from a large pool of about 150 applications. Very few promising applications were received. This simply underscored the limited criminal justice research capacity within the

southern African region. The only exception to this regional state of affairs was South Africa.

#### **IV Project Inception: Getting out of the blocks slowly**

The ISS research team undertook a literature review and met with stakeholders during the first few months of the project. Time-consuming as these meetings were, it was considered vital to the process of obtaining buy-in. A roundtable forum to discuss the project was held at the ISS office in Cape Town in April 2008. The purpose of the meeting was to delineate the nature and scope of the proposed study, consider definitional issues relating to organised crime, select research methods, and engage with ethical and practical issues. Five South African researchers and a visiting German expert from the Freie Universität Berlin participated.

Based on these deliberations and from lessons learnt from past ISS research projects and an extensive literature review, it was decided that both quantitative and qualitative research methods were to be utilised. To produce useful regional reports that analysed organised crime in the subregion, it was deemed essential to compare the information obtained from the various SARPCCO member countries. Thus, the research in all countries was to be conducted utilising the same criteria and the same methods. The project partners agreed on an approach that relied on a combination of country-specific field research, regional profiling, and the overall coordination of research activities. A number of research questions were developed which were meant to serve as an organising template across the different regions. The research questions included the following:

- What kinds of criminal activities have been undertaken by organised criminal groups since 2005?
- Who comprised these groups and how were they structured? What methods are these organised criminal groups using?
- To what extent are the activities of organised criminal groups transnational, and what links exist with individuals or groups from other countries?
- What is the relationship between corruption and organised crime, and how does the one impact on the other?
- What factors make the countries susceptible to the organised criminal activities identified?
- Are there any links between organised criminal groups and terrorism?

#### **V Launching the project: in search of “collective” ownership**

The project was formally launched by the Inspector-General of the Zambia National Police Service, Mr Ephraim Mateyo, at a workshop held in Livingstone, Zambia, from 21 – 23 April 2008. The workshop was jointly organised with the SARPCCO Secretariat, the Permanent Co-ordinating Committee (PCC) of SARPCCO and the ISS. The PCC comprises all heads of criminal investigation departments from SARPCCO member countries, and is directly answerable to the respective police chiefs. The public sharing of

responsibility was meant to celebrate the inter-agency research collaboration as well as build collective ownership of the project. Apart from its symbolic function, the project launch also provided an opportunity to introduce the newly recruited field researchers to the Secretariat and the PCC and thereby facilitate research access.

In two days of frank discussion, the PCC members shared their views on many key issues relating to the project, such as the definition of *organised crime*, the questionnaires to be used, research methods to be used, and ethical issues. In international literature on the topic much has been spoken about the difficulties of arriving at a concise definition of *organised crime*.<sup>5</sup> A similar conceptual vagueness has characterised debates on organised crime in Africa. However, the workshop made considerable progress in developing a working definition of the concept, based on the key elements of the Palermo Convention. In terms of the latter, organised crime is committed by two or more perpetrators who are aware of each other's existence and general role, and are acting in concert. The crimes included under this definition are of a serious nature, are committed repeatedly, and are motivated by the pursuit of material or financial gain.

The PCC observed that SARPCCO's Legal Sub-committee was already deliberating on a regional definition of *organised crime*. To avoid duplicating their work, and possibly coming up with conflicting positions, the PCC recommended that the SARPCCO Legal Sub-committee should be apprised of the description of *organised crime* as adopted by the workshop. In a small but important way, the deliberations within the project influenced discussions in other regional circles. SARPCCO undertook to dispatch letters of introduction and endorsement of the research project to relevant stakeholders in government and law enforcement circles across the region within three weeks of the workshop. However, despite the initial promise this process of communicating with relevant parties in SADC was much delayed. The lack of prompt follow-up negatively impacted on the researchers' in-country work.

