

Mapping crime networks in Southern Africa

A new approach

Charles Goredema

Recommendations

- 1 A broad definition of organised crime should be adopted in the region, preferably through a regional protocol.
- 2 Member countries of the Southern Africa Regional Police Chiefs Cooperation Organisation (SARPCCO) should harmonise strategies against organised crime by:
 - Adopting an expanded definition of organised crime that takes account of fluid and amorphous criminal networks
 - Coordinating procedures for gathering, managing and interpreting data on crime networks
 - Strengthening domestic structures for gathering such data
 - Creating units to gather, manage and interpret data on crime networks where countries do not have such units
 - Strengthening these units through adequate training and regular updates on crime trends and new methods for gathering data and mobilising crime intelligence
- 3 Law enforcement agencies should consider adopting social network analysis as a tool to organise, manage and interpret data on crime networks.

Summary

Current perceptions of organised crime are too rigid and narrow. The definition of organised crime should consider it as comprising a set of core *activities* and should also encompass the ancillary acts of those who assist core actors. To gather information on the reach of criminal networks and establish how they sustain themselves, the authorities should perceive such networks as organisations involved in business. Furthermore, organised crime is transnational and market based, but attempts to deal with it are constrained by state sovereignty. The effective disruption of crime networks should be informed by a network analysis that transcends national borders, while legal procedures should be harmonised across such borders.

THIS POLICY BRIEF is the second in a three-part series designed to assist policymakers, analysts, law enforcement officers and others concerned about subduing organised crime to better understand the structure of the networks involved. The series profiles the dynamic context in which crime networks exist, and the strategic relationships that contribute to their resilience and, to some extent, determine the impact of their activities. The purpose is to support policies and measures against organised crime that are comprehensive, more effective, and sustainable by providing practical advice and recommendations on mapping crime networks in their

environment, with particular reference to Southern Africa.

The dynamics of crime networks and regional responses in Southern Africa

This policy brief was motivated by concern for the quality and sources of data on contemporary organised crime. Its purpose is to suggest improvements in the gathering, structuring, interpretation, and ultimate use of data on crime networks and the infrastructure that sustains them. It is based on findings from general research on crime trends conducted since the turn of the century and an ongoing study of the impact

of networked crime on governance. Crime analyst Jenni Irish-Qhobosheane remarked in 2007 that:

Crime networks cannot operate without a degree of support from the public and private sectors. Some of this is based on the corruption of officials. This kind of collaboration between functionaries and criminals can sabotage the attempts of governments to fulfil their

Modern organised crime brings criminal networks into close proximity with public officials (especially, but not only, the police, who are tasked with suppressing crime) and with the business sector. Since these groupings coexist in a common environment, they are bound to interact. In the last 15 years the relationships resulting from various intersections have come under intense scrutiny in various countries. A two-

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responsibilities, for example to address poverty and inequality in the region.¹

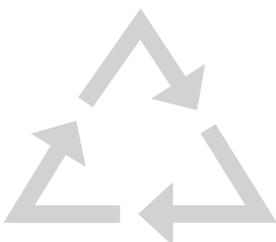
Currently, however, anomalies exist in the way in which crime networks are officially perceived. While these perceptions are often based on definitions in the United Nations Convention against Transnational Organised Crime (UNTOC), they appear to be outmoded and arguably define organised crime too narrowly. Experiences from the Southern African region and studies conducted outside it show that often organised crime networks exist as business structures that sustain themselves through linkages with state functionaries and legitimate business.

Over the years it has become clear that some of the crime networks active in the region have global linkages. Strategies to confront organised crime should therefore be better informed about the reach of criminal markets and about who constitutes crime networks. Despite SARPCCO initiatives, current strategies in Southern Africa are uneven both in scope and depth, which may be attributable to the absence of a common regional position. The resulting misalignment is reflected in haphazard approaches to organised crime across the region.

volume set of monographs edited by Gastrow in 2003 considered the extent to which state and business institutions in Southern Africa had been 'penetrated' by organised crime networks.²

While the general theme suggested unidirectional relationships, in which criminals enticed and corrupted hitherto honest bureaucrats and business people, some individual contributions indicated that the linkages are more complex. As experiences from various parts of the world show, illicit relationships are not always initiated or managed by criminal networks. The control centre of a given illicit enterprise can shift with changes in circumstance or in response to external developments. Crime networks often find it expedient to influence both the state and business.

