

The Economics of Transnational Organised Crime (TOC) in the Maritime Domain: Drug Trafficking in Africa and the Southern African Continent

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ABSTRACT As globalization has expanded international maritime trade, so has the range of criminal activities broadened and diversified. By their very nature, security issues such as transnational organised crime are a challenge for many nations. Issues such as piracy, terrorism, trafficking in illicit drugs, human beings and arms, threatens necessary infrastructure, are interconnected and transcend boundaries. In particular, drug, human trafficking and piracy are activities of organized crime groups, generating enormous economic gains by criminal cartels and syndicates. The wide range of maritime related activities are inter-related to some extent, and have a potential impact on the prosperity derived through their contributions to security, stability and safety. The main aim of this paper is to raise awareness on the nature of transnational organised crimes and their socio-economic consequences on a regional, national and international level. Specifically this paper examines the nature, extent and policy relating to illicit drug trafficking as a form of criminal activity broadly in the maritime world in Africa and particularly in South Africa. It is of scholarly importance that research in the maritime sector be effectively utilized as a basis for policymaking, thereby, narrowing the gap between research and policymaking on a wide range of maritime challenges facing Africa as a continent which is emerging as a global economic actor in the 21st Century. The paper concludes that national, regional, continental and international organisations need to establish or improve existing mechanisms for 'maritime governance'.

INTRODUCTION

Transnational crime has escalated rapidly in recent years, to the point of escalation traceable to the liberalization of most aspects of African society. The concept 'transnational crime', from a criminological perspective, originates from the mid-1970s when the United Nations used the term to identify certain criminal activities which transcend national jurisdictions. In 1995, the United Nations identified eighteen categories of transnational – and mostly organized – criminality. Transnational crime was then defined as 'offences whose inception, prevention and/or direct or indirect effects involved more than one country' (UN Doc. A.CONF. 169/15/Add.1: 1995). The crimes listed included, sea piracy, illicit drug trafficking, money laundering, terrorist activities, theft of art and cultural objects, theft of intellectual property, illicit arms trafficking, aircraft hijacking, insurance fraud, computer crime, environmental crime, trafficking in persons, trade in human body parts, fraudulent bankruptcy, infiltration of legal business, corruption and bribery of public or party officials. Transnational crime has increased dramatically with the era of globalization and it is only recent that some progress

has been made by states and international organizations in developing measures to combat this type of criminality (The Peace Palace Library 2011:1).

Transnational organized crime crosses borders, challenges States, exploits individuals, pursues non-conventional economic interests, destroys economies and civil society, and eventually weakens the global democratic system. The United Nations Secretary-General's High-level Panel on Threats, Challenges and Change maintained that transnational organized-crime was one of six key global security challenges (United Nations 2004: 23). Moreover, sea travel is known to be the lifeblood of nation states in terms of their respective economies. Nations that trade get rich – and the more they trade, the richer they get. Out of fifty-four countries of Africa, thirty-nine are either littoral states or islands; therefore, it is expected that the continent and its habitants should be aware of the impact of the maritime domain to sustain its economy (Brenthurst Foundation 2010:3).

The present study examines the nature of transnational organised crimes and their socio-economic consequences on a regional, national and international level. In particular it focuses

on the African and Southern African context. Amongst the multiplicity of illicit maritime economic activity, the study examines drug trafficking as a way of highlighting the serious sociological consequences of these maritime crimes.

RESEARCH METHODOLOGY

Due to the maritime sector being globally distributed, for purposes of this study it was not possible to generate primary data given the costs and time that this will incur. A study focussing on primary sources of data will perhaps require a more in-depth and longitudinal study at the source of crime. Given that the maritime sector is highly mobile with no fixed boundaries it becomes difficult to find any specific locality for the study of this nature. Hence, this study is founded on the analysis and reanalysis of secondary sources of data. These comprise a literature review of relevant legislative policies and statistical reports and records of contemporary research in the field of crime in the global maritime sector; reports by intergovernmental and non-governmental organizations, as well as governmental agencies and documented studies conducted by researchers at academic institutions. The strength of this study draws on expert studies in the field of maritime crime which serves as a baseline to inspire future research in this particular field. Hence this paper is an exploratory one based on available data which highlights the challenges, policies, protocols and criminal activities that exist within the multi-billion dollar maritime sector which opens up opportunities for new assumptions and hypothesis to be formulated on the specialized study in the area of maritime crime in Africa and the Southern tip of Africa.

Conceptualising Transnational Organised Crime (TOC)

The concept of transnational crime (TOC) has various definitions. The term “transnational”, borrowed from the field of international relations, describes the movement of information, money, people, physical objects and other tangible or intangible assets across national borders. It evokes a set of unidentified forces which constitute an unclear system of relations, lacking coordination with each other, managed by people who do not conform to state authority.