As expected, a critical issue discussed at the workshop concerned the quality and reliability of data to be collected. It was decided that all law enforcement information was to be accessed through authorised persons. This meant that the head of the Criminal Investigations Department (CID) in each country would direct researchers to relevant sources of information in government and law enforcement circles. It was agreed that any information obtained from other stakeholders, such as non-governmental organisations (NGOs) and private institutions, would need to be verified with the respective law enforcement agencies with a view to establishing data robustness. The agreement was that the research coordinator and the field researchers would meet to compare notes at regular intervals with the head of the CID or officers designated to assist the ISS. In practice, the researchers had to rely on external sources, as limited data was forthcoming from the criminal justice sector. The

<sup>5</sup> Standing (2003b) note 1 op cit; Gastrow (2001a) note 1 op cit; Shaw (2002) note 1 op cit.



research coordinator triangulated research data and presented preliminary findings to PCC colloquia to verify data at regular intervals.

The issue of confidentiality of data exchanges reared its head at the deliberations in Zambia. With reference to data confidentiality, the PCC deliberated on whether or not researchers should have access to the Regional Organised Crime Threat Analysis (ROCTA) for the purposes of studying trends of organised crime. There was much to-ing and fro-ing on this issue, with concerns about confidential information falling into “bad” hands and police operations being compromised as a result. In the event, access was denied. Interestingly enough, this decision was overturned at a later stage of the project – an issue which is addressed later in the discussion.

As a general principle, researchers would not be allowed access to information on “live” investigations. It was agreed that any data provided by the police should be kept in confidence and should not be shared with other entities, like the media, before the project was finalised. It was agreed that, within the scoping exercise, researchers had to familiarise themselves with the laws governing the custody of information on criminal activity in the various jurisdictions. The confidentiality of private sources of information had to be protected. The lengthy discussions on data sources, access and confidentiality served as a precursor of the issues which researchers had to confront out in the field.

The issue of payment for data was discussed in some detail at the workshop. It is an issue which in research circles is seen to be of ethical relevance. It was noted that, in general, law enforcement agencies do not sell information, but that there was nothing to prevent private individuals from volunteering information against the payment of a fee. It was also noted that some information relevant to law enforcement could be very expensive to retrieve, especially where operatives have to extract it from databases. In some cases, there are related costs attributable to resources and time. In the event that law enforcement operatives were required to accompany or assist researchers, the researchers might be required to cover the costs. Another layer of complexity which had to be negotiated concerned the financial accounting rules for field expenses, which was introduced within the research agency. Such rules left little room for impromptu gestures of social reciprocity such as buying lunches and paying for beverages for respondents.

## **VI Initiating research: Scoping exercises and establishing in-country networks**

After the project launch, each researcher was required to devote four weeks to prepare a scoping report, mapping out the terrain with particular attention to official perceptions of crime as well as relevant socio-economic and political issues. This was an attempt to arrive at an informed country-specific contextual commentary. It soon became clear that such an exercise was going to be difficult in the case of Zimbabwe. After a baseline analysis and input from SARPCCO, it was decided to delay data collection and field research in that country. The political climate and the uncertainty after the elections

in Zimbabwe in March 2008 were deemed too dangerous an environment for research on issues directly relating to security and crime.

The researchers were expected to commence field research in mid-June 2008. During this first phase of field research, each researcher collected data in the country in which they were based. Research plans, work plans and logistical preparations were undertaken in collaboration with the research coordinator and the programme administrator. At the Livingstone workshop it was agreed that the ISS research coordinator and the SARPCCO Secretariat would provide field researchers with research and logistical support on an ongoing basis. Both the project head and research coordinator travelled with the field researchers to sites and liaised with stakeholders to facilitate data collection. Due to the geographical scope of the research, the project team offered additional short-term consultancies to eleven researchers who were tasked with the responsibility of undertaking research on selected organised crime markets in specific localities.

