Constanze Blum

Transnational Organized Crime
In Southern Africa and Mozambique

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About The Author

Constanze Blum was based in Mozambique between 2014 and 2016 where she worked with different organizations in the fields of election observation and rural development. She is a former research assistant at the Centre for Area Studies, Leipzig, and has published the study "Cross-border flows between Nigeria and Benin: What are the challenges for human security?" (FES Peace and Security Studies No. 15). She holds degrees in International Relations and African Studies. Constanze currently works as a research and advocacy officer with Welthungerhilfe in Berlin.

Cover Art

The cover picture was taken by Amélia Neves de Souto in Mocímboa da Praia (Northern Mozambique, Cabo Delgado province) during a field research in 2012. The study trip was linked to a research about coastal communities, their socio-economic coping strategies and the impacts that missing opportunities for development have on human security. Amélia Neves de Souto is a historian at the Center for African Studies at Eduardo Mondlane University in Maputo - Mozambique. She also contributes as a researcher to the Aquino Bragança Center of Social Studies (CESAB) and is co-organizer of the book "Coastal Communities: Perspectives and Realities", published in partnership with the FES Maputo office in 2016.

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Introduction

With the adoption of the 2030 Agenda for Sustainable Development by the United Nations General Assembly on 25 September 2015 the international community committed itself to ending all forms of poverty by 2030. Taking over from the Millennium Development Goals as the new international development framework, the 17 SDGS represent a comprehensive and ambitious collection of goals, enshrining the combat against organized crime specifically in goal 16.4. The link between state fragility, conflict and organized crime has become more and more recognized by policy makers over the last years. The World Development Report 2011 already stated that conflict and organized crime have the same detrimental effect on development, resulting in 20% less development performance. In fact, at least 23 targets declared in the 2030 Agenda are at serious risk of being achieved if the issues of organized crime and criminal markets are not addressed (Global Initiative against Transnational Organized Crime: 2015).

Sub-Saharan Africa remains a region with exceptionally high poverty levels. 43% of its population still counts as extremely poor (World Bank 2014). Organized crime has significantly increased over the last years across the continent. When in 2004 the UN Security Council had launched only four statements or resolutions on the issue of "organized crime in Africa", in 2014 that number was already 15 (Ellis and Shaw 2015: 8). Organized crime encompasses a panoply of criminal activities such as drug or arms trafficking, wildlife crime, cybercrime but also economic crime and fraud, each having their specific detrimental impact on human security and development. Even though organized crime in the region is not at all a new phenomenon, its current scope, scale and impact are unprecedented (Global Initiative 2014: 1). Key shifts in the international and regional context, especially the end of the Cold War, financial liberalization and the internationalization of the criminal market over the last two and a half decades have conditioned the rise in transnational organized crime. At the same time, this phenomenon exhibits certain characteristics in sub-Saharan Africa that are specific to the nature and the weaknesses of the post-colonial state, making organized crime "both a response to and a driver of emerging and weak governance frameworks" (Global Initiative 2014: 2).

Mozambique has for a long time been hailed a model country for post-conflict development in the region. After achieving independence from Portuguese colonial rule in 1975 and 15 years of civil war between the governing party FRELIMO and the opposing rebel force RENAMO, the country managed to achieve relative stability and economic growth. Situated along the Indian Ocean, the country is also known as a key transit state for different types of illegal goods in the region and was dubbed the "second largest drug-hub in Africa"[1] (Guardian 2015). Its geographical position as window to the Indian Ocean for its landlocked neighbors and the more border-controlled South Africa makes it a key transport hub, lucrative for goods such as Colombian cocaine or ivory and rhino horn from the country's frontier parks with South Africa. At the same time, the former Marxist country, which has subscribed itself to a neoliberal transition after the end of the civil war, has been plagued by endemic corruption manifested in recent financial scandals linked to its newly found resource blessing in the northern parts of the country which culminated in the country's declaration last month that it cannot pay its

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1   Behind Guinea-Bissau in West Africa

huge debt. Strong devaluation of the national currency, skyrocketing inflation, food prices and external debt is bringing to the surface deeply rooted structural issues with which the country is struggling. With a medium growth rate of 7.5% per year since roughly a decade[2] but one of the lowest Human Development Indices worldwide, Mozambique epitomizes the difficulties many countries in the region face to translate resource wealth and economic growth into benefits for its broader populace.

For a long time, policy makers have assumed that the increasing threat of transnational organized crime faced by the region had its roots in the weakness of the young state institutions, underfunded and with low capacity. International, regional and national responses to organized crime have therefore been mainly designed to focus on capacity building and propping up the security sector. This is exemplified by the case of Mozambique where focus has been put on capacity building for law enforcement agencies and the security sector instead of sustainably offering development alternatives for the 70% of young Mozambicans that struggle to find decent and stable work (Open Society Foundation 2012). In the regional context of Southern Africa, state and organized crime are however inextricably linked and institutions tolerate and take advantage of criminal activities rather than being "overpowered" by external forces. Therefore, new tools for analysis and policy instruments need to be found in the fight against organized crime in Southern Africa.

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2   The prognosis has recently been re-adjusted for next year to 3-4% due to the current financial and economic crisis.

Organized crime and its emergence in Southern Africa and Mozambique

The concept of TOC

Until today policy makers and academics have been struggling to find a common definition of Transnational Organized Crime (TOC). Generally speaking, TOC can be defined as to cover "all profit-motivated serious criminal activities with international implications" (UNODC: 2015). Most definitions of TOC that have been attempted make reference to the composition, scale of activities, degree of permanence and cohesiveness, and propensity of violence of organized criminal groups (cf. Ellis and Shaw 2015). The key document of reference is the UN Convention on Transnational Organized Crime (UNTOC) of 2003, the so-called Palermo Convention. In article two thereof, an organized criminal group is defined as a group containing no less than three people (and that has not been randomly formed) committing crimes of which at least one is punishable with four years of imprisonment, acting with the objective to obtain financial or material benefits and which have been working together for a considerable period of time.

It is important to note that though organized crime exists in many places around the world, it takes very particular forms in various countries (Ellis and Shaw 2015: 5). Originally, the concept of TOC emerged in the United States in the context of the government's interpretation of traditional patronage networks observed in mafia structures (Ibid.). It therefore stems from a specific time period and originated in the industrialized countries of the Northern hemisphere. The concept has serious limitations when looking at manifestations of

organized crime globally. As opposed to mafia structures, criminal groups in Southern Africa, for example, tend to function "in loose and shifting associations and alliances with others or in a network without a clear hierarchy" (Goredema cited in ISS 2010: 7). The original paradigm of organized crime usually depicts a "homogenous, structured group of criminals that exists outside the parameters of the formal economy" (ISS 2010: 7). This is not the case in sub-Saharan Africa. For example, the notorious blood diamonds from Sierra Leone may reach the European market as legalized gems accompanied by an official certificate when officials responsible for the certification process corroborate in the scam, "legalizing" an illegal good. Traditional definitions and approaches of TOC have often overlooked the fact that law enforcement agencies can also be involved in organized criminal activities.

Alternative definitions more closely adapted to the African context have emerged, such as the "criminal entrepreneur" or the "protection economy" approaches. Ellis and Shaw define protection economy as "set of transactions entered into for the purpose of ensuring the facilitation, sustainability and safety of a set of activities – licit or illicit – undertaken by a criminal enterprise" (Ellis and Shaw 2015: 506). This definition highlights that there are a variety of actors involved in organized criminal activities in sub-Saharan Africa where there is a blurry line between the licit and illicit that serves as a playing field for criminals and that can be taken advantage of. Further working out a concrete definition for the region would allow for a more effective analysis of the impact of this phenomenon on governance (Global Initiative 2014: 5).

The characteristics of organized crime in Southern Africa and Mozambique

TOC is still very much understudied in the SADC region. There is a clear need for more empirical analysis taking into account that the phenomenon has distinct characteristics in Africa compared to other regions in the world (cf. Goredema 2013, Ellis and Shaw 2015). The first annual review on organized crime in the SADC region, prepared by the Institute for Security Studies (ISS) in 2010, gave an overview of TOC in the SADC region, including Mozambique. The study was supposed to be repeated on a regular basis. However, due to the high costs involved and the rather difficult research environment, a sequel has not yet been produced.

According to Ellis and Shaw, organized criminal activities in many parts of Africa are usually associated with a set of relationships involving senior political figures, powerful local intermediary and professional criminals (Ellis and Shaw: 2015). A wide variety of illicit or "grey" activities are going on and criminal activities vary on a spectrum from purely private to state-legitimated activities. An example would be the alleged involvement of high-level officials in oil smuggling in Nigeria. The illegality of the product is covered up by procuring genuine official documents from senior state officials. Here, the line between the state and organized crime actors becomes very blurry as the state itself turns into the facilitator of a criminal activity. It is therefore not necessarily the existence of transnational organized crime in the region itself that may pose the great challenge, but rather the intrinsic state involvement in these activities (Shaw 2015: 184-185). This can have detrimental effects on how the state is seen and respected

by its citizens and to what extent it can fulfill its duties and responsibilities towards them.

