

Corruption as a facilitator for organized crime in the Eastern African Region

15 October 2019

ANALYTICAL REPORT

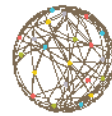


This project is funded
by the European Union

This analytical report was compiled in the framework of the European Union (EU) funded Project ENACT (Enhancing Africa's response to transnational organized crime) and was produced with funding from the EU. The contents of this report are the responsibility of the author(s) and can no way be taken to reflect the views or position of the European Union or the ENACT partnership. Authors contribute to ENACT publications in their personal capacity.

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ENACT is implemented by the Institute for Security Studies and INTERPOL, in association with the Global Initiative Against Transnational Organized Crime.



**THE GLOBAL INITIATIVE
AGAINST TRANSNATIONAL
ORGANIZED CRIME**

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Key Findings

The following are the key findings of this report as found through an analysis of a range of data sources available on corruption and organized crime in the Eastern African region:

- ❖ It is highly probable that corruption practices probably facilitates a wide array of illicit activities in Eastern Africa, notably drug trafficking, trafficking in human beings and people smuggling, wildlife crimes, the trade of stolen motor vehicles and small arms and light weapons.
- ❖ It is highly likely that corruption acts in the Eastern African region are similar in almost all criminal markets.
- ❖ It is possible that some Organized Crime Groups (OCGs) abuse one or more public agencies, from law enforcement to immigration and judiciary to avoid detection and prosecution.
- ❖ Corrupt practices probably occur in the procurement and international contracts schemes in the Eastern Africa region.
- ❖ It is highly likely that trafficking of drugs is the criminal market most connected to corrupt activities in the Eastern African region, with bribery as one of the major enablers for this crime.
- ❖ It is possible that corrupt practices take place at each step of the chain of human trafficking and people smuggling, from recruitment to transportation, accommodation and exploitation of victims.
- ❖ Some OCGs likely corrupt several agencies to poach, transport and sell wildlife trophies across the Eastern African region and abroad.
- ❖ It is possible that international OCGs resort to corrupt practices to facilitate the international shipment of stolen motor vehicles from Europe to the Eastern African region.
- ❖ It is possible that corruption facilitates money laundering schemes in the Eastern African region. Nevertheless, information on the complexity and extent of the connection between corruption and money laundering in the region is limited.
- ❖ It is highly likely that the trafficking of small arms and ammunitions is facilitated through bribery on international borders in the Eastern African region.
- ❖ It is suspected that major driving factors for corruption in the Eastern African region are: lack of systemic collection of data and evidence, fragile legal frameworks and a lack of specialized knowledge among law enforcement.
- ❖ Cases analyzed in this assessment suggest that a strong political will to curb corruption, combined with proper resources allocation and a robust legal framework have contributed to address successfully organized crime in the Eastern African region.

Introduction

Corruption¹ is a serious crime that can undermine the political and economic stability of a country by diverting economic resources from the public sector and threatening sustainable peace. Certain international OCGs target the Eastern African region because of the significant illicit wealth that can be generated from criminal activities facilitated by corruption.

Economic losses are very high in countries where corrupt practices are widely spread. In the 1990s, the African Union estimated that the continent lost over USD 148 billion annually because of corruption.² Furthermore, according to United Nations (UN) estimations, every year USD 1 trillion is paid in bribes globally while an estimated USD 2.6 trillion are diverted annually through corruption. The sum is the equivalent of more than 5 per cent of the global Gross Domestic Product (GDP).³

Corrupt practices involved in some public procurement processes in the Eastern African Region can lead to the diversion of state resources by powerful individuals who are able to cooperate with OCGs to raise their economic profits. In Eastern Africa, corruption reduces a government’s ability to collect revenue. In turn, this affects the government’s capacity to provide essential social services and security to its citizens.

Certain OCGs employ corruption to infiltrate political, economic and social systems in the Eastern African Region. The use of corrupt activities by OCGs in Eastern Africa undermines the rule of law, facilitates the trafficking of a broad range of illicit products, such as narcotics, wildlife trophies, and illegally obtained small arms and light weapons. Moreover, corruption undermines human rights since some OCGs utilize corruption to

facilitate human trafficking and/or people smuggling activities in the Eastern African region.

The fact that there is not a harmonized definition of corruption in Eastern Africa makes it challenging to accomplish comparisons between countries. Nevertheless, law enforcement agencies should focus their attention on practices in which corruption takes place and in the way these actions facilitate organized crime.

Between 9 and 13 September 2018, the 20th Eastern Africa Police Chiefs Cooperation Organization (EAPCCO) held its annual general meeting (AGM) in Khartoum, Sudan. One of the recommendations of the meeting was for EAPCCO to request INTERPOL to conduct an assessment of corruption in East Africa.

Project ENACT (Enhancing Africa’s response to transnational organized crime) has undertaken this assessment of corruption as a facilitator for Organized Crime in the Eastern African Region to provide Eastern African countries with strategic intelligence on the ways that corruption facilitates organized crime. Also, the assessment intends to be a tool for eliciting law enforcement cooperation among the countries of the Eastern African region considered seriously affected by corruption and organized crime.

Two versions of this report exist. This report is the public version of the completed analysis, which included police information; where specific police information was used, this information has subsequently been sanitized for public distribution.

Scope & Methodology

The purpose of the assessment on Corruption as a facilitator for Organized Crime in the Eastern African Region is to be a tool for eliciting law enforcement cooperation among the countries of the region which is considered to be seriously affected by corruption and organized crime. It is important, for the purpose of this report, to also focus on the different forms of corrupt practices in the Eastern African region.

The report focuses on the following countries: the Republic of Burundi, the Union of the Comoros, the Republic of Djibouti, the State of Eritrea, the Federal Democratic Republic of Ethiopia, the Republic of Kenya, the Republic of



Figure 1 Eastern Africa Region

Rwanda, the Republic of Seychelles, the Federal Republic of Somalia, the Republic of South Sudan, the Republic of the Sudan, the United Republic of Tanzania, and the Republic of Uganda (Figure 1).