The specific contact point for accessing official information from police agencies in each country for the purposes of the EROC project was the National Central Bureau (NCB) of each of the police agencies. Each Bureau was expected to facilitate access to information in the possession of law enforcement agencies and other authorities that could be of relevance to the project. As only the representatives of the PCC participated in the Livingstone workshop, the project team – together with representatives of the NCBs – organised a series of networking workshops with government stakeholders and law enforcement officials in each country. The stakeholders were briefed on the background of the project, its key research questions and research methods, and ethical and security concerns. The workshops proved to be useful in that they facilitated easy access to participants during follow-up interviews and focus group discussions. However, not all were comfortable with the informality of the arrangements. This problem was exacerbated by the late dispatch of the SARPCCO endorsement of the research project to all relevant gatekeepers in the region. This meant that the researchers and project coordinator had to follow lengthy bureaucratic procedures to secure access to institutions and databases in a number of the countries.

## **VII A multitude of research challenges**

The major shortcomings of the research during 2008 were the postponement of data collection in Zimbabwe and the early departure of three of the five researchers who were initially contracted. Furthermore, the South African Police Service's lacklustre engagement with the project had ramifications for project timelines. Two additional researchers were appointed in 2009 to undertake data collection in Zimbabwe. Despite being granted permission to conduct research, the researchers had to tread carefully in the field. The environment in the eastern districts of Zimbabwe was particularly dangerous for field research. The area itself was volatile and a number of military units and paramilitary police groups were operative in the area. The Zimbabwe-based researchers also reported serious security concerns when venturing

beyond the urban centres of the diamond-producing area. Issues of safety had to be taken seriously. In one instance, after a car accident, a researcher was arrested and detained for reasons which were linked to the research.

Others researchers also reported incidents where their personal safety was at risk. One researcher received threatening phone calls when he started probing corrupt activities. Another researcher was arrested in Zimbabwe, also linked to the research. On three separate occasions, researchers had to contend with the impact of the theft of computer equipment on the research project. Concerns about safety cropped up throughout the data collection phase of the project and posed additional responsibilities to project management.

Another major problem related to continuity within the research team. Two researchers resigned in August and September 2008, respectively. One of them cited personal reasons for his early departure. It later emerged, however, that he had been threatened during data collection. Despite ongoing efforts, SARPCCO and the ISS could not acquire a research and temporary residence permit for the researcher deployed in Angola. The loss of research staff had serious implications for project continuity and for adherence to timelines. The changes in the composition of the research team led to a reconfiguration of the research clusters and the appointment of additional researchers and research assistants. Fluidity in SARPCCO circles also posed a challenge. In particular, high staff turnover in the upper echelons of the law enforcement agencies across the region impacted on data collection and the dissemination of the research findings.

Under the best of circumstances, the cultivation of trust and cooperation with research subjects takes time, and more so with governmental officials. Time and again, the research team would find that specific liaison officers with whom they had struck up a relationship were replaced by the time of the next visit or interaction. This was again the case with the approval of the first comprehensive regional research report.

Apart from the problems mentioned above, researchers encountered many other hurdles during fieldwork. Such hurdles ranged from the logistical to the political. The research stretched across a vast geographical expanse with both rural and urban areas as well as border posts and crime hotspots being included. During the rainy seasons, roads became inaccessible, which meant that data collection could not be undertaken outside urban centres. Questions probing corrupt practices and collusion of government officials with organised crime networks were met by a wall of silence. Research into such "sensitive" issues engendered resistance amongst many of those interviewed. It soon became evident that explicit reference to corruption was not going to be helpful: decoys had to be used. Instead of using the concept, the researchers resorted to describing corruption in rather loose terms instead. The naming of the beast too directly had to be avoided.