Most states in the regions are characterized by weak law enforcement and high levels of corruption. Criminal groups often expressly target the highest level of the state to facilitate illicit operations and control criminal markets. Of course, state involvement has different degrees and articulations. It may include the engagement of low-level officials, such as customs, migration officials or traffic police. In the midst of these very hierarchical organizational para-military structures that have often been inherited from the colonial era, officials at the lower ends of the command chain may have some leverage. This means that they may be able to extort a bribe *(refresco)* independently from their supervisor. In other contexts, there may be involvement of high-level officials who give orders to lower-level civil servants concerning, for example, the free passage of a certain shipment. Shaw suggests (interview 2015) that the direction of payments/bribes and the information inside the respective institution concerning the trafficking of an illegal good can be seen as an indicator of the depth of state involvement in organized crime. If low-level state officials have leverage, can extort bribes and then share a part with their superiors, there is state involvement, without a doubt. However, if the order to be absent from the control post at a certain time of the day comes from high up, if for example a superior gets a call from the ministry and then instructs lower level officials to turn a blind eye, this means state penetration by criminal actors has gotten a lot further.

The manifestation can change from country to country, but may also differ concerning the commodity trafficked. In this constellation, the state can become a proactive agent in supply chains of organized crime. Some of the characteristics mentioned are not necessarily limited to sub-Saharan Africa. However, they are key to understanding the complexity of actors and activities in the region as well as the impact (or lack thereof) that public policies and measures taken against it can have. It is interesting to note that state involvement in organized crime is not confined to so-called "weak" or "failed" states. It is also visible in middle income states in the region, such as South Africa or Kenya, suggesting that it is not necessarily linked to general poverty levels but also has something to do with post-colonial state structures and the way connections were formed between new governments in the post-independence era, (neo-) colonial political and economic interests as well as the increasingly globalized private sector.

Historical developments

Research suggests that a veritable collusion between the state and organized crime began at least half a century ago in sub-Saharan Africa (Ellis and Shaw 105: 3). Its emergence is tightly linked with the post-independence era where a web between representatives of the young independent African nations, the former colonial power's political and economic interests as well as the globalized private sector was spun. The post-independence era and the emergence of nationalist governments were linked "from onset not only with domestic corruption but also a distinct globalized form of rent seeking" (Ibid). African politicians who accepted bribes from foreign firms that bought their way into new markets became by consequence highly vulnerable to blackmail in the following period in office, with the result that corruption, foreign influence, and domestic politics became "hopelessly entangled" in the region (Ibid.). A prominent example would be the so-called *Françafrique,*

"a complex of Franco-African corruption overseen by a small and durable circle of officials whose centre of power is in the Elysée palace" (Ellis and Shaw 2015: 3).

The global push for multi-party democracy and the conditionality of development funds on the existence of regular elections after the end of the Cold War created the need for governing parties to set aside finances for political campaigns in order to stay in office (Global Initiative 2014). However, after the Cold War had ended, funds distributed for alliances and proxy wars dried up. Following the Washington consensus and the imposition of structural adjustment programs in the 1980s and 1990s, the general loss of control by the state over national economies was exacerbated. Governments needed to adapt in order to survive in an era of new international norms. This led in many cases to "fusion regimes", where governments and ruling parties did business together with professional criminals (Ellis and Shaw 2015: 16).

In the context of the liberalization of capital markets, starting with the free capital flow after the end of the Bretton Woods system, transnational organized crime received yet another push. The business sector was not anymore contained inside its national boundaries as large international transfers of capital became possible. At the same time, possibilities to regulate and check those flows were limited as international law and controlling agencies only caught up slowly with these new developments. This made money laundering a lot easier: between 2001 and 2010, approximately 5.86 trillion USD were lost due to deliberate misinvoicing of trade and illicit outflow of funds (Global Initiative 2014: 10). These events and their visible impact on the continent are challenging the statement that Africa is the "last frontier

of globalization". On the contrary, Africa is very much integrated into a global system when it comes to transnational organized crime. The growth of demand in Asia and the Middle East, linked with a growing middle class, has had and is having a major impact on illicit markets, and changes the types of commodities trafficked, their quantities and the routes used.

In the SADC region, transnational flows and networks, in particular those related to organized crime are in fact seen as a driving force for binding the SADC region together in social, economic and political terms (Shaw 2015: 170). Therefore, it is all the more astonishing that the majority of SADC police agencies do not have a definition of what constitutes organized crime. The ones who do, do not agree on a common definition (Ibid.). TOC is actually quite new to law enforcement according to the ISS annual review of organized crime (ISS 2010: 3). It is, however, "(…) widely accepted that organized crime has expanded significantly" over the last years (Ibid.). Shaw (2015: 4) divides the development of cross-regional networks of organized crime in Southern Africa into different stages, starting in the 1980s, which were characterized by a rapid expansion of TOC in the region. This was followed by a period of consolidation during the 1990s and an accentuation of criminal activities over the last decade. Instead of dissolving with the end of the Apartheid, those networks went through several adaptation processes: criminal operations became more "sophisticated and well-resourced that an alliance evolved with key individuals and institutions within regional states themselves" after criminals had forged links with the state for a long time (Ibid: 10). The most notorious type of organized crime has changed: when in the 1990s police was mainly preoccupied with motor vehicle theft and arms trafficking

following the end of the Mozambican civil war, these threats have been "overtaken by drug trafficking" today (ISS 2010: 8). It was especially during the last decade that a strong political and state "protection structure" or collusion with TOC emerged around cross-border criminal activities.

It proved to be very difficult for law enforcement to tackle the phenomenon in its different stages. Initiatives were delayed and regional police agencies "caught unprepared" (ISS 2010: 4). Similarly, the international community recognized the threat of TOC in the region very late: "Up until the late 1990s Interpol's drug trafficking analysis unit suggested that hard drugs such as heroin and hashish were smuggled to Europe from Asia via the former Eastern bloc countries and North Africa." (Ibid.) However, by then there had been several indications that countries such as Mozambique, South Africa, Tanzania and Angola had become transit states in the international drug trade.

The newly detected "epic proportions of cross-border crime" (Ibid.) led to the formation of the Southern African Police Chiefs Cooperation Organisation (SARPCCO) in 1995 and a more concerted regional effort to curb organized crime. It can be argued that TOC has played a key role in regional integration. An illicit common market in Southern Africa already existed whilst "…governments had been talking about creating a formal common market for years without progress." (Global Initiative 2014: 14).

The Republic of South Africa has traditionally held the position of lynchpin for criminal activities in the region. All notable international criminal groups in the region operate from South Africa (Interview Gastrow). When the Apartheid ended, South Africa's borders

were opened and integration into regional structures accelerated. This coincided with the global growth in illicit activities that paralleled the end of the Cold War as well as the internet era. Between 1990 and 2006, cross-border financial flows multiplied, of which approximately one fifth were estimated to be illegal (Hudson 2014 in Shaw 2015). When the Apartheid system crumbled, "…South Africa was permeated by a growing group of criminal actors, well placed to consolidate their influence upon the foundations laid during the 1980s." Due to its economic weight, South Africa still remains a hub for criminal activities today as well as a market for criminal commodities like drugs and stolen goods (Shaw 2015: 174).

The case of Mozambique

Mozambique has often been left out in regional analyses on organized crime, partially due to the fact that aside from Angola, it is the only Lusophone country in the region but also due to the difficulties in investigating that have been brought forward by many researchers. Having said this, there have already been some studies on organized crime in Mozambique, notably by Goredema (2013) and Gastrow (2002). It is, however, a specifically interesting case to study not only due to its current fame linked to several debt scandals but also due to its geographical position as a regional transport hub and "janela do Indico"[3]. The geography of Mozambique and the transport hub Maputo are crucial for its special position in the web of transnational organized crime networks. Shaw asserts that Mozambique is a vital transit point for all kinds of illegal goods in the region, due to two key flows that cross paths in the South of the country (interview 2015):

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3   Window of the Indian Ocean (translation from Portuguese)

firstly, the flow of poaching products that come from the Great Limpopo Transfrontier Park that is shared with South Africa and are further transported to East Asia; secondly, the drug routes from the Indian Ocean, including heroin coming from India/Pakistan but also Columbian Cocaine that are passing through Mozambique on their way to the South African and the European market. Those two flows, empowered by a strong demand in the respective countries of destination, intersect in southern Mozambique and make it a key transit state for these goods. The country's long coastline of nearly 2300 kilometers and porous land and maritime borders facilitate this (e.g. Guardian 2014: Vilanculos). Drug trafficking and poaching are however not only defined to the south of the country. The northern borders with Tanzania as well as the coastline of the northern provinces of Cabo Delgado and Nampula are also highly used as trafficking routes through which drugs enter Mozambique. Drugs can come directly from Asia in larger ships or reach the country via other African countries by road in lorries or in human bodies.

