

*THE STATE AND TRANSNATIONAL  
ORGANISED CRIME: A CASE STUDY OF DRUG  
TRAFFICKING IN ZAMBIA*

NCHIMUNYA MULEYA

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**UNIVERSITY OF DURHAM**  
**SCHOOL OF GOVERNMENT AND INTERNATIONAL AFFAIRS**

**THE STATE AND TRANSNATIONAL ORGANISED CRIME: A  
CASE STUDY OF DRUG TRAFFICKING IN ZAMBIA**

**Nchimunya Muleya**

**Draft Thesis in Partial Fulfilment of the Requirement for the award  
of the Degree of Doctor of Philosophy in Government and  
International Affairs**

Durham,  
July 2024

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SIGNED

16<sup>th</sup> JULY 2024

**NCHIMUNYA MULEYA**

**DATE**

## **DEDICATION**

It is with genuine gratitude and warm regard that I dedicate this thesis to my father Mr. James Sikalundwe Zuze Muleya who was unwell throughout the entire period of my PhD studies for his word of encouragement to finish my study and show him my degree certificate. He personally remained home to look after my house while I was away in various border areas collecting data.

Lastly, I dedicate this work to the Almighty God in Heaven for the strength when I suffered depression and a recurrent stress condition throughout my study, power of mind, guidance, and protection. Without God on my side, this thesis would not have been achieved.

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My research would not have been possible without the support of my family. They supported me through tough times all the way till the end. Let me end with the usual disclaimer that all errors, misrepresentations and shortcomings in this thesis are mine and declare that no part of this thesis has been submitted elsewhere.

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## ABSTRACT

Concern with the role of weak states as incubators of transnational organised crime was a recurrent theme in research in the 1980s and 1990s. It was recognised that due to deep-seated institutional failures, instability and impoverishment, weak states were considered as crime-facilitative environments, in which transnational organised crime flourished and criminal organisations found rewarding opportunities and enjoyed high degrees of immunity. But although a growing body of academic literature has argued that drug trafficking simultaneously plays an important role in undermining state institutions in sub-Saharan Africa, there is very little evidence to support the claim. Most studies on transnational organised crime and drug trafficking have focused on security issues and the harmful effects of drug trafficking. Few have examined in detail the link between weak state capacities and the growth of transnational organised crime, especially drug trafficking.

While most studies seem to suggest that drug trafficking has tended to corrupt African politicians ('narco-corruption'), little attention has been paid to the role of political elites in facilitating drug trafficking and eroding the capacity of state structures to carry out their traditional functions. Building on the work by Mark Shaw on the elite as a 'protection network' and Jean-François Bayart and others, on the concept of 'criminalisation of the state', this thesis demonstrates that the growth of drug trafficking is a function of the active collusion of state officials and criminal networks. The Zambian case demonstrates that the relationship between the state and organised crime, especially drug trafficking, solidified in the last decade with some top members of the state and ruling party being closely associated for private benefit with known members of criminal networks. Through this association the Zambian state was captured by criminal networks such that the state has failed to perform its Weberian functions in a systematic, predictable, organised, and effective manner.

Based on interview data with key informants, the analysis of official reports, secondary literature and content analysis of mass media reports, the thesis addresses some important gaps in our understanding of the relationship between weak states and the growth of transnational organised crime. Overall, this thesis contributes to the raging debate in academia about the African post-colonial state. The thesis makes three important contributions. First, it revisits the efficacy of the weak state thesis in relation to drug trafficking and demonstrates that drug trafficking per se does not contribute to state weakness, but rather it is the symbiotic relationship between state officials and criminal networks that is responsible for undermining and eroding traditional functions of the state. Second, the study broadens Mark Shaw's characterisation of drug trafficking as facilitated by an 'elite protection network' to encompass the various

ways in which state officials facilitate drug trafficking beyond providing protection of the drugs trade and dealers. Third, the study shows that the sustainability of organised crime, especially drug trafficking, is only possible in conditions where the state itself is the promoter of criminality, as was the case in Zambia in the period 2011 and August 2021. It is argued that the 'state capture' thesis is a powerful explanatory theory of why law enforcement agencies and criminal justice system become ineffective in enforcing rules and containing drug trafficking as top members of the political establishment tend to be either directly or indirectly involved the drugs trade.