The assessment aims to identify and analyze the factors that enable the use of corruption by certain OCGs within the public and private sectors. The report will also recognize practices in countering and preventing corruption in the Eastern African region, and to detect trends between corruption and organized crime.

The report also intends to be a tool for eliciting law enforcement cooperation among Eastern African countries already impacted by this phenomenon, as well as those at risk of being affected by corruption in the near future.

This assessment follows an all source intelligence analysis methodology. It is the result of integrating multiple data sources.

Multiple data sources allow for cross-referencing and information verification or corroboration. All data sources herein are combined through analysis; analytical judgments were made throughout the analysis based on all facts available at the time of writing.

Analysis and Findings

The following analysis is broken down into four parts. First, it covers the different levels of relationship between corruption and organized crime in the region, highlighting the various criminal networks and their dynamics. Secondly, this assessment covers the principal criminal markets found to be targeted by corrupt practices. Thirdly, it explores the various factors that drive corruption and organized crime in the region. Finally, this assessment covers the mitigation measures and strategies implemented in the region to curb corruption and organized crime.

Corruption and Organized Crime

The meaning of the term corruption varies across jurisdictions all over the world. Moreover, neither the African Union Convention on Preventing and Combating Corruption nor the United Nations Convention against Corruption (UNCAC)⁴ provide a precise definition of corruption, but instead they specify corrupt acts that are criminalized under diverse national laws.

Understanding the full range of corrupt practices and organizations involved will help Eastern African law enforcement agencies to

better tackle this crime. Although corruption is broadly defined as “the misuse of public power, office or authority for private benefit”⁵, it is important, for the purpose of this report, to focus also on the different forms of corrupt practices in the Eastern African region.

Levels of relationship between corruption and organized crime

The UNCAC, as well as the African Union Convention on Preventing and Combating Corruption, describe a range of corrupt practices. They include, but are not limited to: bribery, embezzlement, trading in influence, abuse of functions, illicit enrichment, laundering of proceeds of crime, concealment and obstruction of justice.

In general, the vast range of corrupt acts can be enclosed in three broad forms: grand corruption, petty corruption and what is widely known as ‘State capture’. Grand corruption refers to corruption by “politically exposed persons” (PEPs), who are individuals “entrusted with a prominent public function”⁶, and involves vast sums of money and assets. This type of corruption involves acts like the embezzlement of public funds and political patronage. Moreover, grand corruption erodes democratic political institutions and misallocates national resources.

It is probable that the most targeted public agencies in Eastern African countries are customs, immigration, public procurement, country governments, public service agencies (in charge of providing identity documents, birth certificate, etc.), natural resource agencies, national parks, security agencies and the judiciary. The corruption act takes place in several forms, from law enforcement/customs officers being bribed at border checkpoints to allow the movement of illicit goods, paying an official to obtain fraudulent documents such as

national ID cards or passports, to infiltrating public agencies for protection.

Some OCGs target private companies in Eastern Africa to exploit them. It is suspected that in Eastern Africa there are links between private sector corruption, money laundering and the financing of other criminal activities through the earnings of proceeds of crime. Adding complexity to the detection of this crime is the fact that the line between public and private sector corrupt practices remains blurred. Moreover, failure by authorities in countries from the Eastern African region to assess overseas financial activities of corporations operating in their jurisdictions contribute to these companies success in their illegal activities.

Analysis shows that certain criminal groups possibly target public agencies in the Eastern African region to corrupt them by different practices, from bribery to infiltration.

Petty corruption usually encompasses smaller improper financial transactions, such as bribes, in the course of delivering a public service, committed by low-ranking civil servants. Through bribery acts, certain OCGs obtain an advantage that can jeopardize the security and/or economic development of countries in the Eastern African region. They might obtain false identities and documents (used for the import of stolen motor vehicles for example), information about law enforcement activity (which they possibly use to avoid law enforcement detection), manipulation of official records and evidence or even access to jury identities.

In the Eastern African region, petty corruption impacts, for example, the provision of public services. The bureaucratic procedure known colloquially as “red tape”⁷, increases

corruption opportunities and enables the payment of bribes. It is very likely that Eastern Africa is not immune to this practice. It is possible that some civil servants in Eastern African countries extort bribes from the local population to speed up an otherwise slow public service. The implementation of online payments for public services in Kenya and Rwanda are examples of measures that might contribute to combatting this type of corruption. With the payments being done online the opportunities for bribery are reduced and the delay of bureaucratic procedures controlled by the system.

CASE STUDY N° 1

In July 2017, Ethiopian Federal Police arrested businessmen, brokers and government officials for the loss of ETB 4 billion (around USD 137 millions) allegedly in connection with government procurement irregularities. The arrested suspects were related to institutions such as Ethiopian Sugar Corporation, Ethiopian Roads Authority, Addis Ababa Roads Authority, Addis Ababa Housing Development Project Office and Ministry of Finance and Economic Cooperation.

Source: "2018 Investment Climate Statements: Ethiopia", United States Department of State, July 2018

Petty corruption likely enables other crimes in the Eastern African region. This includes human trafficking, people smuggling, wildlife smuggling, motor vehicle theft and the transnational trafficking of illicit drugs and substances.

'State capture' defines corruption between firms and individuals, or between actors in the private and public sectors. In these cases, the private sector "captures" Government institutions for its own benefit.⁸ This type of

corruption is often facilitated by the lack of or a fragile legal framework.

It is very likely that in the Eastern African region, State capture practices, often under the form of bribery, fraud and embezzlement, affect large-scale infrastructure projects in the region. Corruption via this method can lead to loss of state resources, which in turn can result in infrastructure not being built, the quality of work could be compromised and the country being deprived of state funds normally earned through taxation. All these factors limit economic and social development.⁹

In the Eastern African region, the described acts of corruption run the spectrum from low-level acts (opportunistic acts of corruption) to organized and established corrupt practices. In almost all illicit markets analyzed in this assessment, connections between corruption and organized crime take place on three levels.

