

From Theory to Practice: Exploring the Organised Crime-Terror Nexus in Sub-Saharan Africa

by Annette Hübschle

Abstract

A growing body of scholarly literature suggests confluence or even convergence of organized crime and terrorism in various parts of the world. However, links remain somewhat nebulous at this stage and vary considerably, based on region and context. Africa has come under the spotlight due to perceived weaknesses in the criminal justice sector, limited law enforcement capacity, political and systemic corruption, poor border patrol and weak anti-terror and organized crime laws which are believed to provide an ideal environment for the terror-crime nexus to flourish. This article provides an African perspective on the links between organized crime and terror networks in Sub-Saharan Africa, with a particular focus on Southern Africa. The discussion begins with an overview of the theoretical discourse on the subject – relying on African definitions of the contested concepts of ‘terrorism’ and ‘organized crime’ – and will then narrow the analysis on the sub-Saharan case. It relies on an extensive literature review and concludes with empirical findings of a research project on organized crime in Southern Africa, which found no strong empirical links between criminal and terrorist organizations.

Introduction

Since the end of the Cold War and the advent of globalization, states—and more broadly international organizations—have expanded their focus from state-centric security threats to those emanating from non-state actors. The 9/11 terrorist attacks accelerated this shift and brought with it intense scrutiny and efforts to address international terrorism and organized crime – both as distinct phenomena as well as the relationship between the two. For example, in addition to operative provisions, [1] United Nations Security Council Resolution 1373 suggests a close link between international terrorism, transnational organized crime and other forms of crime:

[*The Security Council*] “Notes with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms- trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials, and in this regard *emphasizes* the need to enhance coordination of efforts on national, sub-regional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security;” [2]

In addition to concern at the international policy level, as illustrated by UN Security Council Resolution 1373, a growing body of scholarly literature has emerged that examines the proposed link between international terrorist and organized crime networks. However links between these two areas remain somewhat nebulous at this stage and vary dramatically, depending on region and context. Thus, rather than looking at global trends, this article will provide an African perspective.

Definition

Before discussing the terror-crime nexus it is important to first lay out how each are defined in the African context. When it comes to the term of terrorism, it has proven to be a particularly difficult task to arrive at a widely accepted definition. The 20th century saw many wars of independence or liberation struggles across Africa and in many instances at least one of the warring parties was tagged a terrorist movement. Indeed the aphorism of ‘one person’s terrorist is another one’s liberation fighter’ captures the African policy maker’s problem of arriving at a definition of terrorism. To circumvent this, most legislators in Southern Africa have provided definitions of ‘terrorist activity’ or ‘act of terror’. [3] This was also the case when the 35th Ordinary Session of the Heads of State and Government adopted the Organization of African Unity Convention on the Prevention and Combating of Terrorism (the Algiers Convention) in July 1999. [4] In turn, the definition of ‘terrorist act’ contained in the Algiers Convention is now widely accepted and has been employed as a blueprint for domestic anti-terror laws on the continent. According to this definition a terrorist act denotes the following:

- “(a) Any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:
- (i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or
 - (ii) disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or
 - (iii) create general insurrection in a State.
- (b) any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any
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person, with the intent to commit any act referred to in paragraph (a) (i) to (iii).” [5]

However, it bears pointing out that state terrorism or acts of terrorism perpetrated by state parties were omitted in this definition due to heated political debates and discord amongst member states. In addition, what differentiates the Algiers Convention from anti-terrorism instruments outside Africa is its exclusion of struggles for self-determination from its definition. [6]