The quantity and quality of crime data posed huge challenges. From the start, the project team had to contend with the limited availability of crime data in the southern African context. The research group decided that, where possible, data would be quantified, otherwise the contingency position would be qualitative data collection and analysis. Data were collected from a wide



range of sources of both a formal and informal nature. Sources included interviews with law enforcement and criminal justice experts and relevant NGOs and community-based organisations (CBOs). Interviews were also held with imprisoned criminals, members of gangs, and organised crime networks. Court hearings were considered. Included in the ambit of review were secondary sources and media reports. The analysis of police statistics and customs data also formed a key activity in the data-gathering phase. As a means to supplement rudimentary official crime data, ad-hoc surveys were conducted within some constituencies. Expert working groups and seminars were also organised during the course of the research. Finally, information was gathered from informal sources as well. Information received from NGOs and CBOs was invaluable to the project. A number of other groupings – taxi drivers, sex workers, informal traders, drug users and travellers – also yielded information relevant to the project. The range of sources into which the project tapped required careful navigation along the way, particularly with regard to the validity and reliability of the information and data collected. The research coordinator was assigned the responsibility for triangulating the data collected, where possible. This was a necessary but thoroughly demanding exercise in its own right.

The lack of standardised police data on organised crime in the region constituted a huge challenge to data collection and comparison. Different police and law enforcement units keep different sets of statistics and information. In some cases, there was no systematic record-keeping or data was captured in a handwritten format and stored. Negotiating access to stored data turned out to be very difficult – if not impossible. Despite the constant assurance of confidentiality and anonymity, many respondents, especially from police agencies and other law enforcement bodies, remained uneasy about sharing information. Numerous letters of introduction and phone calls had to be made before meetings could be secured. In some instances, despite meetings being set up, the interviews never took place.

Challenges around expertise and capacity reared their heads within the research team right from the start. The scoping and research reports submitted by the field researchers differed in quality. While some of them offered a detailed analysis, others addressed the research questions only superficially. To ensure a uniform approach to report writing, a decision was taken to provide a research writing and methods workshop early in 2009. In total, three training and review workshops were held during the course of the project. Provisional research findings were discussed and information was cross-checked. The workshops provided an opportunity to discuss methodological challenges and ethical concerns. Two female researchers reported behaviour by respondents bordering on sexual harassment and the issue of personal security was of concern to everyone. The researchers were advised to leave the scene if they felt unsafe or if they became the target of sexual innuendoes.

National police agencies' reluctance to participate also constituted a challenge. Such reluctance was not only a feature of less-developed police agencies. The South African Police Service (SAPS), one of the most developed of such agencies in the region, did not support EROC researchers during the

data collection process despite several attempts by SARPCCO to facilitate cooperation. After umpteen meetings had been cancelled, the ISS finally received a letter advising that SAPS was too busy with the arrangements for several big sporting events in the run-up to the Soccer World Cup of 2010. SAPS, it was said, had no time (this time around) to engage with the EROC project. Lack of cooperation on the part of SAPS meant that the research team had to rely on cooperation from other government departments and law enforcement authorities such as the South African Revenue Services, the National Prosecuting Authority and the Department of Home Affairs. Towards the end of the project the research team managed to establish a good working relationship with the then newly established Directorate for Priority Crime Investigations (DPCI). The many twists and turns in the research process had to be managed on an almost weekly basis. Experience in the field illustrated the need for adaptation, innovation and resilience amongst those venturing into research of this nature.

A field researcher summarised some of the challenges to undertaking field research as follows:<sup>6</sup>

From the start, researching organised crime was extremely tricky. I had initially expected greater cooperation from the relevant government stakeholders, but quickly realised that they were in fact the least likely people to give any useful information. I would spend hours trying any telephone numbers found online for government departments, looking for further contact details and being passed from section to section. Once I had located someone the question was not only whether they actually had relevant information on organised crime, but also whether they had the authority to talk about these issues. I would find that they never answered the phone, never responded to emails and, if I did happen to get hold of them, they said that they would call me back and never did. I think that the government was apprehensive about speaking to an NGO despite being told of the relationship to SARPCCO. Maybe they were scared of negative press, or maybe they knew that most organised crimes were facilitated by corruption within their departments.

