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Mitigating the threat of organised crime to Africa's development

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Summary

Organised crime presents a manifold threat to sustainable development. This is recognised by the Sustainable Development Goals and Agenda 2063. However, policy statements which recognise the cross-cutting threat of organised crime have not been translated to the implementation framework in a systematic way, and policy tends to focus on the fight against organised crime at the sectoral level. Development actors need to understand not only how organised crime will undermine their objectives, but also that development itself presents opportunities for organised crime to flourish. As Africa focuses on stimulating economic growth, investment and infrastructure, the danger is that development goals will be subverted. Development actors need to both crime-proof existing interventions and ensure future investments are crime sensitive.

Key points

- Organised crime threatens all aspects of the continent's sustainable development.
- Too much of the response to organised crime is crafted as policies to counter specific illicit markets rather than examining the issue and its impacts holistically.
- The illicit economy can be a source of livelihoods and a resilience strategy for the poor and vulnerable. There is thus a development paradox at play.
- Both the SDGs and Agenda 2063 emphasise economic stimulus and investment through public-private partnerships. However, without proper oversight, organised crime reinforces negative governance patterns that create an unhealthy alliance between crime, government and business.
- Development itself comes with organised crime risks, which can facilitate the growth of illicit markets.
- If SDG goals are to be achieved, development must be crime-sensitive and crime-proof.

This brief focuses on:



Organised crime as a cross-cutting spoiler to Africa's development

Organised crime has unequivocally been placed on the development agenda. In the Sustainable Development Goals (SDGs), which set a universal global development agenda, Target 16.4 aims to 'significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organised crime'.¹ Likewise, the African Union's (AU) Agenda 2063, the principal framework for the achievement of Africa's development priorities, identifies organised crime as a development threat.²

Both directly and indirectly, organised crime has proven to be a cross-cutting threat to the achievement of core and essential development objectives. Organised crime threatens not only specific goals, such as the reduction of poverty and the promotion of economic growth, but also the general maintenance of global biodiversity and sustainable environments; the building of safe and inclusive societies; the promotion of public health and peoples' well-being; and even the orderly management of migration.

Organised crime thus presents a challenge to Africa's achievement of the SDGs through:

- The ongoing and direct risk to individual goals
- The risk that development investments are diverted owing to a failure to account for organised crime's influence
- The risk that development investments themselves increase organised crime

Yet, despite organised crime increasingly being considered a development issue, its treatment remains siloed and its impacts on development objectives more broadly are not well understood. Too much of the analysis of and response to organised crime are crafted as policies and approaches to counter specific illicit markets, rather than examining the issue and its impacts holistically. In addition, statements of high-level policy have, as yet, failed to translate into the implementation framework in a systematic way and tend to remain focussed on the fight against organised crime at a sectoral level. Whereas the global SDG goals are indivisible, organised crime is divisive and destructive.

In considering the likely trajectory of SDG achievement, therefore, it is instructive to examine

how different states, regions and continents use the SDG framework to mobilise their development strategies. In the context of Africa, the clearest statements of intent can be found in Agenda 2063, which was adopted by the AU in a process that was developed in parallel to the SDGs in 2015. Both of these frameworks refer to themselves as aspirational, setting wide-reaching, comprehensive and ambitious targets, but the onus for prioritisation and implementation lies at the national level.

The crime-development paradox

Two key assumptions generally underpin how responses to organised crime are crafted: organised crime is universally a negative ill and better development will have a positive impact on the drivers of organised crime.³ However, closer analysis suggests that, particularly in the African context and given the way in which development is being promoted for the continent, both assumptions may be wrong.

Organised crime can be a source of livelihoods, and, in some aspirational markets, a genuine means for achieving development

Firstly, organised crime can be a source of livelihoods, a resilience strategy for the poor and vulnerable and, in some aspirational markets, a genuine means for achieving development. Efforts to counter crime in the African context are thus not unambiguous. There is a development paradox at play where the illicit economy may present the best possible development returns for certain communities or for the life chances of individuals.

Secondly, development can, counter-intuitively, facilitate organised crime. Studies on the evolution of organised crime in Africa suggest that development and economic growth, rather than mitigating the drivers of organised criminal activity often exacerbate and expand them.⁴ Major nodes of global trade – for example, ports or airports – are vulnerable to becoming hubs of the illicit economy.⁵ In turn, investments in improving Africa's

trade infrastructure could increase the continent's risk of falling prey to organised crime in the absence of proper oversight and control mechanisms.