Turning to organized crime, different types of organized crime markets are believed to have evolved in the 1980s. The concept is thus relatively new, though is as controversial as elsewhere in the world. Early attempts at defining ‘organized crime’ relied on depictions of mafia-type hierarchical criminal organizations, which existed outside the formal economy. The assumption that organized criminals originate from the clandestine criminal underworld is problematic because it omits the fact that politicians, law enforcement agents, government officials and business entrepreneurs from the formal economy often facilitate and work with organized crime networks. In the case of southern Africa, though, all states have either signed or ratified the United Nations Convention against Transnational Organized Crime (Palermo Convention) over the past decade, [7] although most of them have yet to define the concept for their internal purposes. As was the case with anti-terror conventions, issues of organised crime (and terrorism) were not prioritized by most African legislators at the turn of the millennium. However, the growing threat posed by organised crime networks and international pressure have moved domestic integration of the Palermo Convention to the apex of legal and policy agendas of many states. Consensus building on an internationally agreed definition of organized crime proved an onerous task at the 1999 and 2000 meetings of the UN Ad-Hoc Committee meetings in Vienna. In the end, states compromised and opted for a definition of an organized criminal group [8] and called for the criminalization of participation in such a group. [9]

By 2008, the heads of criminal investigation departments came together during a Southern African Police Chiefs Cooperation Organization (SARPCCO) meeting and agreed on a definition of organized crime derived from the Palermo Convention. The same definition was adopted by member states during the SARPCCO annual general meeting in September 2010. Thus, for the purposes of this article the same definition of organized crime will be employed.

- “it is committed by two or more perpetrators, who are aware of each other’s existence and general role, and who are acting in concert
- it is serious
- it is committed repeatedly
- the crimes are motivated by the pursuit of material and financial gain.” [10]

Theories on the crime-terror nexus

In the last two decades, a growing body of literature has explored whether there are links between organized crime and terrorism. The term ‘narco-terrorism’ [11] emerged in the 1980s in reference to narcotics traffickers who used violence or the threat of violence aimed at communities and government officials for politically motivated objectives. More specifically, certain designated terrorist groups such as the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) in Colombia who have used drug trafficking (as well as extortion, kidnapping, money laundering and other forms of economic crime to finance operations) have been labeled as narco-terrorists. [12] Some authors also refer to Sendero Luminoso (Shining Path) in Peru, guerrilla fighters from Chechnya, the Abu Sayyaf in the Philippines and others as narco-terrorists. [13] Grant Wardlaw warned in 1987 that the concept of ‘narco-terrorism’ had become “a potent weapon in the propaganda war waged by governments against terrorists, insurgents, organized crime, drug traffickers and even other sovereign states.” [14] Wardlaw argues that an analytical concept should not subsume a selection of different activities, involving different actors with contradictory law enforcement and national security implications. When Wardlaw made this observation in 1987, theories on the links between the two phenomena were in their infancy. Some theories have not moved beyond the infantile stages of suggesting a “drug mafia-cum-terrorist conspiracy.” [15] Thus, the perceived intersection of terrorist and criminal organizations has led some analysts to conflate these two types of entities into one. Theorists are split between skeptics and supporters of confluence and convergence theories. The former see ever-closer links between the two phenomena, while the latter go one step further by suggesting a transformation from one to the other. [16]

According to Alex Schmid’s prominent article on this subject in 1996, terrorism and organized crime remain two distinct and clearly distinguishable phenomena despite some common features. While terrorists are ideologically or politically motivated, organized criminals strive for greater shares in illicit markets. Terrorists usually admit to their deeds and use the media to propagate their cause; organized criminals avoid the media. Terrorist victimization tends to be less discriminate than the violence used by organized criminals. They may fight each other in turf wars, which is less common with rival terrorist groups. [17] Schmid provides a list of commonalities, including that both are rational actors; they produce victims; they use similar tactics such as kidnappings, assassination, extortion and others; they operate secretly; and both are criminalized by the ruling regime and stand in opposition to the state. [18] In addition to Schmid’s list, Peng Wang adds that both defy the state and the rule of law; for a member to leave either group is rare and often fatal; both present an asymmetrical threat to the United States and what he terms “friendly nations”; both may have “interchangeable” recruitment pools; both are highly adaptable, innovative and resilient; both have back-up leaders and foot soldiers and both have provided social services. [19]