Mozambique is currently undergoing moments of political uncertainty. The assassination of the constitutional lawyer Gilles Cistac in March 2015, of the journalist Paulo Machava in August of the same year and of several opposition party members including Jeremias Pondeca in Fall 2016, shocked the general public inside and outside Mozambique. The victims had been killed in drive-by shootings in Maputo, making the cases suggestive of political assassinations (cf. FES 2015 and Africa Confidential 2015). The military-political conflict between the former civil-war opponents remains unsolved. Clashes between government forces and RENAMO have been reported in Tete, Manica, Zambézia and other areas confirming the ongoing low-

intensity politico-military crisis in the country. Thousands have fled to Malawi or have been internally displaced (UNHCR). At the same time, Mozambique has experienced high growth rates over many years and has been hailed for its incredible resource wealth and courted by investors in the context of the "Africa rising" rhetoric. Historical analyses of (transnational) organized crime in other regions have shown a strong link between the rise in transnational criminal activities in the context of emerging markets and market expansion. The changing political and economic environment in the country creates an opportune moment to look at organized crime and its impact on governance in general. It is interesting to see how "old" types of organized crime can continue and be combined with "new" criminal activities; when Machava was assassinated in Maputo downtown, his assassins used an AK-47 as a lethal weapon, a Kalashnikov stemming from civil war times but which is still circulating en masse in Mozambique. Even though it is less associated with the current trafficking concern in the region that relates more to modern light and small arms, this serves as an illustration for the different layers of historically grown forms of organized crime, their remnants and their long term impact on a country.

In the Mozambican context, the emergence of organized crime can be categorized in three phases (Goredema 2013: 145): 1) the internal conflict phase 2) the immediate post-conflict phase and 3) the ongoing transition phase. During the civil war, both war parties engaged in organized crime in order to be able to meet the needs of wartime. For example, smuggling and selling ivory, timber and other goods helped RENAMO to finance its operations (Ibid.). It was during this time that "the fabric of organized criminal activity was really stitched" (Goredema 2013: 145).

Arms proliferation, which is still a serious issue in Mozambique where an estimated one to six million weapons are still circulating in the country after the demilitarization efforts by the ONUMOZ (see E Berman 1996: 88), had its origins in these years of general chaos in which criminality could thrive. After the civil war, the ruling party FRELIMO was faced with the challenge of consolidating its power. This provided an opportunity for high-level officials but also the opposition to foster established links with organized crime, as well as forge new connections in order to advance their political and economic interests. At the same time, the problem of the widespread availability of small arms still continued as the demobilization process was not brought to its end. It was during these years that "various forms of primitive accumulation became common and were typified by acts of fraud committed by the elite" (Ibid.). 40 years of de facto one-party rule have naturally created a web of relations between people in different powerful positions, inextricably linking the political, economic and juridical spheres through personal connections whose links with organized crime go back to the independence struggle and the bloody civil war between 1977 and 1992 (cf. Goredema 2013).

The choice to abandon Marxism-Leninism in the late 80s/early 90s was a strategic move that allowed Mozambique to position itself as a post-conflict country that was eligible for international donor money. Just like many other countries in the region, Mozambique subscribed itself to democratic values and holding regular elections in order to acquire legitimacy in the new post-Cold War world order. The phase of privatization during the 1990s and the UN mission that brought millions into the country was an opportune moment for corruption to flourish. Interestingly enough, before the arrival of UN troops in

Mozambique, corruption had been very little reported in Mozambique. After 1992, many politicians became business men and were the best positioned to become shareholders of companies that turned into private or semi-private entities. The state and the private sector effectively merged into one.

It seems clear that many decades in power and access to resources by one party had left marks on institutions, even on those founded after 1994 during the democratic period. Long-time loyalties and friendships among combatants and veterans, kept alive by exchange of favors, naturally continue even in a different era such as the post-civil war times, and despite the fact that one might find himself on different sides of the democratic balance of power such as the executive and the judiciary branch. Sudden, formal separation of powers is arguably not enough to dismantle these long-lasting connections which are a lot deeper rooted than structures adopted due to newly emerging international standards and norm during the "wind of change" of the early 90s.

Forms of transnational organized crime and their impact on development and democratization

The list of illicit activities reported in local and national media in many of the SADC countries is long and diverse: from illegal logging and fishing to human trafficking, kidnappings for ransom, disappearance and mutilations of albino citizens and the trafficking of their organs and limbs for medicinal purposes, wildlife crimes, and drug trafficking. Each type can arguably have a very different impact on human security, development and the process of democratization. The following section will have a look at a couple of them.

Illegal logging

Illegal logging is a big concern in the sub-region, demonstrated by the recently passed Zanzibar Declaration on Illegal Trade of Timber and Forest Products by the governments of Kenya, Madagascar, Tanzania, Uganda and Mozambique. Deforestation has a significant, detrimental, environmental impact and harms agricultural production, especially of smallholder farmers. It also deprives the population of a potential source of income.

Studies suggest that between 88% (UEM 2013) and 93% (EIA, British Environmental Investigation Agency 2013) of logging in Mozambique since 2007 has been illegal. Usually, bribing officials instead of paying taxes leads to a significant increase in profits of the company involved. Operating in a context with low wages of security officials, endemic corruption and weak law enforcement facilitates illegal exports. Additionally, many firms prefer to buy from individual loggers from the local community, who are then less organized and can demand lower salaries. Some smugglers have been operating for years without persecution under the eyes of border officials. It is general local knowledge that a famous Tanzanian logging kingpin near Negomane has a well-established smuggling structure running. Schools and social infrastructure of nearby villages on the Mozambican side of the border have been sponsored by him and he allegedly regularly hands out cash to inhabitants. This ensures his protection. It would be difficult to explain this well-functioning network without connections to the Ministerial level in Maputo. Connections between kingpins and the state in terms of illegal logging usually reach far deeper than to local customs or border officials. It has been suggested that there exists a well-organized network of illegal timber exports that links

Chinese businesses to Mozambican politicians through personal ties (see e.g. AC 10/2/2013). Africa Confidential reports close personal relationships between companies linked to illegal timber exports to a former Governor of the timber-rich Cabo Delgado Province (AC 21/3/2014).

Signs that meaningful actions will be taken are for the moment discouraging. Apart from the afore mentioned Zanzibar Declaration, a vague document that does not enforce implementation onto member countries, and despite a public debate on the issue including a study by the University Eduardo Mondlane (UEM) that was delayed in its publication and was launched "with the least noise possible" (AC 21/3/2014), there is no indication that illegal logging is being fought against with fervor. Timber exports are still increasing. In places like Pemba and Montepuez, the illegal trade takes place openly. Trucks carrying illegal logs to the port are easily visible both during the day and at night and entire containers are stacked with logs. The complete ban of raw log export for the next two years and the suspension of logging of certain rare species in November 2015 by the new Minister for Environment and Rural Development Celso Ismael Correia was a bold sign. However, it is improbable that this political statement will have serious practical implications in this sophisticated web of business interests.

The EIA states that due to illegal timber exports, the country could have lost as much as 113 million Euros in tax revenues since 2007 (Ibid.). But the problem goes deeper. Apart from missing out on an income source for the government, the degradation of the ecosystem and destruction of sustainable income sources are doing most harm to inhabitants of these peripheral areas. Over 70% of Mozambicans are smallholder farmers, relying on subsistence

agriculture and depending on good soils and agricultural production.

Wildlife crimes and trafficking of related goods

Southern Africa is the world's largest reserve of elephants and rhinoceroses. 21.000 of the world's remaining 28.500 rhinoceroses live in the Southern African Savanna (Grill 2015). Millions of dollars flow into the tourism industry every year in these regions. However, poaching has dramatically diminished the wildlife populations: in 2014, around 1,215 rhinos were shot dead by poachers in South Africa alone and their horns sawed off for profit (Ibid.). All rhinos in Limpopo National Park were declared extinct in 2015. The Mozambican elephant population declined significantly by 48 per cent between 2009 and 2014 from about 20,000 to 10,300 (Club of Mozambique). Whilst Mozambique is mainly a transit point for rhino horns hunted in its neighboring countries, ivory poaching is very common also inside its own territory.

South African security personnel adopted a very tough stance against poachers in the Transfrontier Parks. Allegedly, the majority of poachers come from the Mozambican side of the usually poor border regions. In the Limpopo Park it is estimated that eighty percent of the poachers are of Mozambican origin. Anti-Poaching Units have been formed and are sometimes supported by police and military troops. Drones are being used to scan the Limpopo Park, a vast trans-border park linking South Africa with Gaza Province in Mozambique where approximately 15 poaching teams go for hunts every day (Grill 2015). The results of this "war" have been unsatisfying, to say the least: as wildlife numbers continue to decline, the number of human casualties is on the rise. The Chissano Foundation estimates that between 2007 and 2014, nearly 500 alleged Mozambicans poachers were killed by South African park authorities. This number is being denied by the South African side, but no alternative figures have been released (Joubert June 2015). The Financial Times (2 October 2015) cites a lower number than 220 killed in seven years. The risk attached to poaching is high, but so is the profit. According to Grill, one kilo of rhino horn goes for up to 80,000 USD (Grill 2015) on the black market, indicating that rhino horns may currently be more valuable that gold or heroin. This has led to serious rivalries between poachers in the area, sometimes even among group members. Killings of fellow poachers (for example through poisoning) in order to split the profit among less people have been reported by residents. Although more thoroughly recorded in the southern parks, poaching is also common in the northern regions of the country, such as the Niassa Reserve.