Such networks require legitimate business structures to conceal their activities or to transfer the proceeds of crime to the mainstream economy. Equally, public officials can abuse their positions and/or power to exploit crime networks, while in competitive contexts legitimate business may use corrupt practices or engage in criminality to gain an unfair advantage. It is fair to speak of a loose triangular framework



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of organised crime, the state and business that is occasionally visible, but often obscured by misconceptions about organised crime.

Rethinking organised crime

The first hurdle to be cleared in charting a new path to deal with organised crime is to revise how such crime is perceived. The prevailing perception, which is strongly influenced by interpretations

ancillary actors. In a drug-trafficking case, the courier in whose possession drugs are intercepted would be a core actor, while the dishonest official who receives a bribe in order to turn a blind eye would be an ancillary actor, as would be a police official who, subsequent to the seizure of the drugs, steals them from the exhibit room and sells them. A more dramatic impact is that the redefinition would bring in sole criminals who

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of UNTOC, is rigid and narrow. It is preoccupied with a threshold in the number of participants, which defines out solitary cyber criminals and throws up legalistic debates on the concept of common purpose. This leads to a definition that is quite out of sync with the most harmful forms of crime encountered today. It also ignores the sophistication and 'globalisation' of crime.

A preferable view is to consider organised crime as comprising a set of core *activities* that may be committed by a single person or a group and may be supported by ancillary activities. The activities are distinguished by their gravity and the level of planning required in multiple spheres in which the activities and their proceeds manifest themselves. The core activities would admittedly include all the predatory and market-dependent crimes currently commonly perceived as organised criminal activities.

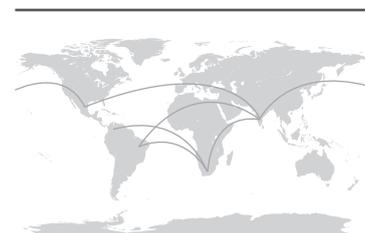
However, organised crime would also encompass the ancillary acts of others who assist the core actors. For instance, in credit card fraud committed by card cloning, the runners that copy the credit cards would qualify as core actors while the money launderers who process the proceeds of the fraud would qualify as

commit crimes that are planned and/or premeditated.

In order to gather information on criminal networks' reach and establish how they sustain themselves, the authorities should perceive such networks as organisations involved in business. It has indeed been suggested that the essence of organised crime is 'illicit enterprise' or 'criminal business'.³ In conducting business, criminal networks are often decentralised. There is a general recognition that criminal hierarchies are the exception rather than the norm, hence the widespread acceptance of the term 'crime networks'.

Criminal networks dependent on commodity trafficking have become sophisticated enough to link production sites on one continent to transit zones on a different continent and markets on a third. These sophisticated networks are most noticeable in the drug trade, but they are also encountered in illicit wildlife product and counterfeit commodity trading.

The secretariat of the Convention on International Trade in Endangered Species (CITES) recently characterised rhino horn trafficking as 'one of the



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most structured criminal activities facing CITES'.⁴ For purposes of interdiction, the criminal market should be defined as including suppliers, couriers and distributors situated at various points along the route from procurement to marketing sites through zones of transit. Comprehensive international cooperation and coordination are therefore imperative.

Misconceptions appear to exist about the realms in which criminal business is conducted. As in other parts of the world, the regional experience is that no sphere of business is absolutely out of bounds for criminal networks. Political elites occupy the position of

of interruption. The informal networks that perpetuate these relations are in some cases complex and concealed, but in other instances fairly brazen and straightforward.⁵ Spaces that are either ungoverned or weakly regulated offer exploitable opportunities for criminal networks. Furthermore, significant criminal networks are likely to have some representation or presence in areas where there is substantial economic activity (often in urban areas), because major sources of wealth are springboards of influence and power. In mapping crime networks, the role of crime intelligence analysis is to determine

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gatekeepers to regional economies. Access to extractive natural resources, for instance, often depends on striking deals with local political elites. Criminal networks share a common interest with such elites in participating in lucrative spheres such as mining, timber harvesting and marine resources.