In his book *The New Terrorism*, Walter Laqueur dedicated a whole chapter to terrorism and organized crime. He argued that fifty years ago a clear dividing line existed between the two. However, “more recently this line has become blurred, and in some cases a symbiosis between terrorism and organized crime has occurred that did not exist before.” [20] The end of the Cold War and the international drug trade had opened new opportunities for terrorist groups and state sponsors of terrorism. He warns that organized crime was becoming increasingly politicized, with crime bosses interested in both material gain and political power. [21] Likewise, Tamara Makarenko [22] argued that since the end of the Cold War and the subsequent decline of state sponsorship for terrorism, organized crime activities had become a major revenue source for terrorist groupings around the world. Thus, the ‘crime-terror’ nexus was consolidated during the 1990s with the rise of transnational organized crime and the changing nature of terrorism when the formerly distinct phenomena began to show operational and organizational similarities. According to Makarenko, organized crime and terrorist groups are learning from one another by examining each other’s successes and failures. The final point of the crime-terror nexus is convergence [23] when both groups amalgamate into the same or similar organizations with a convergence of beliefs. [24] Few other theorists support the idea that criminal and terrorist groupings converge into one entity with similar ideologies and motives. However, tactical cooperation between the two appears to be based on temporary consistent interests. The realities of opposing aims and ideological beliefs make it difficult for the two entities to maintain long-term cooperation or merge into one. Peng Wang contends that the possibility exists that either entity could transform itself into an entity with characteristics of both groups. [25]

Terror finance expert Loretta Napoleoni [26] postulated that terror groups have developed a system of self-finance in what she refers to as ‘the new economy of terror’. The globalization of the world economy has led to modern terror groups funding themselves through a wide range of legal and illegal business activities. She makes a clear distinction between the two phenomena due to differing motivations, which dictates how both run their respective businesses. Criminal organizations run their operations like private corporations with profit and accumulation being the ultimate goal. Terrorist organizations, on the other hand, are more interested in money disbursements than in money laundering. Revenues generated by legitimate business enterprises are not laundered but need to be distributed within the network of cells. Further sources of income for terrorist organizations include remittances, charities, and illegal revenues, which circumvent or break laws. Income from kidnapping, extortion, theft, fraud, piracy, smuggling and money laundering is believed to be the largest source of income. Napoleoni says little more about the organized crime-terror nexus but her analysis suggests that both terror networks and criminal organizations are part of the same ‘shady’ business system: ‘the international illegal economy’. This economy provides huge cash injections of an estimated \$1.5 trillion into mainly Western economies. She argues that the degree of interdependence between legal and illegal economic systems may be too advanced to consider severing all ties. [27]

Phil Williams [28] provided an interesting analysis of fundamental differences between organized criminal and terrorist entities. At the heart of terrorist organizations is the desire to bring about political change. Terrorist attacks should be seen as a sum total of activities that include fundraising, recruitment, training, development of special skills and preparation for an attack which can stretch over several months or even years. Meanwhile, criminal organizations focus on profit generation and maximization, which is aided by the development of illicit business strategies. These strategies are not different from those of big corporations but because the products and activities are illicit, normal business rules do not apply and steps are taken to manage, avoid, control or mitigate risk. Such risks include threats from competitors or government and law enforcement agencies seeking to close down or move into their business. In some instances, criminal organizations choose to operate from countries where the state is weak and lacks resources to combat crime effectively. When and where the state fights back, criminal risk management strategies involve “the use of violence and corruption to neutralize the criminal justice system, to circumvent customs and immigration controls, and ultimately to perpetuate the weakness of the state and maintain the territory as a safe haven.” [29] Williams points to a third level, where criminal entities adopt strategies to reduce damage in case of detection. This includes the adoption of networked structures that are compartmentalized and easily replaced or regenerated.