A recent article on poaching in Tanzania, where the problem is quite similar, states that poaching constituted "just one more among many similar conflicts: armed pillage of an African natural resource" (Süddeutsche Zeitung 2015). However, it seems to be a lot more complex than that. It is striking that despite the tough stance of South African security forces and high human losses, the hunt for and trading of wildlife material continues. This can partially be explained by the fact that these illegal hunts represent a key source of revenue for the regions involved, generally peripheral areas with high poverty levels and very little other income opportunities. Illegal hunting is profitable due to the large profit margin. The high market price per kilo and potential financial benefits from poaching stands in stark contrast to the official penalties

which are not aligned with the value of the commodity. In many cases, poachers get away with just a fine (WWF 2012: 13). However, this argument does not take into account the alleged executions increasingly perpetrated by park guards when encountering poachers.

The high prices are directly linked to the growing market for horns in South Asia where the middle class is expanding and demand for status symbols, such as ivory or rhino horn, is increasing (cf. WWF 2012). The largest market for rhino horn is Vietnam. It has been suspected that employees of the telecommunications company Movitel (Mozambique Vietnam Telecommunications), the dominant telecommunications provider in rural Mozambique, have been involved in the smuggling of rhino horns towards key ports in Mozambique and Asia (Spiegel 2015). Similar allegations have been made against officials of the Chinese Embassy in Tanzania concerning ivory trade (Süddeutsche Zeitung 2015).

Poaching groups in the region are quite well-established networks and can be divided into five levels: the Poacher(s), the Local courier, the National facilitator, the National exporter and the Receiver in consumer country (WWF 2012: 21). It can be noted that current policies do not address the exporter and the receiver in the consumer country at all. It is evident as well that in terms of persecution the lowest level is aimed at. Hence, even though poaching in Mozambique and the border region with South Africa is taking place at an "industrial scale" (The Star 2015), merely lower links in the chain of the criminal syndicates are being arrested and charged. It is very uncommon that high level lynchpins are arrested. "Notorious poaching kingpins" Antonio Bernardo and Paolo Nyenje mysteriously escaped from Mozambican confinement in 2014 (Conservation Action). It is also common

knowledge to the inhabitants of the northern city of Pemba that the luxury mansion of a former police commander of Cabo Delgado was built with poaching money.

High-level involvement and protection by the political elite of poaching syndicates is not least evidenced by the fact that the most significant seizures of rhino horn in 2015, with a value of 700.000 USD, in Maputo, stored in a government facility, rapidly went missing (Guardian Rhino Horn 2015). This indicates that even a basic function of guarding and preserving evidence – much more straight-forward than complex investigations or politically sensitive arrests – is relatively easily compromised. The disappearance of seized contraband can be seen as a good "proxy indicator" for serious state involvement or connections to organized crime, according to Shaw (Interview 2015). Increasingly, notifications of ongoing criminal activities inside the country are being reported from abroad. For example, customs officials at Hong Kong airport intercepted a parcel containing "wood samples" on July 27, 2015, coming from Pemba via Johannesburg (Club of Mozambique). The parcel was full with rhino horns and related products. After being notified, the response of the Mozambican customs authority *(Autoridade Tributária)* was to reshuffle its staff to more remote regions. There were no prosecutions.

The extension of rural infrastructure often goes hand in hand with an increase in wildlife crime. Infrastructure is a key development tool but it also facilitates illegal activities and can exacerbate the adverse effects on populations living in these regions, thereby hampering sustainable development. One example is the building of the Unity Bridge at the Negomane border in Cabo Delgado, linking Tanzania and Mozambique. This Chinese project built in 2009 and opened a year later caused the

exploitation of forest and wildlife resources of the Niassa reserve to skyrocket (AC 7/6/2013). Poaching in the reserve has increased again since the opening of the bridge whilst the wildlife population had remained stable over the previous ten years. The trafficking of rhino horn and the poaching for ivory take place in the same geographical areas as logging activities, but also in the same areas in which mining projects are developed, which are mainly run by foreign companies. Ivory and rhino horn have in several cases been found in containers or transporters of timber directed to China suggesting that the same organizational structures and transport routes are used for different commodities. It is interesting to note the "…complex and often contradictory relations (…) between communities and organised crime actors" (SAIIA 2007: 4). Community attitudes are very much influenced by the extent to which the respective crime or criminal activity has a directly perceptible negative effect on their actual lives (Ibid: 27). Poaching or other wildlife crimes whose direct benefit is higher than the perceived long term consequences might cause very different community responses when compared, for example, to human trafficking, which will not be easily tolerated.

Drug trafficking

Drug trafficking has become the greatest organized crime concern in Southern Africa in the last five years (cf. Shaw 2015), which is why it should be mentioned here as well. At the same time, domestic consumption of "hard drugs" (including heroin and cocaine) seems to have escalated in the last ten years in the region (ISS 2010: 23). Shaw states that it was the heroin economy which had been established already during the 1980s, that laid the foundations of high-level state corruption in Mozambique (2015: 19). It was at the

same moment when the expanding markets in Asia "began to exert a powerful pull on natural resources in Southern Africa" that the Mozambican state started to assume the role of a "facilitator" of drugs on transit to the South African and European markets. These two streams geographically coming together in Mozambique vaulted the country into the ranks of key states of criminal interest, far beyond the Southern African region.

Due to this strategic position, its long and porous borders discovered by drug traffickers a long time ago and longstanding connections between the drug trade and the Mozambican political elite that provides for some of their protection, Mozambique has turned into "the second most active drug transit point in Africa", behind Guinea-Bissau (Wikileaks, found in Goredema 2013: 147). The importance of Mozambique as a transit state for drugs from as far as Latin America and Asia but also from its continental neighbors is notorious.

Already since the mid-1990s Mozambique has been known as a drug trafficking corridor (cf. Fauvet, wikileaks). Drugs reach the country through two key maritime routes: Latin America and Asia. Cocaine reaches the East African shores from Latin America, during recent years including from Colombia. The urban district near the central military base in Maputo, where a part of these drugs are sold for local consumption, is known as "Colombia". Military and police officers and their wives function as dealers. A second route links Asia (such as Pakistan and Dubai) to Mozambique in the smuggling of Heroine and Mandrax. However, as mentioned before, it is not just the maritime routes that are used for smuggling. Drugs are also transported by land from the vulnerable northern border with Tanzania, hidden in trucks filled with other merchandise. Concerning the maritime routes,

drugs usually arrive in big vessels and are hidden in other goods that are being imported with a shipment. They are transferred to smaller fisher boast before reaching the coast, and are then transported to the surrounding islands and coastal towns where there are usually no customs officials or coast guards. From there, they are being transported to the provincial capitals and further south by trucks, again hidden among other merchandise. The main land route for drugs from Tanzania is the fragile border post of Negomane. Both the border posts with Tanzania as well as the key transport hub of the port of Pemba do not have any scanners or other equipment in order to facilitate the detection of illegal freights.

In 2001, Joe Hanlon had already written that "the value of illegal drugs passing through Mozambique is probably more than all legal foreign trade combined, according to international experts"[4]. During this time it was estimated that over one ton of cocaine and heroin were passing through Mozambique per month, with an estimated retail value of over 50 million USD, even though most of the money stayed outside Mozambique, as it was and is mainly a transit point. However, the take for local drug dealers has steeply increased since 2001, as it has in other countries. Today, Zanzibar for example has one of the highest per capita rates of heroin use in the world (Shaw 2015: 175).

Again, official data on drug seizures and estimates of the amount of illicit drugs trafficked through Mozambique are difficult to obtain. Most drug trafficking-related news is reported in the local news. According to the former Attorney-General Paulino, the various drug trafficking networks linked with

Mozambique function like "…well organized companies. They involve importers, exporters, informers and couriers and are probably better organized than the structures of the State" (wikileaks). Mozambique has yet to convict any major drug trafficker in its courts. Until today, and despite significant seizures of drugs and increasing indications that certain prominent business and political figures have been involved in drug trafficking, convictions have involved mainly small-scale peddlers. The case of Mohamed Bachir Suleman, a well-known Mozambican business tycoon, remains a particular concern. Qualified as "drug kingpin" by the US government in 2010, his businesses boycotted and his family shunned by the US government, Suleman's Shopping Mall "Maputo Shopping" that is frequented by all well-situated Mozambicans in downtown Maputo is still flourishing. In the absence of prosecutions of any drug kingpin, involvement of government officials/politicians in drug trafficking remains (formally) a matter of speculation as no names are forced to be revealed. Concerning state involvement, the Guardian (2014) remains cautious, only mentioning that "figures" in the government may be involved (in particular concerning heroin, less concerning cocaine).