The concept TOC since the beginning of the 90’s has become part of the vocabulary used by both specialists and lay people as a standard reference for complex forms of crime amongst groups of individuals across national borders or those engaged in illicit activities and markets at an international level (Massari 2014: 1).

Since the last decade several scholars have attempted to advance a more precise definition of this concept, focusing on both the characteristics of criminal actors and activities. Specifically this area of criminal activity was characterized firstly by economic aims and objectives followed by a formal organizational structure between and amongst its various stakeholders which facilitates the use or manipulation of their own business “instruments” for economic gains. As part of its organisational structure, the presence of individuals with high social status or access to political authority forms an integral part of its operational objective. TOC’s existence is also premised on resources used by criminal groups in carrying out various illegal activities by using instruments of large companies and multinationals to impose their economic hegemony or to evade certain legally acceptable rules of economic engagement, the corruption of law enforcement and civil service authorities. The negative impact of TOC cartels are known to vary in different parts of the globe and has reached macro-economic proportions placing developing countries at a disadvantage, in light of the threats that such practices place on the already weak economic growth and on its national welfare system (Massari 2014: 1).

The United Nations National Security Council (2011: 1) provides a more explicit understanding of the concept TOC. It refers to those self-perpetuating associations of individuals who operate transnational for the purpose of obtaining power, influence, monetary and/or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption and/or violence, or while protecting their illegal activities through a transnational organizational structure and the exploitation of transnational commerce or communication mechanisms. It asserts that there is no single structure under which transnational organized criminals operate since they vary from hierarchies to clans, networks, and cells, and may evolve to other structures. The crimes they commit also vary.

TOCs are not averse to working conspiratorially perpetuating their criminal objectives and possess characteristics which may include, but are not limited to:

- ♦ Committing acts of violence or other acts which are likely to intimidate, or make actual or implicit threats to do so;
- ♦ Exploit differences between countries to further their objectives, enriching their organization, expanding its power, and/or avoiding detection/apprehension;
- ♦ Attempting to gain influence in government, political and commercial circles through corrupt as well as legitimate means;
- ♦ Ensure that economic gains are always their primary goal, not only from patently illegal activities but also from investment in legitimate businesses; and
- ♦ They attempt to insulate both their leadership and membership from detection, sanction, and/ or prosecution through their organizational structure (United Nations National Security Council 2011: 1).

The nature of TOC is characterised by criminal networks that establish bonds across national borders that surmounts cultural and linguistic differences in pursuing criminal activity. Like the organisational culture of legitimate corporations it is not characterised by inertia. It adapts as new opportunities emerge and as relationships between criminal networks solidifies, it expands its networks around the world making the implementation of transnational criminal law and justice difficult to pursue due to its sophisticated modus operandi. With digitization, sophistication in technology and communication systems and the shrinking of the global political economy across borders, it has changed the way TOCs are perpetrated. As consequence TOCs are well established in many countries around the world irrespective of their levels of development. To this extent the World Bank's *World Development Report 2011* expresses great concern about the impact of TOC on economic development. Given its fluid and diversified nature that allows it to engage with a host of illicit activities, including drug and human trafficking, piracy and counterfeiting, it is the weaker states that are more vulnerable to TOC predations although stronger and conflict affected states are not precluded (World Bank 2011: 2)

RESULTS

The Economics of TOC

Placing a precise value on the economics of TOCs is a difficult task as it will be dependent on accurate and reliable information. Given the paucity of precise information, one can only ascertain trends and patterns on the economics of TOCs which could be used as a benchmark to make certain inductive conclusions. Their covert operations often escape the gaze of law enforcement officers and official societal regulatory mechanisms which normal business enterprises are subjected to. More difficult is the estimation of social cost of TOCs to individuals, groups and society as a whole.

Notwithstanding the lack of accurate data on TOCs, in July 2012 the United Nations Office on Drugs and Crime (2012: 1) launched a global awareness on the dimension and cost of TOC on nation states and the global economy. It was estimated that TOCs had a turnover of approximately US\$ 870 billion a year. Organised criminal networks profit from the sale of illegal goods whenever a market emerges and by creating new markets. Profits from these illicit activities are worth more than six times the amount of official development support, and are equivalent to 1, 5 % of the global gross domestic product (GDP), or 7% of the world's exports of products. Profiling this multibillion-dollar-a year illicit economic activity illustrates how TOCs undermine peace, human security and prosperity. Yury Fedotov (2012: 1), executive director of UNODC stated that the campaign highlighted exactly how criminals undermine societies and cause suffering and pain to individuals and communities. Furthermore he stated "*by dealing with issues such as human trafficking, the smuggling of migrants, counterfeiting, illicit drugs, environmental crime and illegal arms, it offers an insight into today's core criminal areas*". The table below illustrates the estimated value of these criminal activities.

