

# **SAIIA WAR, CONFLICT AND ORGANISED CRIME CONFERENCE REPORT**

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March 2005

## **Introduction**

From 22-23 March 2005, SAIIA hosted a workshop of 30 participants on the relationship between conflict, civil wars and organised crime in Africa. The participants included members of the police, intelligence, army and judicial services, anti-corruption agencies and civil society organisations from Angola, the Democratic Republic of Congo, Mozambique, South Africa, Sierra Leone and Zimbabwe.

The conference was the culmination of a three-year research project that traced the links between conflict, civil wars and organised crime. It considered the role of organised crime networks before, during and after conflict with a view to drawing lessons for the resolution of conflicts and post-conflict reconstruction. The research included a literature review and field research studies carried out in Angola, DRC, Mozambique, Sierra Leone and Zimbabwe. SAIIA researchers and associates and local partners in the relevant countries took part in the research project. The project will publish two volumes on War, conflict and organised crime in Southern and West Africa in mid-2005. These publications will provide more detailed analysis and recommendations.

## **Conference sessions**

SAIIA researchers and associates presented an overview of the theoretical framework for the study. **Hyperlink** Each session focused on one of the countries studied. **To download the country presentations (hyperlink)**

Zimbabwe

Sierra Leone

DRC

Angola

Mozambique

The country presentations were followed by a panel discussion of government and civil society representatives from that country. The final session of the conference considered the main discussion points emerging from each session and the recommendations that could be made in reducing the impact of organised crime in these countries. The conference was held under Chatham House rules.

## **Summary of conference discussions and recommendations (This can be a hyperlink for the following materia)**

### *Conflict, civil wars and organised crime*

The conference participants grappled with the concept of organised crime and the relationship between this phenomenon and conflict and civil wars. Many of the countries studied do not have dedicated legislation to combat organised crime. Where they do, different definitions of organised crime have been applied. For many participants, this conference was their first exposure to the concept of organised crime.

While participants acknowledged the fact that the presence of natural resources may prolong civil wars in Africa, they largely favoured the view that civil wars and organised crime may have the same origin in a combination of poor political, economic and social governance. Much of the discussion that followed considered the factors that can contribute to the outbreak of civil wars and increased organised crime.

The implication of this approach is that an analytical distinction should be drawn between rebellions and organised crime. International protocols such as the Palermo Convention on Organised Crime and related instruments may be used to deal with the phenomenon of organised crime but additional measures are required at an international level to combat the exploitation of 'lootable' commodities (e.g. alluvial diamonds, drugs) by armed groups. The UN has attempted to establish a norm that the exploitation of natural resources by some parties in a conflict situation should be subject to sanction. This is evident in the ban on 'conflict diamonds' and the naming and shaming of individuals and companies involved in the exploitation of the natural resources of the DRC. However, there is no adequate definition of the behaviour that will attract sanctions nor a comprehensive legal framework that will address all aspects of the problem. Furthermore, the UN Conventions relating to organised crime need to be ratified by all African countries. National legislation should be passed and the implementation thereof strengthened. It was also noted that there is a need for greater cooperation between government agencies through Interpol structures if transnational organised crime is to be reduced. Many participants from law enforcement agencies suggested that the engagement between Interpol and national agencies was ineffective at present.

### *Poverty, security and organised crime*

Many participants pointed to the link between poverty and insecurity in the countries discussed. The weak state is unable to tackle these twin problems. Some participants noted that state dysfunction may benefit a political and

military elite and thus its ongoing dysfunction could be a conscious strategy to promote sectional interests. This led to discussion about the socio-economic profile of organised crime networks in African countries. Many participants suggested that organised crime networks are largely located in the ranks of the national elite or market dominant minorities. The foot soldiers may be lured into organised crime by poverty. The 'criminalisation' of the state was a sensitive issue for many participants. Some participants suggested that there is a need to study the social and cultural aspects of organised crime and corruption. Others argued strongly in favour of a set of generic institutions and mechanisms (such as anti-corruption agencies) that can be established to entrench 'societal' norms against organised crime and corruption and punish offenders bolstered by civil society mobilisation.

### *Governance and organised crime*

It was generally agreed that countries with a large organised crime problem experienced high levels of corruption and a corresponding loss of public confidence in the institutions of state. In many of the countries under discussion there are inadequate or limited legal mechanisms to combat organised crime and corruption. Many countries retain outdated colonial legislation that cannot be used in prosecutions of organised crime offenders. This in turn influences the structure and operations of the police, the judiciary and independent institutions established to combat the problem. Extensive reform of the legislation and the structures of crime and corruption fighting arms of government are required. The process can be informed by the experience of other countries in Africa and elsewhere that have begun to reform their criminal justice and related institutions. There is a perceived gap between the political and operational levels of government in the commitment to combat organised crime and corruption, which will require advocacy by government officials and civil society in order to build support for anti-crime and corruption measures.

International institutions frequently place conflicting imperatives on African countries. Large-scale economic liberalisation and privatisation, without adequate structural safeguards, may exacerbate the problems of organised crime and corruption. Aid conditionality, for some participants, was not appropriate in transitional societies, which should be given some leeway to meet these obligations. Others argued that this may provide the only leverage for the people to hold their government accountable in the management of natural resources and public assets. Some participants suggested that the sale of 'booty futures' (e.g. sale of future oil profits) have been particularly damaging to developing economies.

### *Economy and organised crime*

A number of participants suggested that organised crime has its origin in economic factors. In many countries organised crime networks (rather than government) can provide services that are accessible and cheap. Key drivers of organised crime in this context are inflation, the use of multiple currencies and high customs taxes. The informal economy, on which most of the population rely for a livelihood, may provide a cloak for some criminal activity. There should be a special focus on mechanisms to regulate this sector while recognising its vital role in poverty alleviation (e.g. regulation without taxation). It was also recognised that minorities in many countries control the economy (e.g. Lebanese in West Africa, white people in SA etc). Organised crime networks may also reflect the economic power structures in the country. This led to discussion about the indigenisation of business and the mechanisms that can be used to ensure that this process does not exacerbate the organised crime and corruption problem. There are few legislative or policy guidelines available in Africa on the distinction between unethical and illegal business practice. Many countries do not have extensive investment codes. Others have adequate legislation but do not have independent or adequate enforcement mechanisms. Over-regulation may also promote organised crime where legitimate business operators are driven underground by official corruption or the difficulties in operating in a legal manner. Recommendations should be made on how to strike the balance between the need for regulation and development in these circumstances.

### *Organised crime groups*

It was noted that a further factors in the emergence of organised crime networks in Africa may be the ineffective demobilisation and disarmament programmes in countries emerging out of civil wars. Some participants supported the special treatment of ex-combatants to avert increased criminality. Others suggested that ex-combatants should be treated the same as civilians. Where organised crime groups have their origins in political formations, one participant argued, they should be 'demobilised' by the political leadership. This may prove more effective than dealing with the problem from a criminal perspective. The problem of 'political entrepreneurs' is a sensitive one for many incumbent governments that fought a liberation or civil war. Some participants suggested that the issue should be acknowledged in order for solutions to be found.

### *Conclusion*

The conference has assisted the SAIIA researchers to add to and refine their recommendations in the forthcoming publications. It also provided a forum for the discussion of organised crime and corruption across several African countries and between civil society and government. Many of the participants said that the

networking that occurred at the conference was invaluable for their work in this arena. Participants suggested that future conferences could concentrate on the economic impact of organised crime and broader issues related to corruption. There is a need to strengthen anti-corruption initiatives by providing a forum for these organisations to share experiences and build support networks.