This is by no means to argue that addressing organised crime should be the foremost development priority in Africa. But the failure to recognise that development carries risks, and that organised crime is able to insinuate itself in the 'space between' economic growth, governance and development, hinders the achievement of those very goals.

If the SDGs are to realise their potential in Africa, and if the true spirit of Agenda 2063 is to be achieved, then it must be a priority for all to 'crime-proof' development and ensure that development interventions become sensitive to their impact on the political economy of criminal actors and illicit flows.

Organised crime and the peace agenda

Organised crime is most commonly connected to the peace and security agenda, both in Africa and globally. The connection between organised crime and sustainable development is multi-layered, but the perceived causal relationship between organised crime and violence is the golden thread. Exposure to crime and violence is more acute among those who experience poor access to services or high levels of inequality or poverty,⁶ and thus if the continent is to achieve Agenda 2063's vision of a 'peaceful and secure Africa', addressing organised crime must be a priority.

Organised crime also threatens peace through corruption. As illustrated by the 'protection economy' spectrum, while violence and the threat of violence may remain an important part of the strategy of crime groups, overall levels of violence can fall as crime groups consolidate their power and control over key markets, reducing competition and exerting greater influence over state institutions. In short, violence has ceded to widespread and high-level corruption in some parts of the continent.

Weak institutions and low state capacity are often the caveats given to explain Africa's challenges in the fight against organised crime. However, the characterisation of organised crime and corruption as a one-way street is a fallacy. Instead, as ethnographic studies have shown, the state can play a diverse and active role in enabling criminal activities, along a spectrum

of complicity.⁷ In addition, while strengthening the capacity and integrity of law enforcement, customs officials, border control and the judiciary – among other stakeholders – is seen as the default response to criminal challenges, anti-corruption efforts are also needed.⁸

Treating organised crime as a security issue results in a strict law enforcement approach

Despite the significant negative influence corruption can have on development, it is not adequately addressed in either development framework. Target 16.5 is the only reference to corruption in the SDGs, and Agenda 2063 only makes passing reference to corruption in Aspiration 3.⁹ This lack of prioritisation appears to have translated into a significant implementation gap. As a recent United Nations Development Programme (UNDP) regional meeting concluded, 'Africa is not short of normative tools to eradicate corruption. Nevertheless, corruption seems to be on the increase – eating up available resources for development [and] for improving lives and well-being of the majority of Africans.'¹⁰

Instead, organised crime continues to be treated primarily as a security issue. For example, one of Agenda 2063's key programmatic initiatives is to reduce the trade in small arms and light weapons (SALW). It is one of its few flagship projects that do not have a direct economic objective. The treatment of organised crime as a security issue often results in a strict law enforcement approach, which can be at odds with access to justice and have a detrimental impact on development. Policing crackdowns tend to have a disproportionate impact on the poor, vulnerable and marginalised, and can in turn exacerbate the very conditions they seek to address.¹¹

While there is scope for mainstreaming organised crime into implementation efforts, the isolation of organised crime as a threat puts stakeholders on the back foot in understanding the phenomenon as a cross-cutting threat to development. This has direct implications for the effectiveness of interventions directed at other impact areas, in particular economic stimuli.

People, prosperity and the role of the illicit economy

Despite its being a cross-cutting development threat, the illicit economy is an important source of livelihoods on the continent, as acknowledged in the ENACT foundational continental paper, *Africa's changing place in the global criminal economy*. It is often the means by which the poor and the marginalised access the continent's natural resource wealth and serves as a resilience strategy, meeting the basic needs of some of the continent's most vulnerable.¹²

The licit and illicit economies are often one and the same thing

Compounding the challenge, the licit and illicit economies are no longer – if they ever were – two distinct entities, but are often one and the same thing.¹³ The overlaps between the illicit and informal economies are significant, and it becomes increasingly difficult to draw a line between them. Criminalising what should best be perceived as informal has resulted in reducing the protections available to workers while increasing the likelihood of criminal capture and exploitation.¹⁴ As the informal economy represents a sizeable part of economic activity in some African countries, addressing poverty reduction and developmental goals for the continent cannot be achieved without taking criminal markets more comprehensively into account.

The reality is that in the contemporary global context, the role of organised crime and the illicit economy has become remarkably complex and nuanced, particularly when viewed from the eyes of the people rather than the state. For these reasons, attitudes to organised crime on the continent do not always match those of the international community, and the aspirational targets contained in the SDGs do not always resonate with African communities and their leaders.