Despite the scholarly literature that largely aims to delineate the differences and similarities between terrorism and organized crime, there are few empirical studies available on the subject. In 2004, Yvon Dandurand and Vivienne Chin published a report on the links between terrorism and other forms of crime for Foreign Affairs Canada and the United Nations Office on Drugs and Crime. [30] In terms of methodology, the report provided a literature review and relied on analysis submitted by Member States of the United Nations to the UN Security Council’s Counter-Terrorism Committee and the results of a questionnaire that was distributed via official channels to Member States of the United Nations through the United Nations Office on Drugs and Crime (UNODC). In February 2004, a UN Expert Group agreed with the findings of the report and concluded:

“The available responses from Member States indicated that terrorist groups are frequently involved in other crimes, particularly illegal drug trafficking, smuggling of migrants, falsification of travel and identity documents, trafficking in firearms and exploitation of illegal markets, inter alia, to support their activities. However, the responses did not provide strong evidence of organizational links between terrorist groups and organized crime groups.” [31]

However, in the same report, Dandurand and Chin warn that the future threat may not stem from cooperation between common criminals and terrorists but from the transformation of terrorist groups into predominantly criminal ones. [32]

With this general review of the alleged crime-terror nexus discourse as an intellectual backdrop, the following section of this article will narrow the analysis on the sub-Saharan African context, first by looking at scholarship on the topic and then highlighting empirical findings from a study on organized crime in Southern Africa.

Scholarship on Crime-Terror Nexus in Sub-Saharan Africa

There is a paucity of African scholars commenting on the organized crime-terror nexus. Authors from outside the continent argue that the continent is a breeding ground and springboard for transnational crime and terrorism. For example, a US Library of Congress report on nations hospitable to organized crime and terrorism devoted a whole chapter to Africa and individual African states, claiming that the continent had become the meeting place of terrorist groups to plan and execute terror operations and for transnational organized crime to flourish. This ‘hospitality’ is traced back to a number of factors “common to almost every country on the continent.” [33] The listed factors include:

- weakness of state institutions
- limited law enforcement capacity
- widespread poverty
- political and systemic corruption
- incomplete or weak anti-terrorism and organized crime legislation
- lack of respect for the rule of law in society
- long porous and unpatrolled borders
- geographic location along international trafficking routes
- the existence of transnational ethnic networks whose members move freely across national borders [34]

The factors are based on generalized notions of poor governance, historical factors, geopolitical issues and socio-economic shortcomings. When analyzed critically most factors or a combination of factors are present in most developing nations and in some cases developed nations as well. In another reference, a US interagency law enforcement working group described the African climate for transnational organized crime and terrorism as follows:

“Porous borders, ample routes for smuggling of drugs, weapons, explosives, and other contraband, and corruptible police and security forces make Sub-Saharan Africa an inviting operational environment for international criminals, drug traffickers, and terrorists. Major Sub-Saharan cities with extensive commercial, financial, and sea and air transportation links to Europe, the Middle East, and Asia

are hubs for international criminal activity.... These include Nairobi and Mombasa in Kenya, Addis Ababa in Ethiopia, Abidjan in Côte d'Ivoire, Johannesburg in South Africa, and Lagos in Nigeria.” [35]

Such arguments fall in line with Bovenkerk and Chakra's thesis that weak states easily fall prey to organized crime groups and terrorists. Citing the examples of Sierra Leone, Somalia and Liberia as failed states in Africa or Afghanistan in Asia, they argue that the lack of or limited state control enabled organized crime to collaborate with “national kleptocrats or local warlords who plundered their countries' diamonds, gold, tropical timber, exotic species of animals.” [36] Louise Shelley [37] suggests that ‘newer crime groups’ that operate from ungovernable regions make their services available to the highest bidder. These groups flourish in impoverished regions with demoralized populations and their operations are facilitated by the lack of an effective state. Shelley speculates that while the ‘newer crime groups’ may not share the ideological motivations of terrorists, they show a willingness to cooperate with them. Meanwhile longstanding transnational crime groups or ‘old crime groups’ in long established states have developed in tandem with their states and depend on existing institutional and financial structures to move products and invest profits. [38] Shelley believes that the milieu “in which transnational criminals, terrorists and corruption merge, poses a threat to the international order.” [39] Furthermore, the ‘Unholy Trinity’ of organized crime, corruption and terrorism thrives in regions with large shadow economies where the funding of terrorism by way of criminal activities is the least risky and the extent and length of collaboration the most prominent. [40] In sum, it is within this context that the discourse on the crime-terror nexus in sub-Saharan African states is framed.