The convergence of interest takes the form of shady activities and predatory criminality, such as irregularly awarded contracts for the exploitation of natural resources or for the smuggling of precious minerals and contraband into and from the region. The complicity of elites in the public sector explains the resilience of predatory activities even in unexpected activities, such as the poaching of wildlife.

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whether the networks are represented directly or indirectly in the core sectors of the economy.

Strengthening responses to organised crime

Current responses to organised crime have been criticised on the basis that, while recognising that the priority forms of organised crime are transnational and market based, they continue to be constrained by state sovereignty. Sovereignty has a double-edged impact on combating transnational organised crime. It implies authority over a given territory, which can either assist or inhibit the capacity to deal with organised crime. In political governance, sovereignty implies authority over critical aspects whose management affects the existence and continuity of the state. Crucially, sovereignty expresses authority to perform certain functions and to prevent certain actions. These functions include



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the ability to pass laws, control exit and entry to a country, appoint officials, coin money and exercise control using violence where necessary.⁶ But, as Torkelson points out:

Sovereignty has always been an ambition built on the dialectic between idea and practice. Sovereignty can be usefully understood as the capacity to exercise one's (the nation state's, the monarch's, a power holder's) will

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over a given territory (physical, social, geographical, economic) over time. Given this definition, it is clear that sovereignty should not be understood in the singular, but that multiple, overlapping sovereignties can emerge in various sub-national, national, and transnational contexts to exercise power in the contemporary world.⁷

It is debatable whether the economies of post-colonial states, locked as they were as colonies into global networks largely driven from the erstwhile colonial capitals, ever became truly sovereign. The advent of market globalisation placed the ideal of sovereignty further away and accelerated the emergence of competing centres capable of contesting one or more capacities hitherto claimed by the state. At the same time, uneven economies and criminality combined to test the capacity of various states to manage their borders. The transnational criminal markets that have become part of the post-colonial experience require globalised responses.

Public policing agencies are the main institutions expected to detect and disrupt the activities of networked criminals. They are aware that crime

networks do not defer to national borders.⁸ SARPCCO's October 1997 Agreement in Respect of Co-operation and Mutual Assistance in the Field of Crime Combating recognises this. It allows police officials to conduct cross-border investigations with the assistance of their counterparts in the foreign country in question, but not to arrest criminals in this country. The agreement sets out a framework that needs to

be complemented by information on connections among various players in a criminal network.

With transnational crime benefitting from the limits that sovereignty has conferred on the state, states and their law enforcement bodies need effective new means of sharing information across borders. Therefore it can be argued that effective disruption of crime networks should be preceded and informed by a *network* analysis.⁹ One of the primary advantages of network analysis is that:

It steers the investigator or analyst away from simple dichotomies and towards a view of actors of all types engaging in numerous forms of relationships with one another. It reduces all the major paradigms on the relationship between underworld and upper world to their most basic component – human relationships.¹⁰

The objective must be to avoid the incomplete operations that former SARPCCO head Frank Msutu lamented more than a decade ago. Commenting on the aftermath of a SARPCCO operation conducted in 2000, he said:

The operatives of the four countries dealt with two very clearly structured syndicates. Both syndicates had ascertainable links in Zimbabwe, Mozambique, Zambia, South Africa and Botswana. Many of the leading figures were arrested during and after the operation, but there is nothing to suggest that their operations were effectively curtailed. Many of the operations are run as family businesses. Thus, when one top operative is arrested, the remaining members continue with the business until they have been arrested as well. In many instances, the different syndicates help one another or share business, although there may be in conflict at times.¹¹

Information on the separate components of a crime network is not likely to be found in one locality. It will invariably be dispersed in different countries, where it may be picked up by different persons and/or institutions. Who then should collate the data, analyse it and interpret it? Answering this question becomes more significant if one takes into account that countries may be affected differently by the activities of a crime network, depending on the nature of the market in which it operates.

Several cases drawn from abalone (*perlemoen*) trafficking indicate that trafficking networks tend to establish the strongest links at points where the risk of disruption is at its highest. In the South African context these are places where the harvesting and drying processes of abalone occur.¹² Because there is also the risk of interception during transportation, it may be necessary to manage this through the use of compromised public officials along transit routes, including exit ports. Quite often the responsibility to intercept illicit cross-border trading activities is shared among the police, specialist wildlife management units and customs agencies. In the absence of

streamlined, accountable coordination and management, the multiplicity of agencies widens the scope for corruption.