## LIST OF ACRONYMS AND ABBREVIATIONS

<b>ACC:</b>	Anti-Corruption Commission
<b>AML:</b>	Anti-Money Laundering
<b>ANC:</b>	African National Congress
<b>AUCPCC:</b>	African Union Convention on Preventing and Combating Corruption
<b>AU:</b>	African Union
<b>BAZ:</b>	Bankers Association of Zambia
<b>BBC:</b>	British Broadcasting Corporation
<b>BOZ:</b>	Bank of Zambia
<b>CACP:</b>	Customs Accredited Clients Programme
<b>CBD:</b>	Central Business District
<b>CFC:</b>	Cattle Finance Company
<b>CFT:</b>	Combating the Financing of Terrorism
<b>CG:</b>	Consultative Group
<b>COMESA:</b>	Common Market for Eastern and Southern Africa
<b>COZ:</b>	Credit Organisation of Zambia
<b>CSO:</b>	Civil Society Organisation
<b>DBZ:</b>	Development Bank of Zambia
<b>DEA:</b>	Drug Enforcement Administration
<b>DEC:</b>	Drug Enforcement Commission
<b>DFID:</b>	United Kingdom Department for International Development
<b>DNFBP:</b>	Designated None-Financial Businesses and Professions
<b>DNPW:</b>	Department of National Parks and Wildlife
<b>DPP:</b>	Director of Public Prosecutions
<b>DRC:</b>	Democratic Republic of Congo
<b>DRPGS:</b>	Directorate of Research and Post Graduate Studies
<b>EAC:</b>	East African Community
<b>ECEA:</b>	Economic Community for East Africa
<b>ECF-SADC:</b>	Electoral Commissions Forum of the Southern Africa Development Community
<b>ECOWAS:</b>	Economic Commission for West African States

<b>ECZ:</b>	Electoral Commission of Zambia
<b>EEAS:</b>	European External Action Service
<b>EMB:</b>	Electoral Management Bodies
<b>EMCDDA:</b>	European Monitoring Centre for Drugs and Addiction
<b>ESAAMLG:</b>	Eastern and Southern Africa Anti-Money Laundering Group
<b>GBV:</b>	Gender-Based Violence
<b>GDP:</b>	Gross Domestic Product
<b>GFI:</b>	Global Financial Intelligence
<b>GIATOC:</b>	Global Initiative Against Transnational Organised Crime
<b>GLR:</b>	Great Lakes Region
<b>GRZ:</b>	Government of the Republic of Zambia
<b>HMNIA:</b>	Harry Mwaanga Nkumbula International Airport
<b>HIPCI:</b>	High Indebted Poor Countries Initiative
<b>HIV:</b>	Human Immunodeficiency Syndrome
<b>ICAR:</b>	International Centre for Asset Recovery
<b>IFC:</b>	Industrial Finance Company
<b>IFIs:</b>	International Financial Institutions
<b>ILO:</b>	International Labour Organisation
<b>IMF:</b>	International Monetary Fund
<b>ICIJ:</b>	International Consortium of Investigative Journalists
<b>International IDEA:</b>	International Institute for Democracy and Electoral Assistance
<b>INCSR:</b>	International Narcotics Control Strategy Report
<b>INTERPOL:</b>	International Criminal Police Organisation
<b>ISS:</b>	Institute for Security Studies
<b>JAWUZ:</b>	Judiciary and Allied Workers Union of Zambia
<b>KKIA:</b>	Kenneth Kaunda International Airport
<b>KYPC:</b>	Kanyama Youth Programme Centre
<b>LCC:</b>	Lusaka City Council
<b>LEAs:</b>	Law Enforcement Agencies
<b>LM:</b>	Lima Bank
<b>LPP:</b>	Liberal Progressive Party