From Table 1 it will be noted that the income from drug trafficking generates the largest share of income for TOCs amounting to the value of \$320bn per year. Considering that drug trafficking is always on the lookout for new markets the United Nations estimates that the number of global illicit drug users is set to increase by 25% by 2050 and that the volume of increase is ex-

pected to come from the rapidly rising urban populations of developing countries (Travis 2012: 1). Given the escalating wealth gaps globally resulting in increasing income stratification between the rich and the poor, Gastrow (2013: 3) asserts that such income differences is further likely to exacerbate the expansion of criminal economies and a growing demand for drugs and cheaper contraband goods in developing countries. In Mozambique, for example, *spaza* shops sell sugar illegally smuggled into the country at a lower price than locally produced sugar. Gastrow (2013: 3) also observes that African countries will increasingly be used as transit zones by international drug cartels. If such a shift were to occur, it would hold serious implications for African countries, including South Africa, which is already regarded as the hub for drug trafficking in Southern Africa.

Table 1: Approximate income from criminal activities for 2012

<i>Estimated value of criminal activities Annually -2012</i>	
<i>Type of criminal activity</i>	<i>United States Dollar</i>
Drug trafficking	320 Billion
Counterfeiting	250 Billion
Human Trafficking	32 Billion
Smuggling of Migrants	7 Billion
Trafficking in Timber	3,5 Billion
Ivory, Rhino Horn & tiger parts	75 Million

Source: Adapted from UNODC 2012

Kahil Goga (2012: 1), a consultant at the Consultancy Africa Intelligence (CAI) unit in Southern Africa says that “while the focus on crime in South Africa has often been on the extraordinary levels of violent crime, global regional and domestic factors have contributed to a growing awareness of the implications of transnational organised crime. A recent estimate by State Security Minister, Siyabonga Cwele, approximated that South Africa lost 10% of its GDP, estimated at ZAR 178 billion (US\$ 21 billion) a year, to the ‘illicit economy’.

International Maritime Law and South Africa as a Maritime Nation

Maritime security is a key component of collective security and thus forms part of the foundation for economic development. Maritime

transport faces a number of multi-dimensional security issues. Piracy (especially in the Indian Ocean), and armed robbery against ships are a serious threat to maritime trading routes, movement of humanitarian aid and regional stability. The proliferation of weapons of mass destruction, terrorism and organised crime, trafficking in drugs, human beings and weapons, and the escalating trafficking of small arms are all examples of the intermingled cross-border challenges that countries and regions have to meet in the ever-changing security environment of the twenty-first century (European Commission 2011: 1). As consequence, sustainable economic growth and social development are unthinkable without a safe environment in which they can flourish.

The world’s oceans have long been subject to the ‘freedom of the seas’ doctrine, i.e. a principle developed in the seventeenth century which limits national rights and jurisdiction over the oceans to a narrow belt of sea surrounding the nation’s coastline. The remainder of the seas was proclaimed to be free to all and belonging to none. While this situation prevailed until the twentieth century, by the mid-century, there was a growing interest to extend national claims over offshore resources. As maritime technology became more sophisticated, the oceans became increasingly more exploited in terms of resources such as oil, diamonds, gravel, metals and fish harvesting. In 1958, a specialised United Nations (UN) agency, the International Maritime Organisation (IMO), was established, with responsibility for improving maritime safety; preventing pollution from ships; and overseeing the process of liability and compensation, especially in relation to damage caused by pollution. In addition, the IMO was given the task of ensuring that a number of international conventions which had already been developed were kept up to date. These conventions included the International Convention for the Safety of Life at Sea 1948 and the International Convention for the Prevention of Pollution of the Sea by Oil, 1954. The IMO conventions provide the means for international uniformity after they are adopted by international conferences. Governments undertake to give attention to the provisions of conventions they accede to, or ratify by promulgating their own domestic laws, decrees, orders or regulations. Some of the conventions adopted by the IMO have included the following (Maritime Security 2014: 3):

- o ***International Convention for the Safety of Life at Sea, 1960:*** This was an updated version on the 1948 convention, which dealt with the issue of maritime safety.
- o ***International Convention for the prevention of Pollution from Ships, 1973:*** This convention was in response to the growing instances of oil spillage from oil tanker accidents. However, the convention also covered pollution by chemicals, goods in packaged form, sewage, garbage and air pollution.
- o ***Convention on the International Regulations for preventing Collisions at Sea, 1972:*** This convention was designed to update and replace earlier regulations on collisions.
- o ***International Convention on Maritime Search and Rescue, 1979:*** This convention was aimed at developing an international Search and Rescue (SAR) plan, with the aim of establishing a uniform SAR procedure, which could be implemented regardless of where the accident occurred.