Drug trafficking has a complex impact on society. For one, it has a direct impact on communities as drug abuse becomes a huge issue for the middle and upper class, destroying social fabrics and lives. Furthermore, the drug trafficking business is highly lucrative and therefore tightly controlled. Drug trafficking in Mozambique is suggestive of high level involvement. This means that the big money usually stays with few, whilst the lower ranks in the chain are the biggest risk bearers that end up in jail if a mission goes wrong. This concoction causes strong disillusion with the government.

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4   This was before the MOZAL aluminium smelter, the mainstay of Mozambican exports, had reached full production: 28 June 2001 in Journal "metical", found in Fauvet/AIM

White collar crime

Economic crime, or so-called white collar crime, includes a variety of types of illegal activities such as money laundering or uncompetitive allocation of contracts and tendering. It can be committed by business or government professionals.[5] In the region it is facilitated by limited effective control over government spending by legitimate institutions, such as the parliament and civil society. The fact that political systems inherited from colonial public administrations usually have a tendency to be secretive and that governance in the private sector across the region is rather poor (ISS 2010: 3) further exacerbates the problem.

In October this year the Mozambican government declared that it was not able to pay its debt, raising international attention. Earlier in 2016 it had become official that loans backed by government guarantees amounting to over 2 billion USD had been provided to partially state-owned companies. The revelations started with the Wall Street Journal discovering a hidden loan of 850 million USD that was sought in 2012 to launch a partially state-owned tuna fishing company Empresa Moçambicana de Atum (EMATUM). When the company declared red figures[6], it started to become clearer and clearer that the loan was a hoax to hide maritime security ambitions. EMATUM is not the only case where contracts have been awarded secretively. Shortly after the EMATUM scandal erupted, more debt was discovered. An additional 622 million USD were borrowed by a maritime security company called "ProIndicus" which is owned by the Mozambican secret service. Moreover, 535 million USD were lent to "Mozambique

Asset Management (MAM)", a ship-building firm. All three companies were unable to generate any profit, and it has not been clear until now where the 2 billion actually ended up. The loans were provided by the London branches of Credit Suisse and the Russian VTB Capital bank.

The EMATUM case is baffling. On 18 June 2015, Finance Minister Adriano Maleiane told the Mozambican Parliament that the 850 million USD bond backed by the government was a bad deal and needed restructuring. When the opposition launched an official inquiry and sent a letter to the company in order to ask for their accounts, they received a relatively blunt answer that the company did not have to report to the parliament as it was not a governmental entity (Canal de Moçambique 22/10/2015). Officially, the Eurobond was supposed to be used to buy 24 tuna fishing vessels and 6 patrol boats from a shipyard in France. The French press said the boats procured were only worth 230 million USD. It is feared that the rest of the money may have been used to buy military equipment, but has never been explained or justified (Hanlon 301, News reports & clippings, 25 October 2015). It is further suspected that the unusually high prices for the actual vessels delivered which are lying inactive in Maputo harbor may be concealing the secret purchase of other military equipment or cover up bribes (AC 10/7/2015). Close connections between the company, the Defense Ministry as well as the Secret Service SISE *(Serviço de Informação e Segurança do Estado)*[7] are further indications that the EMATUM deal was "fig-leaf designed to conceal a massive maritime protection and security deal from which senior figures in the governing FRELIMO expected to make vast

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5   Federal Bureau of Investigation, website

6   The company allegedly made a 10 million. USD loss in its first year of operations (AC 56/8)

7   The CEO of EMATUM is a SISE officer without any known qualifications in terms of maritime structures

profits" (AC 20/7/2015). As early as in 2013, the deal had already "raised eyebrows" (cf. AC 2013). Firstly, it was uncommon that such a large loan was given. Given that Mozambique already has an enormous public debt, such an "extraordinary financial arrangement" to sustain a tuna company without promising yields is rather unusual (AC 23/10/2013). The Economist (2013) comments that in the context of a low income country such as Mozambique, money for this kind of venture should not be made available in the first place: "When such countries borrow in private markets, it is usually to fund projects, such as toll roads, airports or power stations, which might have broad enough benefits to justify the expense. But EMATUM is a tuna-fishing venture that came into being just a few weeks before the $850m was raised in its name."

There are no serious prospects of repaying even a bit of the debt by EMATUM. The loan was supposed to be repaid in seven years and at the high interest rate of LIBOR (London Inter-Bank Offered Rate) plus 6.5%. The restructuring of the debt now has to be discussed with the lenders. Mozambique's declaration of its inability to pay brought many analysts to fear that it may only be the first straw of another debt crisis in the region. The region's debt-GDP-ratio has been on the rise again with debt steeply increasing after investors started to hail the "Africa rises" paradigm and invest heavily into many post-crisis economies since 2007. An "African borrowing binge" (Economist 2014) is at full speed, detached from the reality of unsustainable growth and debt fueled by the belief that resource discoveries "have freed the government from fiscal restraint" (AC 14/11/2013). In some countries debt is now regaining levels as high as 70% of GDP. Mozambique will be hitting the 100% mark in 2017 according to the rating agency Fitch. The

Mozambican sovereign debt rating has already been downgraded to "junk" in July 2016.

It is now important to figure out exactly how these bad deals could have been made. An independent audit that the FMI had insisted in order to clear up where the loans of over 2 billion USD is currently being undertaken by the private investigation company Kroll. However, what is already public knowledge from the genesis of these loans is in itself very insightful. Institutional checks and balances do not seem to be working. EMATUM was pushed through and signed "without it going through the proper channels in his Ministry or being debated in Parliament" (AC 10/7/2015). The parliament, which has a FRELIMO majority, had to quickly pass a new law raising the limit for a state guarantee from 6 million USD to 500 million USD in order for the deal to take place. The original documents which were obtained by "A Verdade" confirm the signature of the then-Finance Minister Manuel Chang on the documents. It is likely that he will take the fall. However, according to AC reports, the deal was brokered outside any official channels by the family of the former president Guebuza, using their personal connections with the owner of the shipyard in France from which the vessels were purchased. Zitamar revealed that a senior banker for Credit Suisse left the bank shortly after the deal in order to start working with the same owner of the shipyard, a French-Lebanese businessman and key profiteer from these loans (Zitamar: 11 May 2016). The responsibility of the involved banks as lenders in this should not be ignored, both on an institutional and individual level. Lending large amounts without double checking the viability of the business proposal is highly irresponsible and can mean the economic demise of an entire country.

Vines commented in early 2015 that "EMATUM is a warning for Mozambique", saying that more transparent and accountable processes are urgently needed, especially concerning the contract-awarding in the Mozambican LNG sector. At that moment, the sheer dimension of the debt scandal was not even clear. The consequences of this type of crime for development and democratization cannot be overestimated. The IMF has frozen their emergency budget facility and most donors have suspended their budget support following this decision. Economic growth is in a huge slump; the government embroiled in a deep political, financial and economic crisis. Any surplus from the gas exploration starting in 2020 will most likely be eaten up by debts. The government's need to save will mean years of even less money for key development sectors, such as health, education and social welfare, with enormous consequences for the population. The potential income from natural gas exploration that spurred the prognosis of two-digit growth rates for Mozambique from 2020 onwards will not become a reality due to the heavy debt burden and its effects on the economy. Infrastructure projects that could actually serve the communities will not receive the necessary funding: it was already announced that Maputo will not have the planned bus rapid transit system, essential to facilitate commuting, because it is not possible to guarantee the loan anymore (Hanlon: October 2016). The latest Afrobarometer survey (November 2016) mirrors public disillusion very clearly: only 1 out of 10 Mozambicans interviewed preferred democracy over authoritarian regimes. Of all 36 countries in the region that were sampled, Mozambique showed the least commitment to a democratic form of government. Mozambique's "Resource Bonanza" has already tied the country to an international web of actors that both international corporations

as well as local elites will be able to profit from. In the meantime, Mozambique remains one of the poorest countries in the world with half of its population below the poverty line. With the discovery of the hidden debt, the ongoing political crisis as well as the drought that wreaks havoc, Mozambique is increasingly losing its status as model country, a reality check that the international community has been avoiding for too long.

Complex networks of organized crimes and the need for new tools

The state and organized crime

The examples have illustrated that instead of organized crime flourishing due to weak institutions, the state actually, in most cases, plays a rather active role in tolerating or facilitating criminal activities in the region. The collusion between the state and organized crime are however very complex, diverse and can take different degrees of intensity.

There are different ways to conceptualize the various forms of collusion between the state and organized crime in Africa. One way of conceptualizing is Mark Shaw's model of "protection markets" and "protection economies". The model allows the complexity of actors who are involved in organized crime in Africa and their multilayered interrelations to be taken into account.