The issue of wildlife is a poignant example of this split. A study of communities skirting Kruger National Park in Southern Africa suggests that engaging in and supporting the poaching economy is a way to provide for one's family and achieve social and economic upward mobility. It also notes the irony of the state and international community's fighting to

preserve key species so that they can be enjoyed by rich, white, foreign tourists while the inhabitants of those lands are left to live in poverty. While tourism is promoted as a means to lift the national economy, little evidence of that is realised by the people living on the park's perimeter.¹⁵

Navigating with sensitivity the question of life chances, risk and return is a complex issue in the African context, and strikes to the core of some of the debates around what development means, how and for whom it is defined, and what is an acceptable 'development trajectory'. Yet this analysis is largely absent from strategies currently envisaged for Africa's development.

There is no doubt that a job in an illicit industry, irregular migration or exploitative labour practices are less than optimal from a development or human rights perspective. However, for the African states in question, if there are few positive alternatives to put in place there is little rationale or incentive to close these markets down, or to restrict or criminalise those industries, at the behest of the international community. In fact, there are very real risks of placing impoverished communities under greater financial strain, and empowering criminal and terrorist actors.

Africa's paradox of plenty

Given the importance of natural resources to Africa's growth, prosperity and development, environmental sustainability is a curious instance of discord between the SDGs and Agenda 2063. For both goals and targets on land and at sea, the SDGs place the emphasis on the protection of the environment and their sustainability. By contrast, Agenda 2063 is focussed far more intensely on ensuring African ownership of resources and on moving African corporations higher up the manufacturing supply chain.¹⁶

The evolution and trajectory of the illicit economy plays an interesting role in this dichotomy. Over the course of decades, Africa's resource-driven growth has resulted in positive economic indicators but has fallen short of transforming these into similarly positive results on human development indicators. The reason for this discrepancy is largely one of governance. Africa has long been victim of the 'paradox of plenty', or the resource curse, by which countries rich in natural resources fail to realise development benefits commensurate with the scale of their apparent wealth. Without a relationship

with their tax base, and thus their citizens, resource-rich states have proven more prone to conflict and authoritarianism.¹⁷ Heads of predatory states may also cultivate a complex network of contacts that foster organised crime and may lead to other forms of protracted violence.

Nor is this phenomenon restricted to the energy and extractives sector, although much of the regulatory focus has been concentrated in this area. It is equally relevant to the continent's flora and fauna, whose sustainability is gravely under threat from illicit practices. The result is the rampant pillaging of Africa's natural heritage, far beyond ecologically sustainable levels, the undercutting of legitimate local livelihoods by illicit industry, and a massive loss in possible revenue for nations and their people.¹⁸

Overall, the response to environmental crimes will require a careful consideration of their development impacts. Crafting responses to these crimes requires sensitivity to domestic optics and consideration of the development implications for those whose livelihoods have come to depend on illicit (or informal) access to natural resources.

In addition, given the higher-level complicity around resource concessions, responses also need to consider what vested interests will be disrupted. Civil society advocates working to protect the continent's resources are increasingly under threat, as the extent of organised crime's involvement in pillaging environmental resources for profit has led to growing violence and militarisation.¹⁹

The 'space between'

Both the SDGs and Agenda 2063 emphasise economic stimulus and investment through public-private partnerships to drive and finance the achievement of socio-developmental targets. The expectation is that development projects and targets will be realised through high levels of private sector investment, which tend to require fewer conditionalities in terms of transparency and accountability measures than traditional aid donors. There has been an emphasis on 'blending' official development assistance with private capital flows, including private investments and loans, to reduce poverty more efficiently.²⁰

The risk of organised crime's infiltrating private funding and large-scale infrastructure and economic stimulus projects does not appear to have been considered, and

there are minimal safeguards in place. Critically, it is perhaps in this area that organised crime could prove the most bedevilling spoiler, as it reinforces negative governance patterns that have led to an unhealthy alliance between crime, government and business.

This self-reinforcing paradigm has allowed organised crime to creep unchecked into the 'space between' governance, economic stimulus and development, and there it has flourished, further undermining the legitimacy of state institutions and providing limited incentives for citizens not to engage in, or benefit from, organised crime. For example, the growth of 'unholy trinities' – corrupt governments, unethical corporations and organised crime groups²¹ – has blurred the lines between the legitimate and illegitimate. Progressively sophisticated methods of organisation are making it increasingly difficult to define and respond to organised crime.