In addition to the abovementioned efforts by the IMO, strides were also made to regulate the use of the oceans in a single convention that was acceptable to all nations. These efforts finally culminated in the adoption of the 1982 United Nations Convention on the Law of the Sea (UNCLOS). Since then it has gained nearly universal acceptance and for the first time it provides a universal legal framework for the rational management of marine resources and their conservation for future generations. It enshrines the notion that all matters pertaining to oceanspace are closely interrelated and addressed as a whole. Today, UNCLOS is the globally recognised framework dealing with all matters related to the law of the sea (UNCLOS 1994:3).

In so far as the South African maritime sector is concerned, it is endowed with a double geo-political identity, namely the land and the sea. This to a large degree shapes the country's maritime and naval interests. Strategically situated along vital sea routes of the world, the South Atlantic, the Indian and the Antarctic oceans, South Africa has a coastline of about 3 000 kilometres along which its marine resources are spread; from the Orange River in the west to Ponta do Ouro, in the east. The geo-strategic position occupied by South Africa is the most important factor and is followed in importance

by the country's maritime zones, marine resources, marine ecology and conservation, as well as maritime trade. All of these factors carry with them immediate national, regional and international obligations (Siko 1996: 1).

South Africa's maritime zones, signed into law by the country's President on 11th November 1994 (Maritime Zones Act No 15 of 1994), cover the territorial waters, contiguous, exclusive economic zone (EEZ), the continental shelf and the Prince Edward Islands, belonging to South Africa. The latter is situated 1000 kilometres south-east of Port Elizabeth. All of these zones fall within South Africa's jurisdiction for monitoring, control and enforcement of state authority. In total, it comprises an area of assets of more than 1 million square kilometres (Crime Intelligence Agency World Fact book 2013: 1).

With this vast estate, comes certain rights and obligations upon which specific international institutions and legal norms have a direct bearing. South Africa is a member of the International Maritime Organisation (IMO) and the International Hydro-graphic Organisation (IHO). As a subscriber to the United Nations Convention on the Law of the Seas (UNCLOS), and including being a signatory to the Convention on Safety of Life at Sea (SOLAS), South Africa is morally bound to observe these International Security Guidelines (International Maritime Organisation 2014: 1).

Two areas of importance are the hydro-graphic duties and the "search and rescue" responsibilities. The South African Navy's Directorate for Hydrography is entrusted with the responsibility (through membership of IMO and IHO) for navigation charts, and navigational and NAVAREA warnings in the assigned area. The search and rescue responsibility is guided by conventions prescribed by the International Civil Aviation Organisation (ICAO) and the IMO respectively. From a position on the coast at the international border between Angola and Namibia, and then to the position on the coast at the international border between South Africa and Mozambique, a maritime region of 17.2 million square kilometres exists. South Africa is expected to have the means to successfully carry out search and rescue operations in this vast area (Maritime Security 2014: 1)

From the above explanation on the vastness of the South African maritime domain, the question pertaining to a juridical dilemma arises: If

state laws apply in sovereignty, does South Africa have the necessary, human and financial resources to deal with maritime crimes in an efficient and effective manner?

DISCUSSION

TOC and Global Market Trends for Illicit Drug

The United Nations Office on Drugs and Crime (UNODC 2011a: 1) maintain that transnational organized crime is considered as one of the major threats to human security, impeding the social, economic, political and cultural development of societies worldwide. It is a multifaceted phenomenon and has manifested itself in different activities, among others, drug trafficking, trafficking in human beings; trafficking in firearms; smuggling of migrants and money laundering. In particular drug trafficking is one of the main activities of organized crime syndicates, generating enormous economic gains. As globalization has expanded international trade, similarly the range of organized crime activities has broadened and diversified. The traditional hierarchical forms of organized crime groups have diminished; replaced with loose networks who work together in order to exploit new market opportunities. Furthermore the report states that organized crime syndicates involved in drug trafficking are commonly engaged in smuggling of other illegal goods. According to UNODC (2011a), in 2009, an estimated 250 tons of drugs were smuggled by sea from Latin America via the Caribbean towards West Africa and on to Europe, mostly concealed among legitimate cargos or on board yachts, speedboats or fishing vessels. What is most interesting is that drug trafficking flows show a distinct patterns some of which will be highlighted.