The concept of protection economy is trying to capture the various and diverse interactions between criminals, business people, citizens and the state around illicit activities. As a clear-cut distinction between the state/law enforcement and criminal groups does not fit

with the realities of the regional context, this concept is offering an alternative, allowing for an analysis of the complex relations and interactions between actors in a context where state capacity is compromised and state actors are involved in the complex web of TOC. According to Shaw, the system operates through three different elements: legitimacy, violence and corruption. The first manifests itself in investments in communities and local support groups. For example, criminal actors can finance local infrastructures, provide jobs and therefore ensure the protection of their business through legitimacy. Corruption implies that a group can ensure the safe passage of goods through paying off key officials. Lastly, violence (or the threat thereof) is another measure taken. Protection can be provided by militias, security sector employees and sometimes by state officials, effectively turning security into a privatized service. Each of these three elements has a certain spectrum: for example, legitimacy can be acquired through employing young men in a lucrative criminal activity that provides them with an income. However, financing a political party in power through donations is also a way to ensure one's own legitimacy. In the second case, it is obvious that though transaction costs are significantly higher, criminals also have more leverage over state institutions. In this case, "state capture" is more pronounced. Across Africa, markets for protection (where the state does not ensure it) and protection economies exist. They vary and can be classified along a spectrum ranging from full state involvement (example Guinea-Bissau), the state as gatekeeper or intermediator (such as Kenya), situations where certain elements of state are providing protection (Mali), to situations where there is strong localized control and the state itself plays a limited role (Libya).

It is interesting to note that this symbiosis between the state and organized crime which Shaw and other authors (using other concepts[8]) describe does not necessarily imply the destruction of the state. Instead of destroying the state, the presence of protection economies and, by extension, organized crime, rather leads to "successful failed states" (p. 23): although state functions may be seriously compromised, the state can still manage to keep its image as an intact structure to the outside world intact. By nature, organized crime flows are transnational, but much of the control over them is local. Therefore, huge benefits can be reaped by local actors, such as the state. The image of a functioning state is hardly threatened when formal legislations and institutions are being passed and founded to fight TOC and corruption. Behind their smokescreen however, these institutions might be toothless. In the context of financial globalization, the state plays a key role in regulating and channeling illicit financial flows to foreign jurisdictions. As Ellis and Shaw put it, "…the state remains influential even in countries where the influence of criminal groups is evident and where the state itself may be weak institutionally, or have limited control over its territory" (p. 19).

A second analytical tool could be to have a closer look at the hierarchy in corrupt structures. This is of course quite difficult to investigate. This would include checking how organized crime is protected and activities are facilitated at the administrative level. In practice, this would mean to see from which position the phone calls come instructing border officials to make themselves scarce when a certain truck passes the border at a certain hour. This analysis is

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8   E.g. Bayart, Ellis and Hibou talk about the phenom-
    enon of the "criminalized state" in "The Criminal-
    ization of the State in Africa" by Bayart, Ellis and
    Hibou, 2009.

useful when comparing countries among each other. Kenya has been studied extensively in terms of organized crime (cf. Gastrow 2011). The debate on TOC and security there goes a lot further back than the ongoing terrorism debate and increasing corruption. According to Gastrow, whilst Kenya is not a criminalized state per se, "…its foundations are under attack" (2011: 1). State institutions risk losing public trust as corruption has become rampant. However, despite its "exceptionally high levels of corruption" and the presence of many organized crime syndicates, Kenya has not (yet) reached the stage where its political and government institutions are "routinely" engaged in criminal activities and practices (Ibid.). Corruption, misuse of public funds and links to organized crime are rampant, but they seem to be rather the result of omissions than of acts of direct commission by the state. Looking at this account, a difference with Mozambique can be spotted. In Kenya, the biggest threat to governance may be the influence on parliamentary decisions by criminal syndicates (large-scale professional drug traders present distinct bloc in national parliament, cf. Ellis and Shaw 2015: 18). In the EMATUM case, however, the parliament was not even consulted and processes were fast-tracked, completely omitting this legitimate body in Mozambique. Guinea-Bissau is another example that could be used for comparison. It has been the drug trafficking hub in West Africa for the last years, labeled "narco-state". Leading military figures have controlled the trade of drugs for the last decade (Shaw and Reitano 2013: 2) and turned Guinea-Bissau into the key transit state in Africa. Guinea-Bissau is a clear case of full and high level state involvement. The broader population, on the other hand, has been little involved in this. Also the profits from trafficking have largely been received by that same small group and their immediate supporters. In the case of

Guinea-Bissau, military officers provided the protection for political high officials. "[T]his was never a static set of relationships: it was a network of protection that evolved over time, depending on need and the unfolding politics of Bissau" (p. 3). When military wanted to move from protection service to calling the shots, the system started to crumble. In the case of Guinea-Bissau, criminal activities can quite clearly be pinned to certain high level officials and is certainly more institutionalized than in Mozambique.

Looking at the different forms of TOC that were presented in 2.3, three cases can arguably be distinguished when explaining the interactions between organized crime and the state in Mozambique: the case of flourishing organized crime in a state absence, the case of the state as "facilitator" or "gatekeeper" for criminal activities, and the case where state elements themselves turn into the criminal actor. In the first case, state structures are almost completely absent in the area where organized crime syndicates operate. This case is exemplified by the poaching activities in the Limpopo region, a region peripheral both in terms of its geographic location and compared to the economic and political centers of influence in the country. Bartholomäus Grill, a known German journalist with longtime Africa experience was kidnapped by rhino poachers near the area of Massingir (Great Limpopo Transfrontier Park) in 2015 while investigating poaching. In his account of events published in Spiegel Online he describes the region as a space where state structures are completely absent and hunting groups have taken over the vacuum left by the government. The area at the border with South Africa is marked by settlements without electricity, high poverty levels and absence of health care. Unemployment of young men is rampant. Ten to 15 hunting teams, each made up of

three men, are operating in the area under the lead of a kingpin sought in South Africa for multiple murders called "Navara". Grill describes the communities in this region as completely loyal to this kingpin, as he provides them with income and jobs. The journalist and his cameraman were being accused of entering the area without permission and threatened with rape, jail and murder. In the unfolding of events they were also presented to the local police officer. According to Grill's account the police man was merely taking notes whilst Navara was dictating their alleged trespasses, clearly intimidated by the criminal. This illustrates the absence of official authority and the rule of law in this remote part of the country. Other actors, in this case criminal, are able to create a microcosm of rules of their own in this geographical and economic periphery of the country where state officials, exemplified by the police officer, are vested with little power and turn into implementing agents of these alternative structures. Inhabitants of the area might not consider poaching or the behavior of poaching gangs a crime as these activities are one of the very few ways to provide jobs and income in this area which increases the acceptance among local population. The example can be extended to the border region with Tanzania in the North around for example Negomane border post in the Niassa where entire villages live from illegal wood logging and the donations by logging kingpins.

In the second case, the state facilitates criminal activities either through supportive actions or strategic omission. For example, criminal agents get their freight across borders and through the country through contacts with state officials at different hierarchical levels. The higher up on the hierarchical scale of the respective institution your contact may be, the more expensive the "service" but also the higher the protection. This is arguably the most common structure in Mozambique exemplified by the structures in drug trafficking but also cigarette smuggling and others.

It can be argued that a third case depicts the state itself as a criminal structure. The primary example would be economic crime, such as illegal tender business and contract awarding. This arguably takes place in the "core regions" of the country, both in geographical and economic terms: mainly in Maputo, the financial capital, and in the context of the rising LNG business increasingly the northern parts of the country. The illegal and secret acquisition of debt and financial mismanagement around EMATUM, ProIndicus and MAM, cost the state budget and by extension the Mozambican citizens billions of dollars.

Mozambique exemplifies that the state can become a proactive actor in organized crime supply chains. It is not necessarily the state's weakness or absence that makes organized crime flourish. In many cases, the installation of organized crime does not come exclusively from outside-groups – even though it may have been triggered initially by growing demand followed by the establishment of contact by criminal group with the state, as for example in the case of drug trafficking.

The level of intrusion of transnational organized crime into state institutions or rather the involvement of state actors in TOC can vary a lot by commodity. In Mozambique, for some commodities, a "top-down" approach can be observed, in particular for extremely valuable freight such as ivory, heroin or precious woods. By contracts, the trafficking of commodities considered less valuable is usually less controlled from the top. For example, in the case of the smuggling of cigarettes or alcohol, which is, for example, common between the borders

with Swaziland and South Africa, local border officials normally have some leverage to extort some money for themselves which they then may share with their colleagues and superiors (cf. "blue bag" system). On the other hand, if ivory or rhino horns are transported out of the country, for example hidden in a load of wood logs, border officials will rather receive previous notice from their superior (who may have received a phone call from further up) to make themselves scarce during a certain time of the day or night from the post. Gastrow already states in 2002 concerning drug trafficking through Mozambique that "[t]he criminal groups involved in drug trafficking (…) rely on the 'purchase of impunity' through bribery and corruption in order to operate without too much state interference. They cultivate connections at the highest levels of the state hierarchy or of the ruling party and seek their protection in exchange for money. Buying impunity might also require the bribing of customs officers to facilitate the importation and exportation of drugs, of immigration officers to buy DIREs (identification cards of foreign citizens) to facilitate the movement of their foreign collaborators, and of police members to ensure that they do not take steps when receiving reports of illegal activities or in order to get them to act supportively" (2002: 18).