<b>MLA:</b>	Mutual Legal Assistance
<b>MMD:</b>	Movement for Multiparty Democracy
<b>MPs:</b>	Members of Parliament
<b>NAPSA:</b>	National Pension Scheme Authority
<b>NAREP:</b>	National Restoration Party
<b>NCC:</b>	National Council for Construction
<b>NDC:</b>	National Democratic Congress
<b>NGOs:</b>	Non-Governmental Organisations
<b>NLP:</b>	National Lima Party
<b>NPA:</b>	National Prosecution Authority
<b>NP:</b>	National Party
<b>OFAC:</b>	Office of Foreign Assets Control
<b>OPSD:</b>	Office of the President Special Division
<b>PEP:</b>	Politically Exposed People
<b>PF:</b>	Patriotic Front
<b>PIG:</b>	Party and its Government
<b>PIP:</b>	Politically Influential Persons
<b>PRSP:</b>	Poverty Reduction Strategy Papers
<b>RASP:</b>	Regulated Agent Security Programme
<b>RTSA:</b>	Road Traffic and Safety Agency
<b>SADC:</b>	Southern Africa Development Community
<b>SAPs:</b>	Structural Adjustment Programmes
<b>SGIA:</b>	School of Government and International Affairs
<b>SMKIA:</b>	Simon Mwansa Kapwepwe International Airport
<b>SITET:</b>	Special Investigations Team on Economy and Trade
<b>TBML:</b>	Trade Based Money Laundering
<b>TDT:</b>	Transnational Drug Trafficking
<b>TIZ:</b>	Transparency International Zambia
<b>TFML:</b>	Terrorist Financing and Money Laundering
<b>UDI:</b>	Unilateral Declaration of Independence
<b>UN:</b>	United Nations

<b>UNCAC:</b>	United Nations Convention Against Corruption
<b>UNCATOC:</b>	United Nations Convention Against Transnational Organised Crime
<b>UNECA:</b>	United Nations Economic Commission for Africa
<b>UK:</b>	United Kingdom
<b>UNIP:</b>	United National Independence Party
<b>UPND:</b>	United Party for National Development
<b>UP:</b>	United Party
<b>UPP:</b>	United Progressive Party
<b>USA:</b>	United States of America
<b>UNGASSOD:</b>	United Nations General Assembly Special Session on Drugs
<b>UNODC:</b>	United Nations Office on Drugs and Crime
<b>VIP:</b>	Very Important Person
<b>VVIP:</b>	Very Very Important Person
<b>WCO:</b>	World Customs Organisation
<b>WWFN:</b>	Worldwide Fund for Nature
<b>ZAC:</b>	Zambia Airports Corporations
<b>ZADECO:</b>	Zambian Democratic Congress Party
<b>ZAF:</b>	Zambia Airforce
<b>ZANACO:</b>	Zambia National Commercial Bank
<b>ZCAA:</b>	Zambia Civil Aviation Authority
<b>ZEGA:</b>	Zambia Export Growers Association
<b>ZCCM:</b>	Zambia Consolidated Copper Mines
<b>ZESCO:</b>	Zambia Electricity Supply Cooperation
<b>ZNATC:</b>	Zambia National Anti-Terrorism Centre
<b>ZNBC:</b>	Zambia National Broadcasting Corporation
<b>ZPS:</b>	Zambia Police Service
<b>ZRA:</b>	Zambia Revenue Authority
<b>ZSIC:</b>	Zambia State Insurance Corporation
<b>ZSIS:</b>	Zambia Security Intelligence Service

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## 1.1 CHAPTER ONE: INTRODUCTION

### 1.2 Background

Since the 1980s and 1990s, there has been serious concern over the role of weak states as incubators of transnational organised crime (Rotberg, 2002; Reno, 2003) (TOC). TOC, especially drug trafficking, has long been considered to have a destabilising impact on nation states not only by corrupting and coopting political leaders, but also by harming populations. Particularly, drug trafficking has been regarded as a security concern, with the United States of America (USA) taking a lead in declaring a 'war on drugs' (Bagley, 1988). Thus, the international community has invested heavily in drug control and prevention measures, with the United States leading with an elaborate army fighting drug trafficking, especially in Latin America. But the results of these efforts have been mixed and at best a failure (Fulkerson & Mohammed, 2011).