According to UNODC (2011b: 21), drug trafficking flows continue to show distinct patterns. For example, the UNODC (2011b: 21) report shows that most cannabis herb trafficking is intra-regional whereas most of the cannabis resin produced in Morocco was destined for consumption in West and Central Europe and North Africa. Cannabis resin produced in Afghanistan is primarily destined for neighbouring regions. In respect of harder drugs such as cocaine trafficking the trend is both intra-regional and inter-regional. The report confirms that cocaine produced in the three Andean countries

(Colombia, Peru and the Pluri-national State of Bolivia) continues to be primarily for markets in North America and West and Central Europe. Mostly direct shipment takes place though some trafficking also takes place through countries in West Africa which make up around 13% of all trafficking to Europe. By volume some 217 metric tons (mt) of cocaine are thought to have left the Andean region for Western and Central European markets of which almost 100 mt were seized in the process of transit (UNODC 2011b: 21).

Similar to cocaine, heroin trafficking is both intra-regional and interregional in nature. Heroin produced in Afghanistan is consumed within the region and/or trafficked to Europe. Some 160 mt of Afghan heroin are estimated to have entered Pakistan in 2009 of which the bulk (some 138 mt) were for final destinations in Europe, South-East Asia, South Asia and Africa. Some 145 mt of heroin is estimated to have been trafficked from Afghanistan to the Islamic Republic of Iran for local consumption and onward trafficking in 2009. Some 75-80 mt of heroin are estimated to have reached West and Central Europe, mostly trafficked via South-East Europe. About 90 mt of Afghan heroin are estimated to have been trafficked to Central Asia, mainly for final destinations in the Commonwealth of Independent State countries, notably the Russian Federation. Heroin manufactured in Myanmar is primarily for the market in other South-East Asian countries. Heroin produced in Mexico and Colombia is mainly destined for the United States and some limited local consumption (UNODC 2011b: 21).

Trafficking in processed drugs such as amphetamines continues to be mainly intra-regional, while the trafficking of ecstasy traditionally been intra-regional within Europe since its origin has been in the region and inter-regional for other regions. In recent years, the importance of Europe as a source region has clearly declined since production has shifted to other regions, notably North America and South-East Asia. Exports from the latter regions to other regions are, however, still very limited. (UNODC 2011b: 21)

A reanalysis of the UNODC (2011) statistics to ascertain the most popular drug used transnationally provides interesting insights on trends. Markets for cocaine, opioids and cannabis appear to be the most popular drugs transnationally as depicted in Figure 1.

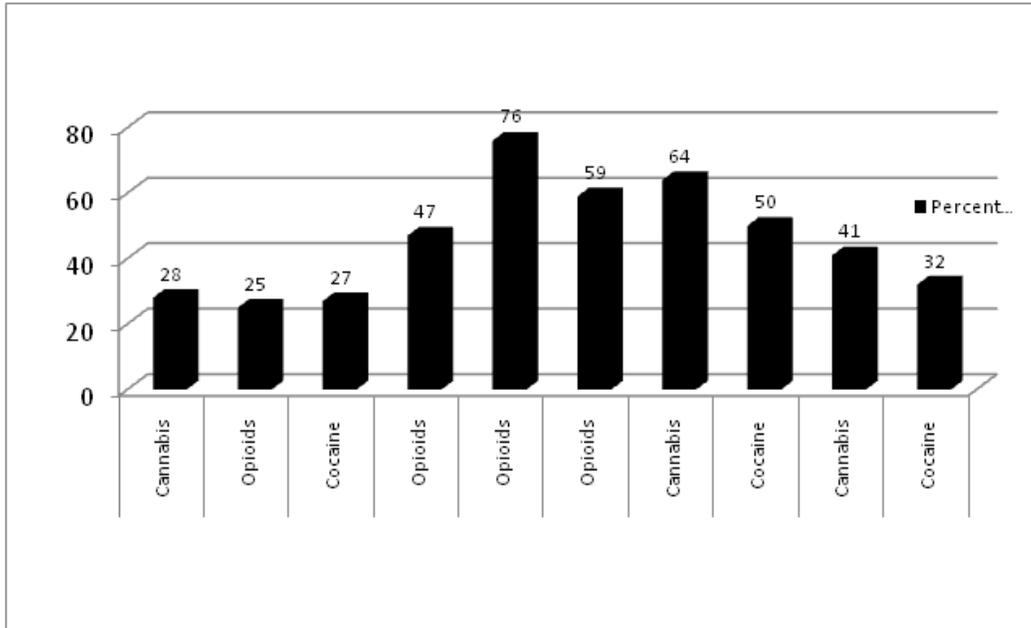


Fig. 1. The most popular drugs used trans-nationally
 Source: Adapted from UNODC (2011b: 28) Distribution of Main Drugs Reflected in Treatment

Demand Statistics

Of the three drugs opioids have a greater share of the drug market in all parts of Europe and Asia whilst cannabis has the largest share of the drug market in Africa.