It is daunting that also concerning other crimes, such as extortion and kidnapping, protection seems to be strong and reaching beyond low-level police involvement in the kidnappings or the procurement of weapons. The internationally acclaimed Mozambican writer Mia Couto went public with threats that were made against him and his family (see e.g. *Publico Portugal)* when he talked about phone calls threatening his life and that of his family members in his acceptance speech of

the Neustadt International Price in 2014. The striking thing was that after this revelation, instead of dying down the threats, he received even more with greater intensity, suggesting that the involved groups have reason to feel very safe and signaling higher level protection.

Whatever form of TOC, organized crime destroys state legitimacy as it undermines its service delivery. This can lead to disenfranchised citizenship (see for example Global Initiative 2015: 46). As Gastrow states, departments and institutions colluding with organized crime "set out on the slippery slope that leads to ineffectiveness and the loss of public trust in state institutions. Not only does it [state collusion] lead to the criminalization of state departments, but public service delivery slows down, effecting the health, education, and development of the population as a whole. Ordinary citizens will increasingly identify democratic government with impunity for criminal elements in the elites and an inability to deliver justice and development for the majority" (2011: 8). The latest Afrobarometer survey speaks volumes on what Mozambicans currently think of democracy. Transnational Organized Crime undercuts the legitimacy of political leaders in a context where resource distribution is already highly unequal and public service provision falters, whilst private wealth accumulation is increasing. Growing inequality in Mozambique was again confirmed by the household consumption survey published in December 2015 by the National Statistics Institute (INE).

Effects of organized crime on governance and development are at times difficult to detect straight away, but they accumulate and eventually have a delayed impact. Gastrow, with reference to the Kenyan case, uses the metaphor of "slow biological warfare or

radiation" (p. 8) to describe the impact on the state and its institutions by organized crime. This makes it difficult to say how much the damage is at a certain point in time as in many cases the appearance of functioning institutions is upheld before contamination has progressed so far that their complete inability of enforcement becomes visible. This is a suitable image also for Mozambique. "Outwardly, Mozambique retains all the attributes of a state, but inwardly corruption has taken a significant toll on state institutions" (Goredema cited by Shaw 2015: 20).

Regional approaches to fighting organized crime and their weaknesses

Looking at past and ongoing regional efforts to curb organized crime, the outcome has so far been rather mixed. Even though tackling organized crime has been recognized as a serious regional challenge for decades and is high on the agenda of the SADC Organ for Politics, Defense and Security, effective measures have not yet been implemented (cf. ISS 2010).

Legislation itself is not lacking. In 2004, the SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials came into force. It was the first African regional small arms agreement that became legally binding (internet SADCPOL). In 1995, a regional pool of police officers was created, the SADCPOL. SADCPOL also coordinates with SARPCCO, the Southern African Regional Police Chiefs Co-operation Organisation, which is the primary force in Southern Africa for the prevention and fighting of cross-border crime. The organizations are supported by the Sub-Regional Bureau of Interpol in Harare.

Tackling crimes such as motor vehicle theft, economic and commercial crimes, drugs, wildlife crime and trafficking of human beings are some of its key priorities.

According to several sources, SARPCCO has shown no evidence of ongoing activities over the last years. During the 1990s, some operations have been jointly implemented. However, since 2000, there has been very little activity. According to Moat, a potential future for SARPCCO would be to refocus its efforts on bilateral agreements for specific issues, such as, for example, the Operation RACHEL between South African and Mozambican security forces around the issue of arms smuggling during the 1990s.

The trend of rising organized crime is a testimony to the challenges linked to the security sector in the region. Even in South Africa, where a lot of work has been done in the post-apartheid era to create effective security institutions under civilian authority and protection from political interference and abuse, the situation seems to be reversed today, as even the part of police responsible for the collection of crime intelligence has been "politically compromised" (Steinberg, 2014 in Shaw 2015: 21). The loss of police independence and the "politization of security" are becoming increasingly evident all over Southern Africa (Shaw 2015: 21).

The approach to fighting organized crime in the region has been increasingly criticized by experts, not because of its intentions but because they see structural problems in the current modus operandi. As Shaw notes, the complicity between criminals and the state in the African context has created a situation where criminals are often "beyond the reach of national law enforcement"

(2015: 2). This has policy implications. A key limitation at the moment is a strict separation between the state and crime in crime-solving approaches. Furthermore, the interpretation of "crime" by police forces all over the region as an unavoidable evil and the role of law enforcement, on the other hand, to punish, is questionable. The complexity of the underlying social forces and the role of lack of social and economic development are not seen as part of the problem. Human Rights Law is not included in the training of police forces (with the notable exception of South Africa). Adding to this perception of crime being a social ill that the police needs to "fix", the very hierarchical structure of police forces, mostly inherited from colonial era, is a clear mismatch when trying to tackle organized crime syndicates which are highly flexible in their activities as well as composition. Static, hierarchical police forces are always one or more steps behind the criminal whilst transnational organized crime is constantly moving and adapting to the circumstances and markets.

In the 2010 ISS study it was already suggested by Hübschle that "[a]pproaches to policing organized crimes should be reviewed. A market-based approach, which seeks to understand the nature of criminal markets and targets both the demand and supply sides of the crimes, would appear to be the more enlightened option for combating organised crime." (p. 97). Much of this analysis, of course, does not only hold for the African context. Many "hard liner" policies trying to curb TOC have also been ineffective and backfired elsewhere. A prime example would be the US "war on drugs" which was started in the 1990s and so far has arguably only made things worse. The Global Initiative study on Mali (2015) provides a nuanced and brilliant example for the assertion that topping up the security sector and counter-terrorism forces in a context of conflict where state structures are weak is not heading for success.

Responses adopted by the Mozambican government generally fit the regional approach. There has been some (partially successful) bilateral cooperation between South Africa and Mozambique concerning the smuggling of small and light weapons. Approximately 60 successful ad hoc ground level joint operations have taken place so far (Interview Alusala). The most famous of them, Operation RACHEL, was initiated after the end of the civil war during a period where a Mozambican AK-47 could be bought at every corner in Soweto. Indeed, these common operations have generally been more motivated by South African security concerns about weapons flowing uncontrolled into the country from Mozambique. These bilateral initiatives are supposed to be extended to more RENAMO strongholds, but there are still bottlenecks in the implementation of the political agreement around disarmament between RENAMO and FRELIMO. Bilateral interventions are quite typical for post-conflict scenarios, especially in a context where demilitarization has not fully taken place (Weinstein 2002). It should be noted that in other areas, such as human trafficking, communication between the security officials of the respective neighboring countries remains very limited.

Mozambique has a legal framework on corruption. The respective law was passed in 2004 and an institution to enforce it was founded: the Central Office to Combat Corruption (GCCC). This institution is integrated into the Attorney General's Office and is charged with tackling grand corruption. So far, though, it has not yet filed charges against high officials, but has instead mainly focused on petty corruption and lower level officials.

The foundation of the GCCC in 2005, which was the result of an upgrade of the anti-corruption unit (ACU), which had come into existence in 2003, was considered a milestone in combating organized crime in Mozambique. However, it has been difficult for the institution to live up to its expectations. The CIP (Centro de Integridade Pública) is criticizing the lack of initiative in the GCCC's work as well as the new Attorney General Buchili, who replaced the former and more active Augusto Paulino. Persecutions of members of criminal gangs in Mozambique have continued to focus on the lowest in the "food chain", truck drivers or local couriers. However, in June 2015, hopes were raised when a former CEO of the company Aguas da Região de Maputo, and a further seven civil servants were arrested (Mosse Facebook June 2015). Charges included mismanagement of public funds. After having been imprisoned for only two weeks, they were however released on the basis of the weaknesses of substance in the charges pressed by the Attorney General. A challenge for the GCCC is that it can initiate a case, but cannot proclaim an accusation, which is the responsibility of the Attorney General. This limits the GCCC's leverage. Other anti-corruption trials are currently ongoing, for example against officials of the Ministry of Education. However, these are still isolated events.

The new Attorney General has come under strong criticism by civil society. In the entire *Informe* presented to the parliament in 2015 there was no mention of any means to control corruption. Tackling grand corruption, both in public administration and in the juridical body, was left out (CIP 2015: 2). There are no personalities in the political and economic elite or occupying top positions at government level that have been investigated for their involvement in corruption cases. The *Informe*

limits itself to mentioning the number of corruption cases lodged in 2014, but shows no concrete measures to control corruption in its various manifestations. The fight against corruption at the highest level remains excluded from the priority list of the governing bodies of justice.

The CIP further notes that the Attorney General's Anti-Corruption Strategy ended in 2011, and that the *Estratégia de Reforma e Desenvolvimento da Administração Pública* (ERDAP) was established a year later to replace it. However, until this day there is still no information about its implementation. This means de facto that since 2011 no effective measures to combat corruption in public administration have been in place (CIP 2015: 2).