Types of corrupt practices linked to organized crime in the Eastern African region

Bribery and fixed payments (also known as the "payroll system") are reported by several sources in Eastern Africa, notably in narcotics and human trafficking cases.^{10/11} The payroll system can enable a continuous flow of information from public officers to an OCG, as well as protection for criminal activities from disruption by authorities.

It is very likely that some criminals arrange fixed payments to public officers to obtain territorial protection. Moreover, in the case of human trafficking a corrupt official may receive sexual services from trafficking victims of the OCG rather than or combined with financial remuneration. During an investigation of human trafficking case, criminals might seek to obstruct justice through bribing prosecutors in order to delay the judicial process or even

archive case files without processing them at all.^{12/13}

When analyzing the links between corruption and organized crime, it is also important to consider the public’s perception of corruption. Surveys assessing the public perception of corruption are widely conducted internationally.

Analysis indicates that in the Eastern African region, in countries where public perception of corruption is high, criminal reports involving corruption allegations are low. The police dataset available for countries with higher perception of corruption were limited or nonexistent.¹⁴

This data was also compared with the World Bank Ease of Doing Business ranking¹⁵ in order to analyze the impact of corruption and organized crime on the economic development of Eastern African countries. A high rank of Ease of Doing Business for a country means the regulatory environment in the country is more conducive to starting and operating of a local firm. Datasets suggest that grand corruption practices (i.e. tax evasion, embezzlement and abuse of office), are among the most reported type of corrupt practices for the countries,

which rank lower in the Ease of Doing Business ranking.¹⁶

Another relevant aspect for the analysis of corruption and how it links with organized crime is the transnational dimension of the crime. Corruption in the Eastern African region enables crimes that connect the region with other African countries and jurisdictions around the world.

It is probable that cross border forms of corruption take place in countries that are affected by serious internal corruption in the Eastern African region. It is most likely that cross-border acts of corruption include money laundering, bribery in international transactions, procurement contracts, and customs tariff avoidance. The common element for cross border forms of corruption is that they take place across jurisdictions and, most often, within the realm of international commercial transactions.¹⁷ Case study N° 2 illustrates the cross border dimension of corruption in Eastern Africa and its impact on countries development.

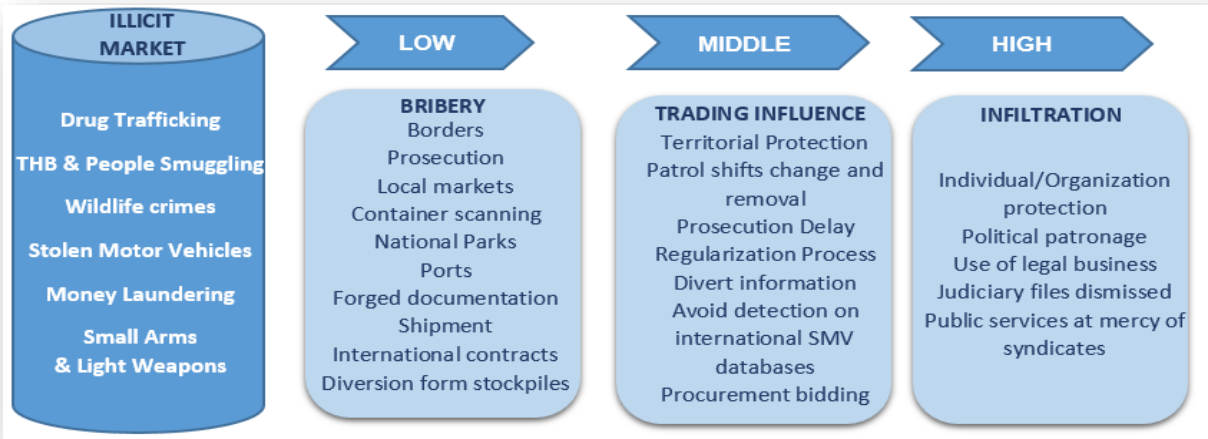


Figure 2 Types and levels of relationship between Corruption & Illicit Markets in the Eastern African region

Figure 2 summarizes the types and levels of connections between corruption and illicit markets in the Eastern African region.

CASE STUDY N° 2

An Italian company declared bankruptcy in Italy and abandoned hydro-power and drinking water projects in Kenya after receiving a down payment of 25 per cent from the international contract for resource mobilization. The company left the country before finishing the project and breaching of contractual obligations.

Source: "Italian contractor leaves with Kenya's Sh15 billion deposit", Standard Digital, 22 February 2019

Criminal Networks and Intermediaries

Some OCGs appear known for their illicit activities to local authorities in the Eastern African region, but the extent of their transnational activities remains unclear. It continues to be difficult for national authorities in the Eastern African region to identify the scope of illicit activities conducted by transnational OCGs in their local jurisdiction, as

well as their connections to other international criminal organizations. Therefore, the level of relationship between corruption and organized crime in the Eastern African region is largely identified on an individual basis with limited law enforcement detection and reporting on the organized aspect of it.

Although the identification of links between corruption cases and OCGs is limited in Eastern Africa, corruption probably facilitates other crimes (for example, drug trafficking, wildlife crimes, human trafficking, people smuggling, motor vehicle theft, etcetera.) that link the region with other jurisdictions (notably Europe, Asia, South America, North America and Middle East).

Terrorist group Al-Shabaab remains a major exporter of illegal charcoal from Somalia, mainly to Gulf countries. In order to smuggle the charcoal, Al-Shabaab relies on forged authorizations, facilitated by corruption¹⁸. Nevertheless, data about the level of relationship between corrupt acts and terrorist groups is very limited.