Trends in drug trafficking, especially of cocaine and heroin have shown a growth trajectory. The United Nations Office for Drugs and Crime (UNODC) estimate the value of the global drugs trade at over US\$322 billion (UNODC, 2006; Picard, 2013). The growth in drug trafficking suggests the ineffectiveness of drug control and prevention measures under the banner of the 'war on drugs' (Carrier and Klantschnig, 2012). This has led some commentators to advance the view that weak states provide a facilitative environment for drug trafficking (Reno, 2009). The dominant discourse suggests that crime-facilitative environments result from institutional failures, instability and impoverishment, which provide criminal actors rewarding criminal opportunities (Reno, 1998; Rotberg, 2002).

While a growing body of academic literature has argued that drug trafficking plays an important role in undermining state institutions in sub-Saharan Africa, there are very few studies that have examined this claim empirically (Shaw, 2015). Most studies (Kushlick, D. 2011) on TOC and drug trafficking have focused on security issues and the harmful effects of drug trafficking. Few have examined the precise nature of the link between weak state capacities and the growth of TOC, especially drug trafficking.

Similarly, while research has suggested that drug trafficking has tended to corrupt African politicians ('narco-corruption'), little detailed attention has been paid to the specific role and actions of political elites in facilitating drug trafficking and eroding the capacity of state structures to carry out their traditional functions (Bybee, 2011). Building on the work by Mark Shaw (2015) on the elite as a 'protection network' Jean-François Bayart and others 1999, on the concept of 'criminalisation of the state', and Hellman and others (2000) on 'state capture' this thesis argues that the growth of drug trafficking is a function of the active collusion of state officials and criminal networks. The main argument of this thesis

is that while global factors are important for understanding the modern-day drug phenomenon, they tell only part of the story. The other part, I argue, lies in the local context that combines and interacts with the global one. Using the Zambian case, I demonstrate that there is a nexus between the illicit drugs trade and corruption. The permeability of the judicial systems and corruptibility of law enforcement and critical state institutions, such as the executive, legislature and regulatory agencies create conditions for state capture. These conditions were described by UNODC executive director as a 'state of siege' (Kirschke,2008).

From the extant literature, several aspects of state capture can be discerned. These include, among others, the following:

- (a) a private business-state relationship rooted in the market for influence;
- (b) a transactional relationship between criminal actors and state actors, which is symbiotic and beneficial to both actors in illicit transactions;
- (c) a focus on the input or process side to making laws, policies, regulations and decrees;
- (d) captors are typically private sector individuals or entities, such as business persons, oligarchs, criminal groups, and occasionally public officials;
- (e) the main targets of capture are formal state institutions, such as the legislature, executive, judiciary, regulatory agencies, high ranking public officials and politicians who play key roles in the formulation and enforcement of laws, policies and regulations;
- (f) means of capture tend to include illicit, non-transparent, formal or informal behaviour, such as bribery or private payments; and
- (g) motive of state capture almost always is to subvert the public interest to achieve undue advantage or private gain (Dassah, 2018:5).

In this thesis, I will show that the idea of state capture is not new in the Zambian political economy. If anything, the modern Zambian economy, especially since the early 1990s has been characterised by the undue influence of private business over politics and vice versa. Chipkins (2016:1) for example, observes that a conception of the state that has taken hold on the African continent is that increasingly 'the state is becoming a vehicle for politicians and their cronies to get hold of the instruments and resources of the state and use them for their own purposes (see also Szeftel, 2000). But this argument has limited explanatory value, as it suggests that the state is the only actor. This is also the argument advanced by Bayart and others (1999), as I show in the next chapter, chapter two, that the state is involved in promoting criminality. That is to say, the state is a criminal actor in itself. In relation to the drugs trade,

Ceesay (2016) disputes the criminal state thesis and argues that it does not explain political and societal challenges facing a country but is rather a product of them.

In this thesis, I adopt the concept of 'state capture' as it has better explanatory power in explaining the dynamics of the relationships between drugs traffickers and state actors in facilitating and promoting the drugs trade. This relationship involves the bribery of state officials through informal payments, that include cash and in-kind payments (including luxury motor vehicles, houses, housing plots and investments in bonds and securities) on one hand and the facilitation of movements of illicit goods (such as illicit drugs) at borders of entry and the subversion of the criminal justice system and law enforcement to undermine law enforcement relating to the drugs trade on the other hand. In the Zambian case, the in-kind payments have been expressed in terms of 'unexplained wealth as proceeds of crime' (Republic of Zambia, 2010). Increasingly, politicians and their associates, are being arrested on suspicion that they cannot explain their acquired wealth during the period they were in office and are being suspected of allegedly having acquired the wealth from proceeds of crime (which may include money laundering from drug trafficking (Zambian Observer, 2023).