Africa’s Share of the Global Market of Illicit Drug

In 2011, a number of countries in North Africa underwent social and political change. For example, Egypt, Libya and Tunisia experienced political revolutions aimed at establishing democratic societies. During these revolutions, there was an impending risk of drug traffickers exploiting periods in which drug law enforcement was weakened. This was especially so at the time of political turmoil in the region. Research conducted by the United Nations Office on Drugs and Crime point out that most of the cannabis trafficking for shipments took place across African countries. Only smaller amounts are for overseas markets, mainly in Europe.

Most of the cannabis resin production in North Africa is for final consumption in Europe.

The largest seizures were reported for cannabis herb, followed by cannabis resin. Africa’s share of global cannabis herb seizures amounted to 11%. It is thus below its share of the global population (15%), while its share in global cannabis resin seizures— mostly carried out by countries in North Africa – is equivalent to 25% of the world total. Africa has been affected by significant shipments of cocaine from South America to Europe in recent years. The amounts trafficked via Africa to Europe, however, seem to have decreased in 2008 and 2009, and only partly resumed in 2010. Estimates for 2009 suggest that some 35 mt of cocaine may have left South America for Africa of which some 21 mt actually arrived in Europe. Most of the resin appears to have been consumed locally. In addition, there are some indications that West African countries are being used to stockpile cocaine which is later trafficked in small quantities to Europe. Hence, African countries are increasingly being used by traffickers to ship Afghan heroin to final destinations in Europe and other regions. Though East Africa is reportedly the main intermediate target for these trafficking activities, African heroin seizures were highest in Southern Africa and North Africa. Estimates suggest

that 40-45 mt of Afghan heroin was trafficked to Africa in 2009. Methamphetamine seizures have been reported from Nigeria and South Africa. For 2009, however, only South Africa reported such seizures, out of a total of four African countries reporting any Amphetamine-type-stimulants (ATS) seizures in the UNODC annual reports questionnaire (ARQ). Approximately one half of the ATS seized in Africa was amphetamine. The paucity of the data does not allow for a reliable characterization for the continent as a whole. Several African countries appear to be affected by trafficking in, and consumption of, diverted or counterfeit prescription drugs containing controlled substances whose nature is not always clear, though they appear to include ATS as well as sedatives and tranquilizers (UNODC 2011b: 40).

According to UNODC (2011b: 40) illicit drug production in Africa is mainly focused on cannabis. While cannabis resin is mainly produced in Morocco, cannabis herb is widely produced all over Africa. Small-scale opium production is limited to countries in North Africa, notably Egypt, which regularly reports the largest eradication of opium poppy among all countries in Africa. ATS manufacture appears to be emerging in some African countries. For some time, methamphetamine and methaqualone production has been taking place in South Africa, basically for domestic use. Similarly, Egypt has reported clandestine manufacture of ATS for some years. This production only takes place at low levels and is intended for the domestic market. In contrast, recent reports of shipments of methamphetamine from countries in West Africa (notably Nigeria) to various destinations in East and South-East Asia is an international concern, and suggest that a more professional ATS production has been emerging in West Africa. Some equipment and chemicals seized in Guinean 2010

might indicate possible ATS manufacture there. Finally, *khat* is cultivated in several East African countries. *Khat* is not under international control, though, a number of countries – including countries in Africa have introduced national legislation to prohibit its cultivation and trafficking. The trends in drug seizures in Africa for a five year period are illustrated in Table 2.

It will be noted from Table 2 that cannabis herb and resin are the most popular drugs used in Africa followed by *khat* which is indigenous to the continent. Given the climate in Africa both types of drugs are easily cultivated and in certain instances its usage is culturally sanctioned.

The Impact of Illicit Drug Trafficking on South Africa

Due to the ever changing drug market and drug use patterns, it is vital that the measures that are employed to counter its proliferation must also be quick to adapt (UNODC World Drug Report 2011c: 8). However, the lack of precise data on the illicit drug market especially in Africa and Asia stands in the way of fully understanding this market - better data will aid in better policy formulation and implementation (UNODC World Drug Report 2011c: 8). Africa is the only major region in the world that does not have its own maritime policy or strategy, despite the acknowledged importance of this component in any national or regional economy. Given its unique continental needs, priorities and requirements, Africa therefore needs to develop its own maritime strategy to promote economic development for its people through improved maritime security, leading to improved global competitiveness for its goods and services (Brenthurst Foundation 2010: 8). Further, bilateral and multinational maritime security partnerships are considered a crucial element in secur-