It is possible that intermediaries such as lawyers, brokers or contractors are used to

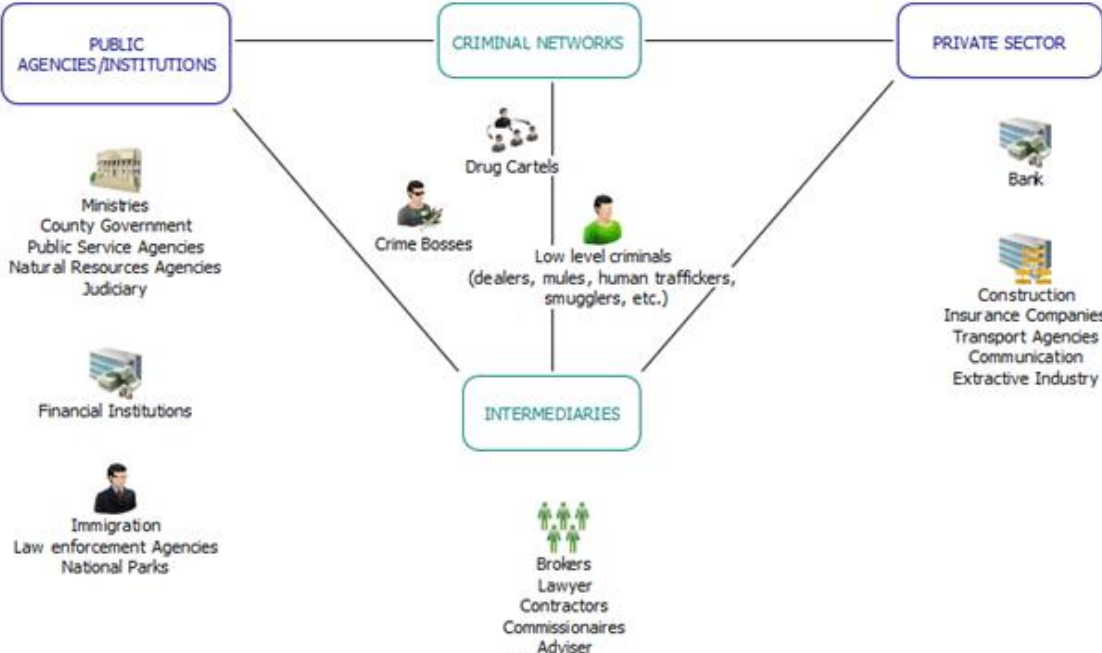


Figure 3 Institutions targeted by organized crime in Eastern Africa

corrupt a company or public official to obtain a benefit from the private sector (Figure 3). This practice is widely reported in cases of tax evasion, embezzlement and irregularities in international procurement contracts.¹⁹

Furthermore, some foreign multinational corporations capitalize on fragile institutional mechanisms and control bodies in order to bribe public officials and gain unwarranted advantage to evade taxes or secure political privileges in state policies.²⁰

Corruption and Illicit Markets

The following analysis covers the most significant criminal markets linked to corruption currently detected and ongoing in the region. Available data is limited, and low numbers in some crime areas may in fact be the results of underreporting. Even though in most of the cases there is a convergence between multiple illicit markets, each of them are analyzed separately. It is important to note that this section is not aimed at assessing each criminal market, rather to test whether corruption has a greater influence in certain illicit markets than others, and under which form the corrupt practices take place.

Based on analysis of all available information, the following crime areas were found to be predominant organized crime activities facilitated by corruption in the Eastern African region:

- Narcotics trafficking
- Human trafficking
- Wildlife crimes
- Trafficking in Stolen Motor Vehicles
- Money Laundering
- Small Arms and Light Weapons trafficking

Narcotics Trafficking

Illicit drug and substance trafficking poses a major organized crime threat to the Eastern African region. Analysis suggests that some narcotics trafficking in the Eastern African region is facilitated by corrupt acts that range from low level (such as bribery of an official at a border checkpoint to avoid disrupting the smuggling of an illicit drug through the border), passing through middle level (OCGs infiltrating an agency to obfuscate unlawful conduct from detection), and to the higher level (notably through protection or obstruction of the judicial system for prosecution delay).

CASE STUDY N° 3

In 2017, two members of the Akasha organization (footnote definition) were extradited from Kenya to the United States of America (USA). Charges laid against these persons by USA authorities included the production and distribution of massive quantities of heroin and methamphetamine throughout Africa for importation and distribution in the USA. After the extradition, open sources suggested the case to be connected with corruption practices from Akasha organization members and its associates; the criminal group corrupted lower level officials at seaports in Eastern Africa in order to avoid scanning and proceed with exportation.

Source: "As heroin trade grows, a sting in Kenya", Reuters, 2015 and "Kenya's Akasha brothers plead guilty to U.S. drug charges -court records", Reuters, 2019.

It is possible that in some local communities in the Eastern African region, the act of corruption takes form of a payroll system where it becomes easier for criminals to threaten and abuse public institutions. This is a process where each month an OCG pays one or more law enforcement officers for OCG members to receive territorial protection and

freedom of movement to transport their commodities.²¹

Seaports can also be vulnerable to corrupt acts by criminals who are involved in drug trafficking. In these cases, the line between public and private sector corruption may become blurred. For example, in order to smuggle heroin in (maritime/aviation) cargo containers, some OCGs have controlled or sabotaged the equipment used to scan a cargo consignment. This equipment is often managed by a private company, to detect inconsistencies and/or substance concealment. This crime often involves petty corruption by an OCG bribing port staff, such as forklift drivers, security guards or clearing agents.²²

Trafficking in Human Beings and People Smuggling

In the Eastern African region, there is a continued movement of persons. These persons primarily move to, either flee armed conflict or seek greater economic opportunities elsewhere than their home location. Many of these persons are vulnerable to exploitation by OCGs involved in facilitating illegal migration, or human trafficking, specifically for the purposes of labor servitude and forced begging.²³

People smuggling is separate and distinct from human trafficking. However, they are included in this area as corrupt practices affects both crimes through the use of similar means and it is often dealt with in overlapping ways by law enforcement.