The author's experience is that criminals are pursued most intensely in the countries that perceive themselves to be adversely affected by the crimes

considered carefully, taking account of the existing priority organised criminal activities and the nature of current criminal networks, but also anticipating future developments.

Since the purpose of introducing such a protocol would be to enable various

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involved. Hence, the most significant abalone-trafficking cases have been initiated in South Africa, as the primary source country. Similarly, rhino-poaching and ivory-smuggling cases appear to be pursued in the countries in which rhino and elephant numbers are rapidly declining. This level of commitment is not necessarily the case in the other countries that are equally important to the investigations.

What is proposed is the tracking of crime networks on the initiative of any other country – whether this is a country of transit or the destination of contraband. For this to occur, an up-to-date regional crime network database has to exist. Such a database is the aggregation of numerous separately generated crime network analyses. This raises the question of who should put it together. If it is separately compiled, how are the quality and reliability of the information to be ensured?

Alignment of legal regimes

A critical step to be taken across the Southern African region is to harmonise criminal justice procedures. The Southern Africa Development Community (SADC) has endeavoured to do this for corruption and firearms management through protocols. A similar approach on organised crime may be appropriate. The content of the protocol needs to be

jurisdictions to collect information of compatible quality, the protocol needs to address not just the substantive criminal law, but also encourage the harmonisation of procedures. UNTOC and the United Nations Convention against Corruption offer a guide on the required procedural innovations. In Southern Africa, the benchmark may be found in existing legislation against organised crime in South Africa, Mauritius and Namibia.¹³ The legislation is significant in that it inspires and guides supportive strategies on collecting crime intelligence, protecting witnesses and extra-territorial collaboration with counterparts.

The absence of a regional framework against organised crime means that the regulatory terrain in the region is uneven.¹⁴ Police agencies in countries still without such legislation, which include Malawi, Lesotho and Tanzania, have largely adopted informal definitions of organised crime.¹⁵

The uneven uptake of the necessary mechanisms to combat organised crime has negative implications for the gathering of information critical to the social network analysis suggested. Furthermore, not all countries will create regulated frameworks by which to gather information on functional and social relationships among crime network



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members through surveillance and intercepting communications.

It may take longer to secure the financial, technological and human resources required. Therefore, while it is useful, the SARPCCO agreement on cross-border collaboration is clearly not sufficient to facilitate standard crime-network data collection. If the frameworks expected to emerge from new legislation to combat networked crime in such countries as South Africa, Namibia and Mauritius are

It might be too ambitious to expect policies on law enforcement that have existed for a long time to be replaced by a new policy that is underpinned by regional hegemony. Despite the efforts of SARPCCO over the years, SADC has yet to develop the capacity to confront transnational threats, including organised crime.

It may well be that for this to happen a compelling argument for the convergence of certain aspects of existing policies

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to succeed, capacity in neighbouring countries has to be simultaneously enhanced.

Conclusion

As long as it is accepted that criminal markets enable various criminal networks to acquire significant but illegitimate influence, determining how these networks are composed and how they sustain themselves will always be a matter of priority. As Torkelson puts it:

Criminal sovereigns have shown that they can replicate the locus of power in fractal form, so that it ultimately becomes decentred or dislocated from the ideal of transcendent state rule. This is why sovereignty is a useful way of looking at organised crime, because it could mitigate growing limitations in existing thinking about the relationships between state and non-state, legal and illegal, and local and global. Understanding criminal actors in this way has serious implications for our current state-based modes of policing, and should allow for transnational interventions to be pursued.¹⁶

to combat organised crime needs to be made. Some of the areas by which convergence is achievable have been highlighted in this policy brief. Policy convergence should be the outcome of harmonisation in the objectives of gathering, managing and analysing data on networked crime. The utility of the framework crystallised by the SARPCCO agreement on cross-border collaboration will be enhanced if the analysis of crime networks proposed is implemented. This will in turn make it easier to determine the content and reach of a regional instrument on organised crime.

Notes

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Acknowledgements



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This policy brief was made possible with support from the International Development Research Centre. The ISS is grateful for support from the following members of the ISS Partnership Forum: the governments of Australia, Canada, Denmark, Finland, Japan, Netherlands, Norway, Sweden and the USA.

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