Empirical Findings

In terms of empirical data, in 2009 the United Nations Office for Drug and Crime (UNODC) carried out a threat assessment on transnational trafficking in the West Africa and looked at a number of illicit commercial flows including stolen oil, undocumented migrant laborers or sex workers, toxic waste, firearms, counterfeit medicines and drugs. The report found that West Africa had become afflicted with organized crime, and in the case of each illicit flow at least one component of the supply chain was outside West Africa. While the authors argue that “West Africa is caught in a morass from which it cannot reasonably be expected to extract itself,” [41] no links were drawn between terrorist and transnational organized crime groups.

In another threat assessment, in 2010 the regional anti-money laundering group Inter-Governmental Action Group Against Money Laundering in West Africa (GIABA) found that Hezbollah and, to a lesser extent, Afwâj al-Muqâwama al-Lubnâniyya (AMAL) were “embedded within the growing Shi'a community in West Africa, and may engage in a variety of fund-raising

activities which straddle the continuum between legitimate charitable donations, *criminality* (author's emphasis), and the financing of terrorism." [42] The report suggests that Lebanese involvement in the diamond and cocoa industries and the importation of basic food goods in Côte d'Ivoire *may* facilitate the raising and laundering of funds on behalf of the two terrorists groups. However, the report warns that while Salafi Jihadi groups are operating in West African states, analysts should be careful to differentiate between indigenous groups and al-Qaida. Simple banditry and kidnapping for personal gain should not be confused with activities carried out for terrorist purposes and politically related killings. The report also acknowledges "suggestions" that Al-Qaeda in the Islamic Maghreb (AQIM) may be involved in the drug trade. Of course there are the "long-standing rumors" of al-Qaeda's involvement in diamond smuggling but no evidence had been found to corroborate this. [43] Likewise, the 9/11 Commission reported that it had no persuasive evidence to suggest that the terror network funded itself through diamonds. [44] A 2003 research report by Global Witness was among the first to allege that al-Qaeda used African diamonds to convert cash into a transportable untraceable form of wealth. [45] This was preceded by allegations made in the *Wall Street Journal* in November 2001 [46] that al-Qaeda controlled a sizeable chunk of the tanzanite [47] trade in Tanzania. However, police investigations found no evidence of any terrorist group's involvement in the industry.

Nonetheless a UN Security Council Report of May 2011 warns that in addition to drug traffickers, terrorist groups had begun to exploit the structural weaknesses in the West African sub-region. The smuggling of arms, drugs and contraband, widespread corruption, poor governance and a history of hostage taking for ransom in the Sahel have opened new opportunities for terrorist groups and "the lines between Islamic militancy and organized crime are becoming blurred." [48] This report links both Al-Qaeda, and more specifically, AQIM to a series of kidnappings for ransom. Moreover, Hezbollah and the Taliban maintain opportunistic links in the region, especially in the area of money laundering. [49] In the case of the Taliban, it bears mentioning that operatives were arrested by Liberian security staff and have since been charged in the United States with a plot to assist the Taliban by sending weapons to their operatives and transporting tons of Afghan heroin through West Africa. [50] In fact, Amado Philip de Andrés warns of the possibility of 'narco-terrorism' in West Africa, based on the assumption that the drug cartels operating in the Latin American Tri Border Area (TBA) of Brazil, Argentina and Paraguay are trafficking cocaine from South America through West Africa to European markets. The same drug cartels have been operationally linked to Middle Eastern terror groups. [51]