Table 2: Drug Seizures in Africa in Kilogram Equivalents for Periods 2005 -2009

Type of drug	2005	2006	2007	2008	2009
Cannabis herb	865 974	1 220 578	694 177	936 084	639 769
Cannabis resin	121 567	132 784	140 544	165 455	320 600
Khat	1 522	5 691	2 490	6 219	23 442
Cocaine	2 757	851	5 535	2 551	956
Methaqualone	159	773	93	1 586	828
Heroin	325	335	328	311	515
Opium	45	33	49	67	57
Amphetamines-group	2 085	851	721	3 492	98
Ecstasy	3.70	74.50	9.20	0.06	0.02

ing Africa's waterways but at the same time the continent needs to build up its maritime resources to the point where it can take charge of its own maritime destiny. The process has already begun with many of Africa's littoral and island states in the process of investigating, or developing national maritime strategies to safeguard their assets. Broadly, there is a desire for 'good order at sea'; this 'good order' however requires the creation of collaborative maritime security architecture to allow it to conduct free trade in a safe and secure environment. It will require the enforcement of maritime legislation to remove those factors that negatively affect the free flow of goods. A combination of strengthened and coherent legislation and institutions is perceived to better regulate the fishing industry; enhance the policing of and prosecution for, illegal acts such as piracy, the dumping of waste materials; policing pollution; counter smuggling and illicit trade; monitoring transnational or cross-border crime and the safe navigation of shipping (Brenthurst Foundation 2010: 8).

There is little doubt that countries emerging into democracy face numerous difficult challenges on the road to state-building and nationhood. One of the most harmful impediments is the rise of violent crime, which threatens weak state institutions and the rule of law. This concern is heightened by the presence of transnational organised crime. Instead of starting on a path of economic and institutional development, these nations are transformed into way stations on the route of illicit products. South Africa is no exception. Twenty years post-democracy, however, there have emerged a greater number of institutional role-players (Navy, Security and Defence, Criminal Justice, Ports and Harbour Officials, Marine and Tourism Industry) in the regulation and management of maritime issues and resources. Despite this South Africa faces the risk of being swamped by maritime related crimes perpetuated by TOCs

Estimates and analysis of developments and trends on the impact of illicit drug trafficking on the African continent are impeded by very limited availability of current and dependable data amongst and between nation states. Data on the Southern African region and on South Africa in particular, tends to be more recent and reliable. Trends in South Africa, as well as internationally suggest an increase in drug related crimes over the past number of years, placing a

strain on the economy's available resources. In the period 2004 to 2011 drug related crimes in South Africa rose by more than 100% (South African Police Services 2011). One of the major reasons for this may be attributed to the fact that illicit drug trafficking benefits very little from international cooperation, characterised by regulatory inconsistencies, political obstacles and lack of governance in the maritime sector.

The South African Maritime Safety Authority aptly reported that despite being aware of booming commodity trades between South Africa and its trading partners, seaborne trade from South Africa is yet to make any noticeable contribution towards government policies (SAMSA 2011). SAMSA was acutely aware that the maritime sector in South Africa suffers policy neglect and attracts very little attention as a sector which can create jobs, growth of economy and make effective interventions in society. The sector remains untransformed and was a catchment area for expatriates due to the prevalence of skills development deficits amongst South Africans. SAMSA reported that there was a need for policy review to assist the growth of the maritime industry and an increased awareness of the existence of the maritime industry. On the 4 April 2012 an article in the newspaper *The Natal Mercury*, reads "*Marine resources unpoliced*", highlights the fact that marine policy is based on the very assessment of transformation taking place in South Africa (Pressly 2012).

Given that marine policing lacks the desired attention it deserves, it comes as little surprise that illicit drug trafficking in South Africa has impacted negatively on the already unacceptably high levels of crimes in the country. Figure 2 depicts trends in drug related crimes by population ratio of 100 000.

It will be noted from Figure 2 that the percentage of drug related crime on reported cases, between the periods of 2003 to 2013 in South Africa has risen by more than 140.3%. It is important to note that South Africa does have legislation in place to upset drug countermeasures. However, with the phasing out of certain law enforcement units, this has impacted the countries capacity to effectively deal with organised crime groups that specialise with illicit drugs, (UNODC 2002: 4).

The land, air and maritime borders of South Africa are exposed to illegal crossing due to the lack of capacity to effectively implement safe-

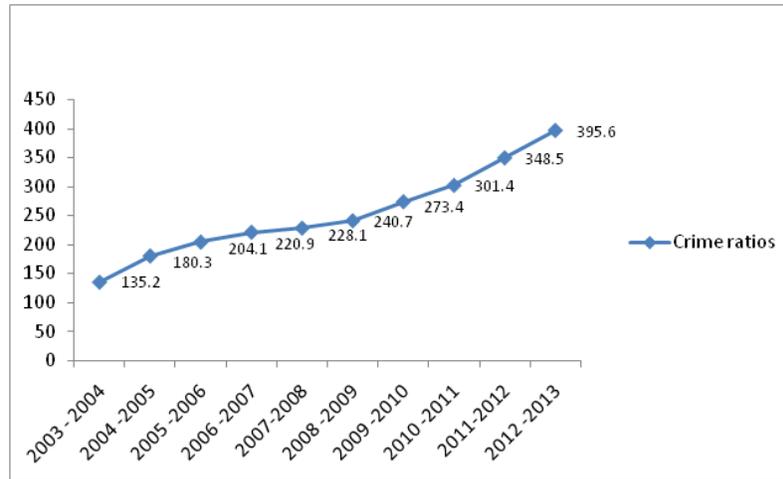


Fig. 2. Trends in drug related crimes by population ratio in South Africa

Source: Adapted and Reanalysed from South African Police Services (2003-2011). Crime for the RSA National Total.