Sometimes I would find a lower-ranking official who was happy to talk off the record. They would give plenty of examples of activities, but, like any informal conversation, they would not remember the exact names or dates of the examples they were giving me. As such it was extremely hard to verify the information or to write accurate research reports as the information was not publicly available and could only be verified by speaking to other willing officials off the record or by speaking to the criminals themselves.

Whilst NGOs provided some information, it was generally skewed to fit the organisation's funding requirements. It seemed that this was particularly apparent in the field of human trafficking, where a sufficiently broad definition was used to encapsulate as many cases as possible (even smuggling!). Informal sources were generally the best means of getting information, but this was nerve-racking. Having never been trained in criminal investigations, (or in martial arts!), I had to be extremely careful about asking too many questions from criminals or those linked to criminals. There were also people who were too scared to talk about criminal activities and actively told me so. With such sources of information, the best way to get details is to cultivate a relationship with some level of trust. This was difficult, considering that we were only in certain areas for a period of weeks.

We also were given a limited budget for buying people drinks once or twice, but this did not mean that any long-term relationship was created. Relationships were not built to the level where one could call for a quick update after several months. We also had no protection, and there were times when the ISS would not have been able to help quickly anyway. Some areas had no cell phone reception and no internet access. We did not have radio phones for these kinds of emergencies.

<sup>6</sup> Interview with field researcher, September 2011.

### **VIII EROC Project findings: Dispelling the myths about organised crime**

The EROC research disproved the popular notion of the existence of hierarchically structured, single-nationality criminal organisations. It also found that multinational networks adhering to the vagaries of supply and demand were predominant. The notion of specific nationalities being the bad apples was shown to be fictitious. While foreign nationals may be the runners or mid-management of organised crime networks, locals usually work hand in hand with them. Nigerian nationals may be involved with trafficking specific drugs and Chinese nationals may be linked to the poaching and trafficking of rare species, but this is all made possible by the helping hands of locals as well as of international liaison persons in bigger transnational networks. These networks are loosely organised: different “service providers” are used as the need arises, and are easily replaced.

Trafficking in stolen motor vehicles, ivory, precious stones and drugs were shown to be the mainstays of organised criminal business in southern Africa. However, venture criminals had also diversified into the smuggling of cigarettes, alcohol, fuel, firearms, counterfeit commodities, cattle, foodstuffs and people across regional borders. Local drug consumer markets have grown substantially since 2006, rendering southern Africa no longer merely a transshipment destination for cocaine from South America and heroin from South Asia en route to the markets of Europe and North America. Precursor chemicals smuggled into the southern African region have led to the mushrooming of clandestine drug laboratories. The research project also covered armed robberies, smuggling of endangered species and rare resources, financial crime and money laundering, cybercrime and human trafficking. “New” forms of crime were identified (such as the smuggling of counterfeit pharmaceuticals and cosmetics, illegal fishing and illegal logging), and the smuggling of people across regional and international borders, the use of forged travel documents and other immigration offences featured prominently.

The research findings further showed that, although economic crimes may not be as prevalent as other forms, statistically, their impact on society and the economy was far-reaching. The geopolitical and economic environment in individual countries amplifies the significance of specific criminal activities. Organised crime networks have expanded their criminal interests: instead of dealing in only one specific crime, they may be involved in several legitimate and illegitimate operations at any given time. The proceeds are “cleaned” through a variety of money-laundering mechanisms, including the acquisition of real estate and luxury assets. While the region’s long and porous borders are often cited as a source of vulnerability in southern Africa, the research revealed that criminals prefer legal border points: international airports, ports and land border posts. Why swim through crocodile-infested rivers or trek over dangerous mountain passes on roads less travelled, when it is easy to cross borders undetected with smuggled commodities, sometimes with a little help from a friend? In this respect, powerful alliances between criminal networks, law enforcement officials, civil servants, politicians, politically

connected people and business corporations propel new markets, methods and routes. Often considered a type of organised crime, corruption is also a facilitator of organised crime. This includes petty corruption involving staff at border posts to allow contraband or smuggled commodities to pass without muster, police officials warning criminals of planned roadblocks and police operations, or airline managers who manipulate flight rosters to accommodate cabin attendants willing to smuggle narcotics. The research revealed the important role that corruption, petty and grand, plays in sustaining organised crime.