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The way that funds are raised to finance development will have considerable impact on how large the 'space between' is likely to be. The considerable sway certain political actors have over the allocation of funds can lead to the formation of illicit relationships, financially benefitting both political actors and organised crime groups. In such contexts, even if states successfully secure revenues the risk of mismanagement of funds is high.²²

Any further investments of resources, regardless of the source, will likely play into the paradigm by which elites establish contracts that favour their own interests rather than the development objectives of the citizenry. This is especially the case when large-scale development investments in improving the economy are not matched by efforts to establish and maintain stability, transparency and high-quality governance.

A related issue is that of illicit financial flows (IFFs). According to the first 10-year implementation plan of Agenda 2063, domestic resource mobilisation should contribute to at least 75–90% of the financing of Agenda 2063 on average per country. With annual illicit capital outflows from the continent estimated to be in the billions,²³ one proposed way to achieve this is through curbing IFFs.²⁴

The best-known estimates of African IFFs are based on the balance of payments and trade data, but these tend to over-represent capital flight and trade mispricing and fail to capture corruption, graft or criminal profits.²⁵ In turn, IFF policies focus on closing loopholes in the global financial system, and on placing pressure on those countries that serve as tax havens and the corporations that pursue aggressive levels of tax evasion and avoidance.

While these are important priorities, they shift the burden of culpability for Africa's achievement of its development objectives to entities off the continent. As corruption, graft and clientelism play a considerable role, a more holistic measure of IFFs that better captures criminal and corruption-related flows would be valuable in drawing attention to African states' responsibility to take a stand against IFFs.

The capture of funds and undue influence of organised crime groups over development interventions also have consequences for government legitimacy and wider development efforts.

The entire SDG agenda – and SDG 16 in particular – embraces the core elements of a social contract between state and society, as it seeks to ensure a match between people's expectations of what the state and other actors will deliver and the institutional capacity and inclusive political processes available within the state and other actors to meet those expectations.²⁶ However, the capture of state contracts by organised crime groups can affect entire public works, reducing benefits for communities. Corrupt practices have resulted in roads and bridges to nowhere and ghost schools and hospitals, and have denied citizens access to basic services such as clean water and sanitation.²⁷

The way forward: crime-sensitive and crime-proof development

The 'integrated and indivisible' nature of the SDGs and of Agenda 2063 has created an opportunity to

integrate and mainstream development responses to organised crime. However, the implementation of these development frameworks to date has largely missed this opening. While progress on the peace agenda is an essential precursor to achieving long-term sustainable development, implementation in Africa has centred on economic stimuli and has largely ignored organised crime threats.

A successful response will require efforts from African states, investors in Africa, and the international community

Organised crime presents three challenges to development, and African states and the international community will have to respond to these together by:

- Preventing organised crime from undermining core development objectives
- Integrating development approaches into responses to organised crime
- Ensuring that development resources do not feed organised crime

None of these individually is a straightforward exercise, and together they will require a far greater level of awareness in the development community than is currently in place. A successful response will require efforts from African states, the corporations investing in Africa, and partners in the international community. In short, it entails not only crime-proofing development but also making development interventions crime sensitive.

Crime-proof development

Organised crime falls firmly within the development mandate. As such, it is necessary for stakeholders to 'crime-proof' development:

Fine-tune existing programming: In every sphere where organised crime is visible and presents a challenge, it is critical for development actors to understand how it is affecting their objectives and programming and to build the necessary tools and frameworks that will identify and mitigate its impact on development.

Expose invisible threats: One of the common challenges in responding to the development threats presented by organised crime is the extent to which local communities are involved in practices that are not stigmatised as a crime domestically, or in longstanding practices that have been supercharged by globalisation. In this way, it becomes challenging for external actors to address such a practice as a local priority or gain traction at a community level. A groundswell of community rejection and resistance to organised crime has proven, in multiple cases, to be the most effective and sustainable in displacing illicit industries. Development actors can play a role in incubating and building popular opposition to transnational threats and organised crime by helping to reveal the 'invisible threats' that this crime presents.