guarding measures (South African Defence Review, 2012). The smuggling of people, illicit drugs and weapons as well as the illegal exploitation of maritime resources has increased rapidly in recent times, this is supported by Brenthurst-Foundation(2010: 3) stating that the degradation of the road systems in Africa is a contributing factor towards the sea being a popular choice for international trade (South African Defence Review 2012). Drug policies are known to be a highly complicated and politicised area. There are a number of reasons that contribute to current drug policies being labelled as inadequate, namely, there is a lack of evidence upon which to base the policies. Even though, the evidence that does exist, is not automatically evaluated and used in policy decision making which is exacerbated by a lack of adequate approaches or models that assist policy makers in making calculated decisions relating to drug problems (Ritter et al. 2011). With inadequate drug policing mechanism and a non-existent maritime strategy South Africa is open to major threats to its security. Much research into the role of the maritime industry in escalating transnational drug trafficking may provide evidence which can be used to reformulate its policy framework.

CONCLUSION

This paper highlights the nature, extent, modus operandi and negative socio-economic

costs of TOCs engaged in illicit drug trafficking within the maritime domain. As an exploratory study, it draws attention to the lack of policing of the maritime sector despite international policy guidelines being in place. It is the lack of policing of the maritime sector that has led TOCs to thrive no different to conventional multi-national companies. TOCs increasingly target developing countries and to this extent the African continent and South Africa in particular provide lucrative markets for illicit drug trafficking. South Africa as an emerging democracy and stronger economy in the continent is of strategic importance for TOCs which is illustrated by South Africa's prohibitively high incidence of drug related crimes in the paper. South Africa on its own cannot police the maritime sector in the continent although it is strategically located geographically to do so. It needs the co-operation of continental stakeholders and political actors and the support of the international maritime community to curb the activities of TOCs. TOC cartels as the paper highlights are as powerful as legal corporations adopting similar modus operandi and pursuing similar objectives in the form of capital accumulation through constant search for new markets. As a way forward the contribution of this paper to curb the expansion of the TOC is to ensure that existing markets are closed and new markets are prevented from emerging. For this to happen, it requires

the commitment of both the international community and nation states to work in collaboration with each other through bilateral and multi-lateral arrangements to stamp out TOC. For this to happen, the support of developed nations to those that are developing is essential since the socio-economic consequences of TOC transcend national boundaries.

RECOMMENDATIONS

Africa, as a continent is affected by maritime policy implementation neglect because it lacks capacity and infrastructure to regulate the maritime sector. However, at the same time Africa is emerging as an important trade partner within the globe and given the wealth of untapped natural resources both on land and sea makes it an important economic destination for global market competition. Notwithstanding such an economic vantage point, the low levels of maritime security places it at risk to benefit from participation in the global trade markets. Much of Africa placed hopes on South Africa as a rapidly emerging economy to provide a sense of maritime security to the continent only to find that it has failed by making strategic decisions by investing in maritime defence artillery which has become virtually ineffective, obsolete and a financial liability to the ordinary taxpayer in the country who are starved of development outcomes nineteen years into democracy. Given South Africa's strategic location in the southern part of the continent and considering the volume of trade by sea that traverse its oceans, it has lost an important opportunity to provide a safe passage to vessels through its six ports in the country. The loss of such an opportunity also has far reaching consequence for the maritime industry to create job opportunities and skills for the many economically inactive populations in the country. Improvement is necessary in the areas of research, documentation, monitoring and evaluation of the challenges discussed above. The data, although, descriptive in nature and given the constraints in obtaining reliable empirical data, informs this study and nonetheless makes a vital contribution in addressing the gaps for a coherent maritime policy to be developed especially when considering that adequate research is almost absent in this field. This will improve the quality of analysis based on the availability of more reliable and

comprehensive data on transnational organised crime and illicit drug thereby allowing for the development of a more effective, evidence-based response aimed at its amelioration.

NOTE

- 2 A spaza shop is a colloquial term used for a make-shift shop that sell literally all daily consumable and non-consumable items, e.g. Bread, sugar, milk rice, matches etc.

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