The Eastern African region cash-based economy possibly facilitates acts of corruption at borders.

Trafficking in Human Beings (THB) cases have been reported in the entire Eastern African

region. Since OCGs involved in this activity recruit and exploit nationals from Eastern Africa in other jurisdictions around the world, THB also connects the Eastern African region with other regions on the continent, notably the Southern African region, as well as Europe and Asia.

The acts of corruption take place in all levels of Trafficking in Human Beings: from recruitment to transportation and accommodation of victims.

In order to smuggle and exploit victims, criminals often corrupt law enforcement, border control agencies, immigration officers and the judiciary.²⁴ This behavior takes place in several countries in the Eastern African region with the acts of corruption occurring on all levels: from recruitment, transportation and accommodation of victims (regularization in the country).^{25/26}

As previously reported in this assessment, certain OCGs often use criminal associates to commit an act of corruption. Regarding THB, corruption often takes place in the transportation and exploitation of victims, and in some cases victims are forced to provide sexual services to officials as payment for protection. Analysis suggests that investigations made by the judicial system into THB cases are also vulnerable to corruption, whether the act takes place at the beginning of the process by extorting victims to withdraw their complaints or by corrupting the appointed prosecutor to delay the process.^{27/28}

Bribery in the form of a payroll system is also reported for THB. OCGs benefit from this practice mostly through protection and law enforcement avoidance.

Some THB converges with other crimes, such as document forgery, fraud, money laundering, smuggling of weapons and drugs. In order to commit these crimes, those criminals involved often resort to corrupt practices such as bribery of public service agencies to obtain, fraudulent documents, or paying for protection to carry out other illicit activities.

Due to internal armed conflicts in other African regions, such as Central Africa, some people leave their country to seek refuge in another country. This may be in the same region, or further abroad. There is a concern among law enforcement agencies in some Eastern African countries that refugee offices across Eastern Africa might be abused by traffickers for human trafficking purposes. Criminals could bribe officers to facilitate obtaining a victim's refugee status, and move them to other regions afterwards.²⁹

Corruption is an enabler of unlawful migrant smuggling across international borders in the Eastern African region. Similar to corruption methodology utilized in Trafficking in Human Being cases, many smuggling networks engage in systematic corruption on several levels: from petty corruption at individual border control checkpoints to grand corruption at higher levels of government.³⁰ Eastern Africa's cash based economy possibly facilitates acts of corruption at borders. It is very likely that some criminals pay small amounts of money to border officers who grant passage.

As previously reported for THB cases, this crime converges with document fraud. In some cases, an intermediate with connections in public agencies will bribe officers to obtain illicit documents or to accelerate the regularization process.³¹ Moreover, information suggests that corruption and people smuggling converge with the business of illicitly selling genuine visas and passports. Police data illustrates that Kenyan and

Ugandan nationals corrupt immigration officials to obtain and sell Canadian visas.³²

Wildlife Trafficking

Eastern Africa's wealth in natural resources and fauna make the region vulnerable to corruption schemes and organized crime. This combined with a fragile legal framework and low detection levels places the region at risk. The systemic poaching of rhinos for their horns and elephants for their ivory tusks and hides, are among the most notable environmental crime issues in Eastern Africa. Corruption is suspected to be a key enabler of wildlife smuggling, it is estimated that billions of dollars generated by wildlife smuggling are linked to corruption and money laundering.³³

Analysis suggests that various OCGs use lawful business activities to launder the proceeds of crime earned from wildlife trafficking between Eastern Africa and other locations around the world, notably Asia, and resort to corrupt practices to avoid law enforcement detection.

It is most likely that corruption and various forms of wildlife crime converge with fraud, counterfeiting and money laundering.³⁴ The porous borders of Eastern Africa, the fragile judiciary system and the large economic profits derived from wildlife smuggling represent a strong motivation for OCGs to get involved in wildlife crimes. Analysis of all sources of information suggests that many OCGs operate transnationally, and corrupt acts link nationals from the region with nationals in other jurisdictions around the world, notably in Asia.

Vietnamese OCGs have been detected in wildlife trafficking in the Eastern African region. Previous reports indicate that most of the higher-level members of the Vietnamese syndicates are allegedly connected with local officials who were corrupted to facilitate the passage of their ivory shipments. They are loosely structured with distinct and

hierarchical roles, but with flexibility within the groups to cooperate or switch affiliation.³⁵

Analysis suggests three levels of relationship between corruption and OCGs for wildlife crimes. At the low level, poachers often bribe public officers and park guards to enter the parks; at the middle level, it is most likely that the corruption practice take place by removing patrol controls or changing shifts in order to allow poachers to move the illicit goods. At the high level, it is most likely that poachers corrupt politically exposed persons (PEPs) to receive protection for them and their criminal organizations.³⁶ In addition, information shows that criminals will bribe park and wildlife agencies staff to divert information and custom officers to export the trophies.³⁷

CASE STUDY N° 4

Open sources suggest that in previous years, the trafficking of elephant ivory and rhino horns passed through the seaport of Mombasa in Kenya to Asia via tea shipments. Since tea is an important export for the country, it is exempt from scanning to ensure it meets international auction requirements. Similar case was reported in Tanzania in 2009, when three containers shipped from Dar es Salaam seaport were declared as plastic waste and found to contain almost 11 tonnes of elephant ivory tusks after inspection at seaports in Southeast Asia.

Source: "Corruption and Poaching: the tusk at hand", Corruption Watch, 9 June 2016, and "For the love of money – corruption remains a key enabler of environmental crime", Environmental Investigation Agency, 7 December 2018.

Corrupt practices at particular ports in the Eastern Africa region facilitate large-scale smuggling of wildlife trophies.³⁸ It is also possible for OCGs to bribe the employees of private companies responsible for scanning containers searching of possible illicit goods.³⁹

It is very likely that certain OCGs bribe security guards from major ports in order to obfuscate law enforcement detection.⁴⁰

Analysis suggests that corrupt practices take place at several stages of the exportation chain to move wildlife trophies from the Eastern African region to other international destinations.