A positive development is the long-discussed and planned reform of the PIC *(Polícia de Investigação Criminal)*, the Criminal Investigation Police. The current PIC needs to answer to both Buchili's office and the Interior Ministry, "where insiders believe many of the 'fixes' that interfere with justice are made" (AC 56/10). Its ties with both of these institutions are compromising its integrity and independence. It has been discussed (by e.g. the Mozambican Bar Association – *Ordem dos Advogados)* that it would be key to separate the PIC from the Ministry and hence from political influence. A proposal was made by the Council of Ministers and handed to the Parliament at the beginning of November 2015 to replace the PIC by a new institution with administrative autonomy and of paramilitary nature, the National Criminal Investigation Service "SERNIC" (Club of Mozambique). Apart from these political constraints, the current PIC lacks even basic resources for investigation (Club of Mozambique). It remains to be seen to what extent the financial constraints as well as political ties will be overcome in this

new structure. Furthermore, PIC reforms have already been discussed in the past on several occasions and have never become a reality.

A possible window of opportunity may also be the independent audit that the FMI had insisted on for the three companies, in order to clear up where the loans of over 2 billion USD went. A private investigation firm was chosen to do this and has started its work. The tight deadline of three months aims at limiting the risk of the process to be extended for too long and then forgotten. If taken seriously and if the IMF insists on the publication of the report[9] this may be first step forward towards accountability.

Conclusions

In the introduction, it was mentioned that more and more stakeholders recognize that TOC impacts significantly on peace, stability and development. Transnational organized crime is a big challenge for the entire region and for Mozambique in particular. It threatens democratic development and disables mechanisms that would allow the distribution of dividends from the vast resources available in the country in the form of development. The issue needs to be tackled from all angles: national, regional and international.

Shortland and Varese published a very insightful article on Piracy in Somalia (2014), a very particular form of organized crime. They found out that in areas of Somalia where piracy was prominent, political upheaval did not necessarily matter to security at all. It is "economics, not politics [that] determine

whether a place is a pirate anchorage" (2014: 759). They argue that piracy is occurring especially in remote coastal areas that have no access to the regional ports and trading routes. The criminal actor is confronted with a rational choice scenario: in cases where the money coming from normal trade (taxes etc.) is higher than the income expected from criminal activity (in this case piracy), elites decide to actively support counter-piracy activities. In times when trade flows are hindered through shocks, on the other hand, local elites decide to switch to revenues from pirates.

This example is pertinent in terms of its implications, as it clearly shows the need for a more holistic development approach. Accepting widespread criminality and illegality "is not a cultural and immutable trait of certain societies. (…)". Instead, a switch in behavior in support of or against TOC is possible. Secondly, it illustrates why many counter-piracy initiatives (and counter-organized crime initiatives) have been misguided as they focus on moral "sensitization campaigns" and vocational training of pirates (Bueger 2012 in Shortland and Varese 2014). The effectiveness has been limited because it is not only the young men already involved in organized crime that need to be targeted, but really the entire pool of underemployed young men who can easily replace one member of the syndicate. It may be wiser to support alternative livelihoods instead of directly targeting organized crime syndicates.

Recommendations

- It is important for researchers and policy makers to revise the traditional division between the criminal and the state. This division is usually intrinsic in national strategies to combat crime in the sub-Saharan context and needs to

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9   In similar cases sometimes two reports were pro-
     duced (e.g. Kenya), an internal and a public one,
     see http://zitamar.com/kroll-commissioned-investi-
     gate-mozambique-hidden-debt-scandals/

be overcome to increase the efficiency and adequacy of national, as well as regional, security policies. Instead, it is essential to take into account all stakes in the complex matter of organized crime and state entanglement and to be aware of all conflicting interests of the various actors. Hübschle's approach of focusing on market based analyses and Shaw's concept of analyzing the complexity of actors through the protection economy are very helpful in this regard.

- People are directly affected by organized crime. The newest national crime statistics indicate a rise in the overall crime rate in Mozambique of 10% between 2013 and 2014, with the cases of murder rising by 12%. Human security, putting human dignity in the centre instead of following traditional threat-based security concepts, should be the cornerstone of political strategies. When criminals "buy" political protection from a senior official or directly from the police, they are turning law enforcement into a privatized service instead of a public good and key responsibility of the state. The interconnectedness between organized crime, development and human security should be acknowledged and policy choices made accordingly.

- Furthermore, it is important to accept that different perceptions of what constitutes crime and corruption may exist, which may not always respond to global ideals but are, to some extent, conditioned by context. Organized

crime cannot be fought effectively if its links with the local communities and acquired legitimacy are not recognized. In this respect, it should be aimed at an integrated development approach that improves alternative incomes for the majority of people, for example, through vocational training and employment finding. This would be an attempt to change the incentive structures for engaging in criminal activities but also the transaction costs that make TOC entrenchment possible in the first place.

- In this regard, it is essential to address the issue of legitimacy of criminal actors in a community, which is often linked to the lack of service provision by the government. Rather than strengthening the security apparatus of a country in terms of more weapons/more money/more technology, first and foremost, one should focus on reestablishing the link between official governance and service provision and delivery. This rebuilds the relevance of the state, which is to a large extent marginalized in Mozambique and other countries in the region, and to which citizens feel little allegiance. Gaining international funds for the fight against organized crime can be a lucrative strategy for states in the region (see for example Nigeria and US relations or Kenya-US relations), and using buzz words that trigger international support in financing the security and military sector and a traditional, hardware-approach is common.

- Reestablishing the link between governance and service provision also means finding better mechanisms to curb corruption and to increase transparency. Possible measures include the obligatory publication of contracts for infrastructure and other investment projects between the government and companies/multinational firms. Rigorous adherence to tender requirements and processes and a transparent bidding process concerning the ongoing contact awarding in the LNG sector is especially important as the sector is both highly lucrative and crucial for the country's future. Many local companies involved in the bidding process such as the energy concessions in the Rovuma basin are linked to political elite. Transparency on this needs to be ensured in order to avoid following in the footsteps of Angola. At the same time, international banks and investors also need to be held accountable for their actions. The complex and imperfect international financial regulations that are full of grey areas should not provide a free pass for irresponsible lending practices.

- Civil society needs to be strengthened in order to be able to hold the government more accountable and to avoid further heavy liabilities being created for the people. Indicators for good governance have been in decline for the last years and there are reports of big traditional donors moving out of the country (such as Denmark), whilst NGOs and donors increasingly shift towards governance as their main focal area. A possible window of opportunity may be provided by the independent audit that is currently underway, investigating where the loans of over 2 billion USD went to. If the report that is expected for the beginning of next year is indeed made public, this may be a very important step towards more accountability. Depending on the will to follow-up by different pressure groups, these ongoing investigations have the potential to set a precedent to end impunity.

- Even though focusing solely on the security sector will not bring tangible results, it should not be forgotten either. Most importantly, a reform of police force and the PIC is advised. With a salary of around 100 USD per month and rising living costs, curbing corruption seems an impossible task in the Mozambican police force. Apart from the financial aspect, it is especially the training that should be extended and improved. The self-understanding of police men needs to move away from the idea of force towards the idea of constituting a service to the people. In the experience of experts such as Moat, increasing the academic qualifications of officers is one of the most effective tools in decreasing human rights abuses both inside the police/military and against civilians. Human rights are hardly included in the training curriculum of Southern African police forces, which is limited to a couple of months. However, there is little point to providing high tech software, databases and better technology, if the idea about what creates and constitutes crime in the country context remains archaic.

- Last but not least, transnational organized crime cannot be seen as an isolated development challenge but as an integral element of many other challenges laid out in the 2030 Agenda. Otherwise, efforts to support economic and social development will be fruitless.

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About this study

With the adoption of the 2030 Agenda for Sustainable Development by the United Nations General Assembly on 25 September 2015 the international community committed itself to end all forms of poverty by 2030. The 17 Sustainable Development Goals represent a comprehensive and ambitious collection of targets, enshrining the combat against organized crime. The link between state fragility, organized crime and development has become more and more recognized by policy makers over the last years. The World Development Report 2011 already stated that conflict and organized crime have the same detrimental effect on development, reducing progress by nearly 20%. Constanze Blum`s contribution to the Peace and Security Series seeks to examine the complex relations between the state, transnational organized crime (TOC) and development in Southern Africa. Embedded in an historical perspective, the study analyses the different forms of transnational organized crime in the region. The author argues that the relation between the state and organized crime can take a variety of forms, depending on different factors such as the commodity trafficked or the geographical region in focus. In her analysis, Blum highlights that it is not necessarily the weakness of the state per se that causes organized crime to flourish, but that certain sectors of the state itself often play an enabling role. The findings suggest that conventional approaches to fight transnational organized crime, which merely focus on strengthening the security sector (both on a national and regional level), are therefore not very effective. More holistic approaches, which consider social and economic factors as well as the nature of the postcolonial state, have to be taken into account when designing regional security strategies.

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