### **1.3 Research objective**

Zambia has experienced a rising tide of seizures, arrests and trials related to drug trafficking in recent decades. Prominent political figures have been at the heart of this rising tide since the mid-1980s,<sup>1</sup> echoing a phenomenon which has been apparent elsewhere in Africa and which has led to arguments that, not only is the African state too weak to resist TOC, and its political elites too easily corrupted by it, but that the state itself has become a part of the networks of organised crime.

This thesis explores the relationship between the institutions and elites of the Zambian state on the one hand, and TOC on the other, focusing specifically on the criminal activity and networks associated with the international illicit drugs trade. The Zambian case demonstrates that the relationship between the state and organised crime, especially drug trafficking, solidified in the two decades with some top members of the state and ruling party being closely linked to known members of criminal networks. Through this association, I will demonstrate that the Zambian state was itself captured by criminal networks with the result being that the state has failed to perform its Weberian functions in a systematic, predictable, organised, and effective manner.

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<sup>1</sup> In 1985 several prominent political figures were arrested for drug trafficking. In the early 1990s, some senior members of the Frederick Chiluba government were forced to resign from their government positions as a demand from international donors as they were perceived as involved in drug trafficking.

The main objective of this thesis is to empirically explore the contentions of existing literatures regarding the relationship between the state and TOC, using a case study of drug trafficking in Zambia. Further, the study aims to evaluate the adequacy of the failed state and criminalisation of the state theories in explaining the relationship between the state and drug trafficking. Finally, I adopt the 'state capture' theoretical approach and apply it to the Zambian case. The state capture theoretical approach has a better explanatory power in explaining the relationship between Zambian state elites and TOC especially drug trafficking.

#### **1.4 Research questions, methodology and thesis structure**

The principal questions of this study are: What explains the ineffectiveness of law enforcement and regulatory agencies in controlling and preventing TOC, especially drug trafficking? and what impact in turn does TOC, specifically drug trafficking, have on the state's capacity to perform its traditional functions of regulation and law enforcement?

To answer these questions, the thesis begins by examining current research literatures which describes and explores the rise of TOC, particularly drug trafficking, especially in Southern Africa (Chapter Two). This literature review indicates the important role played by state weakness or failure in facilitating TOC. It further highlights the importance of predatory state leaders or elites. In the African context such elites are shaped by colonial legacies of neo-patrimonial behaviour. The rise in TOC, and the implication of captured elites in this process, is also identified as being in part a result of globalisation processes which weaken borders and make them more porous. In particular, attention is drawn to the work of Shaw and Reitano (2013) who explain the impact of globalisation on facilitating the rise of TOC via illicit transborder trade. Finally, this chapter demonstrates the evolution in TOC in Africa, focusing on Southern Africa.

Chapter Three develops further our understanding of the African state, and the particular propensities which make it susceptible to TOC. After defining what constitutes the state through examination of the works of Max Weber, Joel Migdal and Charles Tilly, the chapter focuses on the specificities of the African post-colonial state, in particular the over-development of 'alien' institutions, the neo-patrimonial behaviours of political elites, and the slide into authoritarian forms of governance. The result has been state weakness, fragility, or in some cases failure, a combination of weak institutions, informal modes of governance, alternative sources of authority, and an inability to exert sustained monopoly of coercion across the national territory. The evidence suggests this leaves African countries particularly vulnerable or susceptible to TOC. Drawing on the work of Hellman and others (2000) the

chapter introduces the concept of state capture and discusses the nexus in the relationship between political elites and criminal networks engaged in TOC. An additional dimension is added through Bailey and Godson's (2001) concept of the criminalisation of the state, the point at which the state itself is subverted by political elites to service the business interests of the politics-crime nexus.