Major seaports and international airports in the Eastern African region are also vulnerable to corrupt practices. Zanzibar in Tanzania has emerged as a significant elephant ivory trafficking hub for ivory tusks being smuggled to various locations in Eastern Asia. Those OCGs involved do this by threatening or bribing officials.⁴¹

It is highly likely that various OCGs smuggle illicit trophies in containers declared as licit goods from Eastern Africa to various locations in Asia. A Chinese syndicate detected in the trafficking of wildlife trophies was formerly involved in the sea cucumber business from Zanzibar to China⁴². Analysis suggests that acts of corruption take place at several stages of the exportation chain to move the trophies from the Eastern African region to other international destinations.

Trafficking in Stolen Motor Vehicles

Stolen motor vehicles (SMVs) is a prevalent phenomenon in Eastern Africa. The region remains a source, transit and destination for stolen motor vehicles notably of Japanese, European and American origins.⁴³ Analysis suggests that some OCGs can corrupt lower level officials from security and customs agencies to register the stolen cars as legitimate or to avoid detection from stolen vehicles registers.

In April 2019, an international OCG importing stolen luxury vehicles from the United Kingdom to Uganda, via the Mombasa, Kenya seaport was detected by law enforcement authorities. The magnitude of this ring and the high value of the stolen vehicles indicate a great level of organization and connections between OCGs operating in Europe and Eastern Africa. The OCGs used shipping companies from different countries in Europe to export the vehicles to Mombasa, in containers usually declared as furniture or other licit goods. Once in East Africa, the stolen luxury cars were cleared at the Mombasa seaport and sent to Uganda and other Eastern African destinations by land, crossing several international borders.⁴⁴

Similar cases of stolen luxury cars from the United Kingdom to various locations in Eastern Africa were reported in the past. In some cases, recipients of the vehicles in Africa were unaware that cars had been stolen since they were sold with legal documents. However, local authorities suspect the documents were obtained through corruption.⁴⁵

Money Laundering

It is likely that worldwide some OCGs develop money-laundering schemes to mitigate the risk of drawing unwanted law enforcement attention when spending any profit earned from proceeds of crime.

In 2015, the High-level Panel⁴⁶ on Illicit Financial Flows (IFFs) from Africa indicated that IFFs in the continent were often driven by criminal activities. This ranged from trafficking of people, drugs and arms to smuggling, as well as fraud in the financial sector, such as unauthorized or unsecured loans and money laundering.⁴⁷ Moreover, corruption of officials in the financial sector is suspected by local authorities to be a facilitator of many of the practices supporting IFFs.⁴⁸

Money laundering is already an entrenched and systemic aspect of organized crime in the

Eastern African region.⁴⁹ Estimates found this crime to be significantly transnational, frequently involving more than one country at a time. It is highly possible that corruption facilitates money laundering schemes but the data on the nature, varieties, and extent of the connection between corruption and money laundering in the region is limited.

All sources of information suggest that money laundering is likely linked to corrupt practices in both the public and private sectors worldwide. However, systemic or organized schemes that illustrate the levels of connection between corruption and money laundering were not possible to detect at the time of drafting this report. It is suspected that criminals resort to petty corruption to bribe individuals to open businesses to launder the proceeds from drug and human trafficking.

Estimates indicate that in the Eastern African region, the placement of laundered money can occur at the national and international levels. At the national level for instance, some individuals could buy assets with money derived from illicit activities in the country or elsewhere. At the international level, the proceeds of crimes or money derived from corruption are laundered in another country. Analysis suggests that criminals use associates to launder the proceeds from corruption, such as lawyers who will buy properties or conceal the money in other countries around the world.

Corruption and money laundering have closer levels of relationship on irregular procurement cases in the Eastern African region. In some cases contractors compromise public officers to negotiate pricing, tax evasion and other irregularities in public work contracts.⁵⁰ Globally, inefficient public procurement is extremely costly for countries' economic development and security. Moreover, given the magnitude of the resources involved, the unique purchasing power of governments, the

multitude of stakeholders and the complexity of the processes, public procurement is particularly vulnerable to fraud and corruption.⁵¹ An interesting case to illustrate the connection between corruption and money laundering in Eastern Africa is that of Ethiopia Metals and Engineering Corporation (MetEC). Case study N° 5 illustrates how a firm can be abused through money laundering schemes facilitated by corruption.

Money laundering schemes are generally difficult for law enforcement agencies or regulatory bodies to detect. Many countries in the Eastern African region are implementing

CASE STUDY N° 5

In January 2019, the Ethiopian authorities arrested 23 senior officials from MetEC for mismanagement and corruption practices. MetEC was involved in mega infrastructure projects across the country but did not fulfil its contractual obligations. For a fertilization project, for instance, the Corporation managed to complete 40 per cent, resulting in a 100 per cent escalation on the total amount needed to complete the project. Moreover, MetEC was allegedly engaged in repeated procurements from single suppliers without competitive bidding. MetEC also awarded the Tana Beles I Sugar factory project to a Chinese firm. Ethiopia was expected to start exporting sugar in 2014, but even up until 2017 the country was importing sugar. It was also revealed that agents were tasked to negotiate between global firms and METEC and would then launder money illegally to other countries.

Source: "Recent Corruption Crackdown in Ethiopia: What Can We Learn From It?" International Anti-Corruption Conference (IACC), 2019 and "MeTEC's lost plane found", Capital Ethiopia, 2018

national efforts to strengthen their legal frameworks to detect and prosecute individuals and organizations involved in money laundering cases. The amendment of Proceeds of Crime and Anti-Money Laundering Act in Kenya is an example of this. Further details on these measures are described in the Mitigation Measures section of this assessment.