Turning to the other side of the continent, many regard Somalia as the breeding ground of terrorism in Africa and not without good reasons. Following the suicide attacks in the Kenyan coastal city of Mombasa in November 2002 [52] a UN Security Council Panel of Experts on Somalia found:

“Owing to violations of the Somalia arms embargo, transnational terrorists have been able to obtain not only small arms, but also man-portable air-defense systems, light anti-tank weapons and explosives. On at least one occasion in the past 12 months, arms delivered illegally to Somalia were employed in the commission of a terrorist act in Kenya; although that particular attack was unsuccessful, the Panel believes that additional weapons may have since been imported into Somalia solely for the purpose of carrying out further terrorist attacks in neighboring states.” [53]

The report also notes how the team responsible for the Mombasa attacks met in Mogadishu to train and procure weapons from illicit arms dealers in informal markets. In other cases, Somali nationals have also been linked to various terrorist attacks. Of note, Fazul Abdullah Mohammed, Al-Qaeda leader in East Africa, and the mastermind of the US embassy bombings in Kenya and Tanzania, was killed in a late-night shootout at a security checkpoint in Mogadishu in June 2011. [54] Mohammed was also known as a field commander of Al-Shabaab, a Somali-based militant group involved in a terrorist campaign against the Transitional Federal Government of Somalia. It has also carried out operations outside of the country, claiming responsibility for the 2011 bombings in Kampala, Uganda, that killed 79 people who were watching the World Cup final on television. However, there is no evidence to suggest that Al-Shabaab is involved with criminal groups or activities, although its alleged involvement with pirates operating in the Gulf of Aden and beyond is a matter of vigorous debate. While US Navy officials reject claims that Al-Shabaab has operational or financial links to the pirates, a *Jane's Terrorism and Security Monitor* correspondent, citing anonymous Somali security authorities, claims that the group received at least 20% of ransoms from some pirate groups in exchange for training and weapons. It is further suggested that the pirates help to traffic weapons and people to the Al-Shabaab controlled port of Kismayu. Nevertheless members of al-Shabaab are not believed to be involved with hijackings at sea. [55] In the absence of verifiable data, it is difficult to establish the veracity of this report. Moreover, it may be in the interest of Somali authorities to assert links between pirate groups and al-Shabaab in order to encourage more robust international action against both groups. [56]

In terms of the piracy phenomenon in particular, an investigation by the Forum for African Investigative Reporters (FAIR) [57] describes the Somali pirates as “social bandits” who originally regarded themselves as the Somali coastguard. In response to foreign fishing vessels that have carried out illegal fishing activities in their coastal area, they viewed themselves as taking what is rightfully theirs. Today Somali pirates can be roughly divided into two groups: one which operates from central Somalia while the other group is active in Puntland in the northeastern part of Somalia. Highlighting the growing criminality, according to FAIR, instead of fighting the pirates, the government of President Abdirahman Mohamed ‘Faroole’ in Puntland is said to be sharing in the pirates’ earnings which would make it a criminal state. Confirming this, the UN Monitoring Group estimates that over 30% of ransom payments were retained by Puntland government officials. [58]

Organized Crime in Southern Africa: Empirical Findings

Studies undertaken by South African scholar Gail Wannenberg were inconclusive in establishing links between transnational organised crime and terrorist networks. [59] In a research report on the links between terrorists and organized criminals in 2004, [60] this author examined seven case studies from Southern Africa. The analysis included the terrorist attacks on Dar es Salaam, Nairobi and Mombasa. Investigations indicated that Al-Qaeda had interacted with illicit arms dealers in the procurement of weapons, ammunition and explosives. The report found that the interaction between the terror network and organized crime groups boiled down to a once-off ad hoc business transactions. Both entities fear detection and thus ongoing cooperation would heighten operational risk. The report concluded:

“...organized criminals are fighting for survival due to increased competition between different criminal syndicates. Entering into a close relationship with terrorists would not feature on their agenda unless there is an immediate financial gain. Furthermore, there is little political or ideological common ground between terrorists and criminals. During Africa’s ‘winds of change’ period, some ‘indigenous’ criminal groups did work with so-called terrorists. But in the post-transformation period, ‘indigenous’ groups are a-political; support for terrorist structures would not derive from similar thinking, or from fighting for a similar cause.” [61]

However, between 2008 and 2010, a study was undertaken in partnership with the Southern African Police Chiefs Cooperating Organization (SARPCCO) to look at organized crime in Southern Africa. Amongst other research questions, it also looked at possible links to terrorism. For this study, selected organized criminal activities and observed levels of prevalence were studied in twelve countries in southern Africa. [62] Due to a lack of statistical and quantitative data in most countries covered, the study relied mostly on a qualitative methodology. Representatives from law enforcement agencies, government departments and publicly-owned corporations, civil society, business and professional associations, academics, prisoners, former gang organized crime network members and members of the broader communities whose lives had been impacted by organized crime, were consulted in one-on-one interviews, focus groups, observations and workshops. A team of field researchers led by a research coordinator collected the data and the project was guided by working definitions of organized crime and terrorism referenced in this paper. [63]

The result of this effort was that the research disproved the popular notion of the existence of hierarchically structured, single-nationality criminal organizations. It also found that multinational networks adhering to the vagaries of supply and demand were predominant. [64] Trafficking in stolen motor vehicles, ivory, diamonds and drugs were shown to be the mainstays

of organized criminal business in southern Africa. However, venture criminals had also diversified into the smuggling of cigarettes, alcohol, fuel, firearms, counterfeit commodities, cattle, foodstuffs and people across regional borders. The research project also covered armed robberies, smuggling of endangered species and rare resources, financial crime and money laundering and human trafficking. 'New' forms of crime were identified (such as the smuggling of counterfeit pharmaceuticals and cosmetics, illegal fishing and illegal logging) and the smuggling of people across regional and international borders, the use of forged travel documents and other immigration offences featured prominently. While terrorist networks have been linked to some of these criminal markets elsewhere in the world, no such connections were found in the Southern African case. [65]

This research project also showed that, although economic crimes may not be as prevalent as other forms of crime, statistically their impact on society and the economy was far-reaching. Organized crime networks have diversified their criminal interests; instead of dealing in one specific crime only, they may be involved in several legitimate and illegitimate operations at any given time. The proceeds are 'cleaned' through a variety of money laundering mechanisms, including the acquisition of real estate and luxury assets. While the region's long and porous borders are often cited as a source of vulnerability in southern Africa, the research revealed that criminals prefer legal border points: international airports, ports and land border posts. Why swim through crocodile infested rivers or trek over dangerous mountain passes on roads less travelled, when it is easy to cross borders undetected with smuggled commodities, sometime with a little help from a friend. In this respect, powerful alliances between criminal networks, law enforcement officials, civil servants, politicians, politically connected people and business corporations propel new markets, methods and routes. Often considered a type of organized crime, corruption is also a facilitator of organized crime. This includes petty corruption involving staff at border posts to allow contraband or smuggled commodities to pass without muster, police officials warning criminals of planned roadblocks and police operations, or airline managers who manipulate flight rosters to accommodate cabin attendants willing to smuggle narcotics. The research revealed the important role that corruption, petty and grand, plays in sustaining organized crime. It paints a rather somber picture but also recognizes the strides being made by regional law enforcement agencies to combat organized crime. The realities of globalization have put into gear a number of responses. While law enforcement capacity, coordination, investigation skills and regional cooperation should be enhanced, a holistic approach incorporating non-law enforcement sectors of government, civil society and local communities in control and harm reduction measures are more likely to make a measurable impact.