Protect political and judicial processes: There is an extensive range of both technical and political initiatives that, if deployed in a coordinated manner, could help to build resistance to the infiltration of political and judicial processes in Africa. Overall, there needs to be heightened awareness of organised crime as a threat to electoral systems. Such awareness can be built through documenting cases, sharing impact stories and disseminating lessons learned and best practices relating to responses. Technical assistance with legislative drafting or election monitoring, or support for civil society's monitoring of elections and around legislative processes for relevant pieces of legislation, would also be of great value.²⁸

Build, strengthen and protect civil society: The role of civil society is critical, whether it is independent media and investigative journalists, or advocacy or watchdog groups that monitor the political and legislative process. Civil society activism and media freedom are important means by which to reduce states' vulnerability to pernicious infiltration by criminal actors and illicit flows. Africa's civil society sector is growing in activity and vibrancy year-on-year, but it too requires investment and protection – both for individual activists who come under threat and to ensure that the sector is properly regulated and cannot be captured.

Crime-sensitive development

Development investments can unwittingly contribute to the growth of organised crime's influence, reach or profits. Being crime sensitive means considering the risks of supporting or facilitating organised crime and

engaging actively in mitigation strategies. In the short term, development actors must begin to systematically consider how they can prevent their programmes from falling into these traps. In the long term, greater effort is needed to mainstream organised crime into development responses.

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Furthermore, viewing organised crime through the lens of human experience – in particular the African experience and the 'people and prosperity' doctrine – demands that development actors ask difficult questions. These include, for example, whether eradicating criminal markets, as required in a specific SDG target – for example on human smuggling or poaching – could cause greater harm than good, or reduce peoples' agency and right to self-determination. People's interests may be better served by focussing on building safeguards and resilience, rather than criminalising culturally accepted practices that provide viable livelihoods.

Mainstream political economy analysis: Political economy analysis can assist in untangling and responding to the organised crime threat. Political economy analysis is concerned with the interaction between political and economic processes in a society. Because the two dynamics are analysed together, it offers great insights into how criminal actors and illicit flows affect the legitimate political economy.²⁹ In doing these exercises, it is critical to bring the level of analysis down to specific communities. For criminal activities, control is a local phenomenon, yet most organised crime analyses, including the eponymous 'threat assessments', usually work countrywide, with minimal subregional specifications. This restricts a deeper understanding of the informal and illicit economy, and of the actors who influence it.³⁰

Foster accountable governance: In many African countries, a lack of accountable governance (which includes the corporate sector) is the reason why development may contribute to increased and more

severe organised crime. Development programming in environments where this is a challenge will need to employ a combination of both political and technical interventions to break down this governance paradigm.

Build in regulation and controls of key development nodes:

In all development initiatives, preventing organised crime from exploiting the 'space between' will require that appropriate levels of monitoring, regulation and oversight be built into the resource transfer, investment, implementation and ongoing management of new programmes. Sectors particularly vulnerable to exploitation are those with large-scale procurement processes. This monitoring, regulation and oversight should be commensurate with the extent of the organised crime challenge, as established by a political economy analysis undertaken at the outset. Independent or civilian oversight can support moves towards more responsive state institutions. A free and active press can work to leverage public pressure to hold governments to account, and mobilise international attention.

Measuring progress

While SDG 16 is widely considered critical to achieving overall development goals, in many respects it faces unique practical challenges in its measurement and implementation.³¹ The closest measure of organised

crime is 16.4.1, which measures the total value of inward and outward IFFs, but this falls far short of capturing organised crime.

Collecting data will be a challenge. Under the SDG implementation framework, national statistical offices (NSOs) will be responsible for gathering official data. However, some targets cannot be independently measured by NSOs for politically sensitive reasons. Organised crime – with the multi-dimensional nature of the threat, the covert nature of the activities and actors involved and, in some cases, the vested interests of sitting governments – certainly falls into this category.³²

The issues with measuring progress in achieving SDG 16, and organised crime in particular, do not mean it should not be done. Without better quality data it will not be possible to properly report on the goal and understand if countries are moving in the right direction.

The ENACT programme is working to build a multi-dimensional assessment tool that will provide new datasets for Africa, measuring the presence of organised crime, its impact across relevant sectors, and the nature of the response. No measure can be perfect. But ensuring that development gains are not undercut or lost requires a greater effort from the development community to begin to come to terms with organised crime and systematically understand how to deliver crime-sensitive and crime-proof development.

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About ENACT

ENACT builds knowledge and skills to enhance Africa's response to transnational organised crime. ENACT analyses how organised crime affects stability, governance, the rule of law and development in Africa, and works to mitigate its impact.

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