## **IX Dissemination of research findings**

The primary objective of the EROC project was to contribute to the adoption of policy approaches to organised crime that are informed by reliable research that can be used operationally, and were sustainable over a period of time. The main collaborative partner through which to achieve this was SARPCCO. As a result, there was substantial interaction (but of an unsatisfactory nature) with various SARPCCO structures, national police agencies and law enforcement bodies. Briefings on the research findings, however, involved a host of others.

A wide range of briefings and presentations were made to national, regional and international bodies such as the African Prosecutors' Association (APA), the Office of the President in Namibia, the Experts Working Group of the Global Consortium on Security Transformation, the Fourth Session of the African Union Conference of Ministers for Drug Control and Crime Prevention, the German Bundeskriminalamt (BKA), the Foreign Ministry of the Federal Republic of Germany, and the United Nations Office on Drugs and Crime (UNODC).

Policy-orientated research of this nature required interaction with influential stakeholders on as wide as possible a front. The research staff briefed a public seminar on organised crime at the ISS Pretoria office in April 2010. The briefing discussed current trends and problematic areas in organised crime, including the worsening of drug trafficking, and the impact of recent law enforcement initiatives such as the disbandment of the Directorate of Special Operations, which had been mandated to investigate organised crime with prosecutors in loco and independently vis-à-vis SAPS. The high level of interest in crime, and the reputation of the Organised Crime and Money Laundering Programme within the ISS, resulted in a seminar audience of more than 100, comprising representatives from government, the private sector and the diplomatic corps. In addition, several information dissemination workshops were arranged with the CID directors in the SARPCCO region. The purpose of these workshops was to make research findings available and to engage with the recommendations as articulated in the first research report.

Meetings of the EROC project steering committee, consisting of the ISS project head and research coordinator as well as the Head of the SARPCCO Sub-Regional Bureau and a Specialised Desk Officer, took place at regular intervals in order to discuss progress in respect of data collection and project

logistics. An important milestone in the feedback process, namely the regional conference scheduled for November 2009, had to be shifted to a later time slot as the invitation to the new SARPCCO chairperson had not been sent through in good time. Due to this breach of protocol, the conference was cancelled and the ISS ended up footing the bill for high cancellation fees. The conference eventually went ahead in 2010.

### **X Publication of research report: More unexpected delays**

A comprehensive report titled *Organised Crime in Southern Africa: First Annual Review*,<sup>7</sup> detailing the findings of the first year of data collection, was finalised by mid-2009. Due to the partnership with SARPCCO, the manuscript had to be approved for publication by the SARPCCO Secretariat and the PCC. Again, there was considerable delay in the process. Approval was only received a year later – by which time some of the information was outdated. The author of the Report chose to update the report to incorporate findings from data collection undertaken during 2009. In presenting the findings of the research to SARPCCO, a considerable amount of diplomacy was required. The ISS had to present the research findings on trends in organised crime and law enforcement strategies in a way which did not “point fingers at” or “embarrass” any particular police agency. The injunction not to be seen to be “ruffling feathers” required careful handling.

The report was subsequently launched at a public seminar and at the SARPCCO Extraordinary Meeting held in Lusaka, Zambia, from 24 to 26 January 2011 – exactly three years after the project had got under way. Due to a change in the composition of the Permanent Coordinating Sub-Committee (PCSC), i.e. the newly named PCC, the officials undertook to consider and approve the already printed report again. In the event, the ISS was asked not to publish findings before they had been approved by SARPCCO. This meant that the publication and dissemination of the research report had to be put on ice for yet another length of time.