Small Arms and Light Weapons Trafficking

The illicit trade of small arms and light weapons (SALW) is a major threat in the region since it enables other organized crimes, such as poaching, drug and human trafficking, and contributes to violent crimes in Eastern Africa. The concentration of uncontrolled small arms and light weapons in conflict areas often exacerbates violence.

It is possible that OCGs and armed groups resort to corruption to trade small arms and light weapons at the Eastern African borders.

The Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa⁵², requests State Parties in Article 17, to "institute appropriate and effective measures for cooperation between law enforcement agencies to curb corruption associated with the illicit manufacturing of, trafficking in, illicit possession and use of small arms and light weapons".

It is possible that one or more OCGs and armed groups resort to corruption to trade small arms and light weapons at Eastern African borders. Since these groups have no legal authority to purchase arms, they could resort to illicit means of arms acquisition, such as diversion from state stockpiles, illegal sale of arms and

local production. It is suspected that bribery is a key enabler of diversion from stockpiles and selling of legal law enforcement weapons on illicit markets.⁵³

Open sources report that weapons are also introduced to the region through illicit maritime trafficking, with Somali maritime space reportedly at highest risk⁵⁴ and suspected to be used as a point of illicit transshipment for weapons originating from Yemen, intended to fuel violent conflicts and armed groups in the region.⁵⁵ According to open sources, Eastern Africa’s largest ports are vulnerable for exploitation for weapons transshipment for further small arms distribution to countries affected by armed conflicts.⁵⁶

Illicit weapons move via land in the region with corruption at the borders as a key facilitator for their transportation. Local authorities suspect that corruption has contributed to fuelling organized crime in the region through the trafficking of arms and ammunition.

The trade of small amounts of illicit arms across regional borders represents a high risk for security in the Eastern African region. The Small Arms Survey estimates that the ‘ant trade’ (which consists in numerous shipments of a small number of weapons) is among the most important forms of illicit arms trafficking globally. This methodology results in the accumulation of large numbers of illicit weapons by unauthorized end users.⁵⁷

The previously mentioned case of Metals and Engineering Corporation (MetEC) in Ethiopia allegedly linked the private sector with the smuggling of arms in the region and abroad. MetEC purchased ships that were suspected to be used in illegal arms trading and other illicit goods between Iran and Somalia.⁵⁸

Driving factors of corruption and organized crime

There are several factors that drive corruption and organized crime in the Eastern African region. Among the principal driving factors is the challenge for law enforcement agencies to gather evidence and a fragile legal framework and judicial system in Eastern African countries. Corruption is often difficult to prove for law enforcement and prosecutors and those OCGs involved exploit this in their favour. This, combined with the low risk of detection and punishment, make the Eastern African region vulnerable to corruption schemes.

In the region, most countries have implemented mitigation measures and strengthened their judicial systems through the creation of anti-corruption bodies. Nevertheless, there is a gap when it comes to the application of the law.

Major driving factors for corruption and organized crime are listed in the table below (Figure 4):

Driving factors of Corruption and Organized Crime in the Eastern Africa region
Economic profit
Challenges in evidence gathering
Weak legal framework and judicial system
Lack of specialized skills and experience in investigation and prosecution
Political will
Low wages of public servants
Political patronage
Poverty
Unemployment
Cultural practices

Figure 4: Driving factors of Corruption and Organized Crime in the Eastern Africa region

It is very likely that OCGs will be more active in those countries where detection rates of corruption offences are low. The limited data available on number of convictions for corrupt offences in the region might be an indicator that, despite national efforts, levels of

detection remain low. The engagement of authorities in Eastern African countries to detect and arrest individuals involved in corrupt practices included high-level managers and politically exposed persons. This indicates that the region is making efforts in the detection of this crime. However, it is still in its initial stages.

Globally, cultural practices are often another driving factor for corruption and the Eastern African region is not alien to this practice. The tradition of gift-giving, widely used in many cultures around the world, is crucial when assessing corruption in the region. Although conceived as a practice to maintain harmony or respect, it should be analyzed with caution, in order not to lessen the fact that the phenomenon of corruption remains an important problem for many countries that practice these traditions.⁵⁹

Mitigation Measures

The United Nations Convention against Corruption and the African Union Convention on Preventing and Combating Corruption, of which most of Eastern African countries are members, require member states to implement legislative and other measures to prevent and eradicate corruption. Some of them are: independent national anticorruption authorities or agencies, strengthen the internal accounting and auditing systems, protect witnesses and informers in corruption cases, denounce corruption-promoting systems and educate the population on corruption, among others.

Most of the countries in the Eastern African region have reported corruption as a key facilitator for organized crime and their efforts to face this challenge are manifested in the numerous anti-corruption measures initiated by Eastern African countries. These measures range from the strengthening of anti-

corruption laws to the creation of anti-corruption agencies.

As a regional approach, governments from the region launched in 2011 the East African Association of Anti-Corruption Authorities (EAAACA), to provide a platform for Eastern African countries to tackle corruption as well as reinforce and strengthen good governance across the continent. Presently, INTERPOL member countries from the Eastern African region, which are also members of the EAAACA, include Burundi, Kenya, Uganda, Tanzania, South Sudan and Ethiopia.

Even though some countries from the Eastern African region have anti-corruption agencies, most of them curb corruption through several institutions. One method of curbing corruption consists of anti-corruption laws being enforced by other institutions besides anti-corruption agencies; such is the case of Rwanda, which relies on the Ombudsman for instance.

Other East Africa countries could implement anticorruption laws by a single anti-corruption agency and others could control corruption through anti-corruption laws enforced by multiple agencies. The latter is the case of most countries in the region.

These top-down anti-corruption approaches are all rule-of-law-based approaches, which rely on external controls like laws and regulations or anti-corruption agencies.⁶⁰ An integrity approach is one that relies on internal controls, notably training and education of public servants regarding ethics and integrity on individual behavior.⁶¹

In general, these anti-corruption strategies and measures seem to be focused on the symptoms of corruption but give little or no attention to the root causes of corruption.