Concluding Assessment

Overall, this analysis finds that there is no concrete evidence to suggest that organized crime was linked to terrorism between 2005 and 2010, save for the notion that the proceeds of crime may constitute a potential source of terrorist financing. [66] Granted, speculations abound that members of terrorist networks can hide, plan and prepare their activities from the sub-region. It is known, for example, that Fazul Abdullah Mohammed, the alleged mastermind behind the Nairobi and Dar es Salaam bombings, was in possession of a fake South African passport when he was killed in June 2011 [67]. Similarly, in recent years, there have been at least five instances of alleged terror suspects using fake South African passports; however, to date none of these cases have shown deeper links with organized crime activities in this region. [68] At this stage, as was suggested in the 2004 study, terrorists and organized criminals may interact on an ad hoc basis by forming tactical and strategic alliances in pursuit of short-term goals. Indeed, while theories of convergence and confluence look good on paper, the reality of cultural, ideological, political, operational and practical differences between organized crime and terrorist groupings are obvious and ultimately ongoing collaboration appears unsustainable. Casting a gaze into the future, it is likely that terrorist networks will increasingly appropriate criminal methods to sustain their activities ‘in-house’, rather than forging lasting alliances with criminal networks.

***About the Author:** Annette Hübschle is a senior researcher in the Organised Crime and Money Laundering Programme of the Institute for Security Studies in Cape Town, South Africa.*

Notes

[1] This included the criminalization of the financing and other forms of support for terrorism, the freezing of bank accounts of terror suspects, the introduction of effective border controls and other measures to speed up the exchange of operational information to counter the terrorist threat.

[2] United Nations Security Council, Resolution S/2001/1373, September 28, 2001.

[3] Annette Hübschle, “Unholy alliance? Assessing the links between organized criminals and terrorists in Southern Africa”, Institute for Security Studies Occasional Paper, no.93 (2004): 2

[4] The Organization of African Unity (OAU) was disbanded on 9 July 2002 by its last chairperson, South African President Thabo Mbeki, and replaced by the African Union (AU).

[5] The Organization of African Unity Convention on the Prevention and Combating of Terrorism Convention, 1999, <http://www.africa-union.org/Terrorism/terrorism2.htm#> (accessed June 8, 2011).

[6] Article 3 (1) of the Algiers Convention provides: “Notwithstanding the provisions of Article 1, the struggles waged by peoples in accordance with the principles of international law for their liberation or self-determination, including armed struggle against colonialism, occupation, aggression and domination by foreign forces shall not be considered as terrorist acts.”

[7] The United Nations Treaty Collection provides the current status of signature, ratification and accession at http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&lang=en

[8] United Nations Convention against Transnational Organized Crime, <http://www.unodc.org/unodc/en/treaties/CTOC/index.html#Fulltext> (accessed on June 8, 2011) Article 2 of the Palermo Convention stipulates: (a) ‘Organized criminal group’ shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit; (b) ‘Serious crime’ shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty; (c) ‘Structured group’ shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.

[9] Annette Hübschle, “Unholy alliance? Assessing the links between organized criminals and terrorists in Southern Africa”, op. cit., 3.

[10] Annette Hübschle, “Organized Crime in Southern Africa: First Annual Review,” *ISS Special Report*, 2010: 9.

[11] The concept of ‘narco-terrorism’ was coined by the Peruvian President Belaunde in 1983.

[12] Gregory F Treverton and others, “Piracy, Organised Crime and Terrorism,” Rand Corporation Report, (2009): 22.

[13] Frank Bovenkerk and Bashir Abou Chakra, “Terrorism and Organized Crime,” *Forum on Crime and Society* 4, nos. 1 and 2 (December 2004): 5.

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[62] Research was conducted in Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe, all of which are Member States of SARPCCO.

[63] The definition used for data collection is the same employed in this article.

[64] Annette Hübschle, "Organised Crime in Southern Africa: Second Annual Review," To be published in July 2011.

[65] Senior police officials from the region rejected the connections between the two phenomena and cited various examples of bogus links negatively affecting their countries, e.g. the allegation that tanzanite was used to fund terrorists.

[66] Annette Hübschle, "Organised Crime in Southern Africa: First Annual Review," 98.

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