Pursuant to the presentation of the report, the PCC passed a resolution to extend the ISS mandate to conduct research on organised crime, again in partnership with SARPCCO. They expressed the wish for the ISS to carry out research on SARPCCO’s designated “priority crimes” and assist regional crime analysts with the development of the Regional Organised Crime Threat Analysis (ROCTA). One could not help but note that this request conflicted with the PCC’s earlier decision – taken at the Livingstone inception workshop – to the effect that EROC researchers not be granted access to ROCTA. It is a matter of conjecture why this was decided back then, but it may have been linked to the paucity and poor quality of data available to national police agencies. The ISS was also requested to extend research to countries which had not been considered during the first phase of the EROC project. This would bring the DRC, Madagascar and the Seychelles into the ambit of future research should funding be secured for the EROC project to continue.

<sup>7</sup> Hübschle (2010) op cit note 3.



Nevertheless, three years of data collection under challenging conditions had led to the successful publication of one of the three planned annual situation reports. At the time of writing this article, five final research reports were still outstanding from four field researchers. Despite considerable effort on the part of the project coordinator, which included the provision of style guidelines and reporting frameworks, the quality of most of the reports submitted left much to be desired.

The ISS, in addition, was required to undertake an audit of the capacity of law enforcement agencies to combat organised crime. As the field researchers encountered many hurdles in collecting relevant data, those who submitted their final research reports failed to supply adequate data on this topic. The project steering committee, therefore, resolved that the research coordinator develop a questionnaire to be distributed to all SARPCCO members. The completion of the questionnaire-based survey would stretch beyond the life of the EROC project. The questionnaire was finalised in April 2011 and submitted to the SARPCCO Secretariat for comment and subsequent distribution to SARPCCO members. Several follow-ups were done, but due to staffing changes at the Sub-Regional Bureau, no progress was made. By September 2011, a specialised desk officer took the questionnaire under his wing. The questionnaire was subsequently disseminated in early September and the expectation was that the responses would be passed on to the ISS by mid-September. This deadline came and went. By the end of September only two out of the twelve police agencies (at the time of project conception the DRC had not joined SARPCCO) had submitted their responses to the questionnaire. In 2012, a crime analyst took over from the specialised field officer. Responses were received from eight agencies by April 2012. However, the majority of questionnaires were incomplete, and had to be returned for additional information.

The survey asked individual police agencies to submit general information on their size, composition and mandate. The questionnaire also required information on educational requirements and training for all police officials, gender mainstreaming within the police, training on corruption awareness and prevention, and whether a unit existed to investigate police misconduct. Another section of the questionnaire dealt with the capacity of the police to combat organised crime. Police agencies were asked to provide their definition of *organised crime*, the overall strategy to combat organised crime, which units were tasked with investigating organised crime offences, and how many such units existed. The next section dealt with the nuts and bolts of fighting organised crime such as officers' language proficiency; their access to computer terminals, the internet, mobile phones and airtime; the transport available by way of cars, speedboats, four-wheel-drive vehicles, and helicopters; the deployment of officers to crime hotspots such as airports, ports and border posts; witness protection programmes; and a centralised crime database. Finally, each police agency was asked to provide an assessment of their regional and bilateral cooperation within and beyond the southern African region.

By the time of writing, it was unclear whether the ISS would receive responses from the 12 police agencies and whether a useful audit report would be compiled. It may well be that an opportunity to arrive at an assessment of regional law enforcement capacity to engage with organised crime has been lost.

## **XI Project Impact**

In January 2011, the PCSC extended the ISS's mandate to undertake research on organised crime, in partnership with SARPCCO. The extension of the mandate was based on a number of achievements. In the first instance, the EROC project had managed to formulate and "sell" a working definition of *organised crime* that had not existed when the project began. This definition emphasises four key elements: the number of participants, their common purpose, the repetitive nature of the criminal activities concerned, and the existence of a profit motive. The definition became common parlance at all briefings and workshops conducted during the project. Based on research and analysis undertaken by the EROC project team, the SARPCCO's Legal Sub-Committee presented a definition of *organised crime* devised for the region at the SARPCCO AGM in 2010, which was adopted by the chiefs of police.