The table below (Figure 5) shows the institutions and mechanisms implemented by some countries in the region to fight against corruption:

Country	Institutions and Mechanisms against corruption
Burundi	Anti-Corruption Brigade
	Anti-Corruption Court
	General Prosecutor's Office at the Anti-Corruption Court
Comoros	National Commission against Corruption (shelved since 2017)
Eritrea	Special Court
Ethiopia	Federal Ethics and Anti-Corruption Commission
Kenya	Ethics & Anti-Corruption commission
	Specialized Unit on Economic Crime
	Directorate of Criminal Investigation
	Anti-Corrupt Court
	Asset recovery agency
	Financial Reporting Centre
	Public Procurement Regulatory Authority
	Office of the Ombudsman
	Law on fighting corruption and other related offences
Rwanda	National Advisory Council to Fight Corruption and Injustice
	Rwanda Investigation Bureau
	Office of Auditor General
	Parliament Account Committee
Seychelles	The Anti-Corruption Act (2016)
	Anti-Corruption Commission Seychelles on the 14th October 2016
Sudan	Corruption Crimes Investigation Unit + Enact legislation
	Declaration of discharges (for officials and public employees)
Tanzania	Prevention and Combating Corruption Bureau (PCCB)
	Special Court dealing with Grand Corruption
Uganda	Police (CID)
	Inspector General of Government (IGG)
	Parliament
	Anti-corruption court
	Financial Intelligence Authority
	Anti-corruption unit in state house
	Asset recovery under DPP and anti-corruption offices

Figure 5 : Institutions and Mechanisms against Corruption in Eastern Africa. Source: analyst's elaboration based on data collected from Eastern Africa countries for this assessment

Conclusions

The assessment on Corruption as a Facilitator for Organized Crime in the Eastern African Region intends to be a tool for eliciting law enforcement cooperation among the countries of the region that are considered to be seriously affected by corruption and organized crime.

Corrupt practices are likely similar in almost all criminal markets in the Eastern African region. This includes low-level corruption (petty corruption), middle level corruption (notably the practices of 'infiltration' and 'trading of influences'), and high level (territorial and individual protection of criminals by certain public agencies).

It is very likely that the detection of links between corruption and organized crime in the Eastern African region is largely identified on an individual basis with limited detection and reporting of the organized aspect of it. This illustrates the need for cooperation between Eastern African countries. In this regard, the use of INTERPOL capabilities and databases can facilitate cooperation on the fight against corruption and organized crime in the Eastern Africa Region.

This analytical report explores, when possible, the nature of OCGs that carried out criminal activities facilitated by corrupt acts in Eastern Africa. It is likely that certain OCGs abuse several public agencies in the Eastern African region. This includes various law enforcement, immigration and judiciary agencies.

It is possible that the detection, reporting and prosecution of acts of corruption is going underreported in Eastern Africa. It is probable that investigations focus largely on the illicit activity and not to the corrupt practice that enables the crime. Therefore, it is recommended that law enforcement agencies

in the Eastern African region address the root causes of corrupt practices when fighting against organized crime.

It is highly likely that the trafficking of illicit drugs and substances is the criminal market most connected to corrupt acts in the Eastern African region.

It is suspected that a similar pattern of acts of corruption takes place for the trafficking in human beings and people smuggling. It is possible that corrupt practices take place at each step of the chain of human trafficking and people smuggling, from recruitment to transportation, accommodation and exploitation of victims.

It is very possible that various OCGs operate transnationally and corrupt acts link nationals from Eastern African region with nationals in other locations around the world, notably in Asia. OCGs possibly corrupt various national agencies in Eastern Africa to poach, transport and sell wildlife trophies across the region and beyond. It is most likely that corruption and various forms of wildlife crimes converge with other types of crimes, notably fraud, counterfeiting and money-laundering.

It is probable that international OCGs resort to corrupt practices for the international shipment of stolen motor vehicles from Europe to Eastern Africa.

It is very likely that some OCGs corrupt lower level officials from security and customs agencies to register the stolen cars as legitimates or to avoid detection from the stolen vehicles registers.

It is almost certain that corruption facilitates money laundering schemes in Eastern Africa. Nevertheless, information on the complexity and extent of the connection between corruption and money laundering in the region is limited.

It is possible that criminals use associates to launder the proceeds from corruption, such as lawyers to buy properties or conceal the money in other countries.

OCGs likely resort to bribery of officers at international borders in the Eastern African region and at the region's major ports to facilitate the trafficking of small arms and ammunitions. Local authorities suspect that corruption has contributed to fuelling organized crime in the region through the trafficking of arms and ammunition.

It is suspected that major driving factors for corruption in the Eastern African region are: lack of systemic collection of data and evidence, fragile legal frameworks and a lack of specialized knowledge among law enforcement.

It is recommended to law enforcement agencies from Eastern African countries to reinforce investigative skills for the detection and prosecution of corruption.

Finally, the case studies and success stories analyzed in this assessment suggest that addressing organized crime in the Eastern African region is possible through a global approach of anti-corruption mechanisms enforced in several institutions.

Appendix

Definitions of corruption practices⁶²

Bribery

Is understood as the promise, solicitation or acceptance, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

Embezzlement

Misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position.

Trading in Influence

The promise, solicitation or acceptance of offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person.

Abuse of Functions

The performance of or failure to perform an act, in violation of laws, by a public official in the discharge of his or her functions, for the purpose of obtaining an undue advantage for himself or herself or for another person or entity.

Illicit Enrichment

A significant increase, when committed intentionally, in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income.

Laundering of Proceeds of Crime

The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action. It includes:

- The concealment or disguise of the true nature, source, location, disposition, movement or ownership

of or rights with respect to property, knowing that such property is the proceeds of crime; The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;

- The participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.

Concealment

Is understood as the concealment or continued retention of property when the person involved knows that such property is the result of a criminal offence

Obstruction of Justice

Consists in the use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of criminal offences. It includes the use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of a crime.

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