A second achievement was that the project has enhanced the understanding among relevant law enforcement practitioners and policymakers in the criminal justice arena of typologies of organised crime occurring in southern Africa, operational needs, and remedial action. As discussed in the report, the most common forms of organised crime in the region are stock theft, motor vehicle theft, the cultivation of marijuana, and various forms of economic crime. The complex linkages between corruption and organised crime also feature prominently in the report.

An exchange of basic research and remedial policy recommendations pertaining to various facets of organised crime – as profiled in the EROC research questions – within the region is another, by no means small, achievement.

Using several training opportunities, the project has also provided research and policy support to law enforcement practitioners in the larger countries in the region, particularly Botswana, Lesotho, Mozambique, Namibia, South Africa and Tanzania.

Lastly, the project has interacted with prosecuting agencies in the region, through the Africa Prosecutors' Association (APA) and SADC. Lessons learnt by the few countries with experience in investigating and prosecuting organised crime were used in these interactions. Technical assistance in the form of training and policy advice was provided to national, regional and international law enforcement agencies. Nonetheless, despite all of the achievements of the project, by the advent of 2011 donor priorities had changed and the ISS failed to secure additional funding to continue its research. Four years of research effort was, thus, brought to what some would argue was a premature end.

## XII Conclusion

By going “backstage”, this paper explored “from the inside out” certain issues which research on organised crime and law enforcement strategies have to contend with in the southern African region. The challenges which confront research into the nature and extent of organised crime in the region are wide-ranging. Challenges emanate from both the external social environment as well as the internal research environment. The dearth of reliable crime data and information poses a huge challenge to researchers and, by implication, to research-based policies and operations. The maintenance of social relationships in the field requires concerted effort. The EROC project illustrates the extent to which research access has to be negotiated and renegotiated at different levels throughout a project’s duration. Political sensitivities about, and collusion with, organised crime networks constitute another key challenge. Doing research on illicit economies and organised crime networks is fraught with risk. Such risks increase in contexts such as those prevailing within the southern African region, where the interests of organised crime and others located in the state or private sector converge rather than conflict.

The EROC project illustrates the extent to which the data-gathering and analysis of research findings confront sensitivities along the way. The dissemination of research findings through an open forum such as the AGM of a chiefs-of-police structure (such as SARPCCO) often encounters resistance. AGM discussions are meant to maintain the social cohesiveness of the “collective”. Comparative assessments of organised crime in the region easily become perceived as an exercise aimed at “naming and shaming”. Such perceptions of public ostracisation will invoke knee-jerk reactions whereby the “data” are questioned. Infringements of decorum, whether real or perceived, are likely to affect the “social contract” on which the research relies.

With the benefit of hindsight, it is clear that the EROC project constituted an overly ambitious attempt at providing an audit of organised crime and law enforcement responses in the southern African region. A fair share of the original research objectives were not realised – not through lack of trying, but simply because contextual realities challenged many of the research intentions. Similar challenges, we argue, shape the very prospects for systematic and proactive forms of law enforcement cooperation aimed at containing organised crime in the region. In the concluding section of the *First Annual Review*, it was argued that what is required is nothing less than a fundamental shift in the model of policing vis-à-vis organised crime. The issue was broached as follows:<sup>8</sup>

A market-based approach[,] which seeks to understand the nature of criminal markets and targets both the means and supply sides of the crime, would appear to be the more enlightened approach. This could make it easier to enlist the support of other sectors and interest groups in confronting organised crime.

The research experiences accumulated during the EROC project, however, suggest that the prospects for such a shift in the model of policing look rather dim.

<sup>8</sup> Hübschle (2010) op cit note 3 at 98.