The main hypothesis of this thesis is that the post-Colonial African state has characteristics (weak state capacity and neo patrimonial political elites) which – in an era of globalisation – make it vulnerable to the cross-border incursions of TOC to the extent that the state itself becomes subordinated to, even captured by, a politics-crime nexus which furthers capture of state institutions by TOC. Following, (Lupsha, 1996; Kupatadze, 2010), it is shown in this study that under conditions of state capture political elites become increasingly dependent on their relationships with organised crime, to provide the finances needed to sustain their patrimonial behaviours (and their political power) and the economy and institutions of the state become almost subsidiaries of TOC itself.

In order to test this hypothesis, the thesis embarks on a qualitative study of the case of Zambia. Chapter Four sets out the methodology in more detail, specifically the epistemological starting point and the subsequent research design. It sets out the structure and rationale of the empirical chapters, the methods of data collection used, including the privileging of the lived experiences of participants explored through interviews with key informants. Seventy-four individuals were interviewed in depth, including intelligence officials, customs and border personnel, police and Interpol officers, cross-border traders and transporters of goods and passengers, local internal transporters of goods and people, staff from freight and forwarding companies, aerospace operators, politicians, journalists, currency dealers and local leaders. This unique and extensive data set is contextualised by the analysis of official reports, secondary literature and content analysis of mass media reports. The chapter discusses how the interviews were set up, managed and recorded, as well as the ethical aspects of the research and the limitations imposed by the need to ensure the safety of both researcher and respondents, and those imposed by the COVID-19 pandemic. It goes well beyond the statistical and descriptive data that generally accompanies studies of TOC and drug trafficking and offers previously unavailable nuances and insights on how TOC actually works on the ground.

Chapter Five explores the evolution of drug trafficking in Zambia within the historical context of the post-colonial Zambian state. Through a narrative of state political development from independence in 1964 to the current moment, the chapter demonstrates how the colonial legacies of institution building created in the early period of independence a heavily centralised form of government where ethnic and

regional grievances were only appeased through the patrimonial distribution of mineral export receipts by the president. When these resources diminished in the 1970s, the economic crisis resulted in pressure for a new multi-party democracy, but also political competition required resources and the political elites could no longer secure these from state revenues. With weak state institutions unable to constrain them, and informal networks and modes of governance operating in tandem with a highly centralised presidency, the opening of the country to increased and deepening international trade under the pressure of globalising forces, meant that cooperation with TOC networks offered political elites valuable economic resources to secure their political power. The chapter documents the subsequent rise in TOC and specifically drug trafficking in and through Zambia, demonstrating the ineffectiveness of legal and institutional state actions to constrain or prevent it. Finally, it foregrounds the related phenomenon of corruption and money laundering in Zambia, in other words how the economy has been more broadly impacted by TOC.

Subsequent chapters attempt to drill down into aspects of this process. Chapter Six examines state capture in Zambia in more detail, through an assessment of the structure of the drug economy in the country and the relationships between the state elites and business persons or state actors and criminal networks, through what Kupatadze (2010) has described as the politics-crime nexus. Chapter Seven examines the impact of, and opportunities offered by, globalisation. It explores the increased openness of the borders for trade, using interviews with border officials and observations of the border crossing themselves in six field locations. A variety of air, land and marine borders are included, and the research clearly demonstrates the porousness of the borders, the collusion of state officials and institutions, and the neo patrimonial relationships which support drugs trafficking. Chapter Eight returns to a focus on political elites, exploring how both the formal and informal political economy have evolved to service the drugs economy. It does this through a study of the financial sector, employment, political party financing and the legislative process. The chapter illustrates the impact on the broader political economy of the state capture and its engagement in drug trafficking. Chapter Nine takes the analysis further with an examination of the capture of state institutions themselves. As drug-related crime has risen among the broader population, so too the chapter provides evidence that the executive, judiciary and legislative arms of government have facilitated and even been engaged in criminal activities themselves, signalling the capture of the state by TOC.

Chapter Ten finally concludes by answering the research questions as follows: the ineffectiveness of law enforcement and regulatory agencies in controlling and preventing TOC, especially drug trafficking in Zambia can be explained as the result of the capture of the Zambian state by a political-

criminal nexus, itself the result of the institutionally weak post-colonial Zambian political system and the supremacy of patrimonial modes of political behaviour by elites. In turn, the impact of TOC, specifically drug trafficking, on the state itself is to capture or criminalise it, such that the state institutions become part of the larger machinery of TOC, providing it with essential services such as protection, access, legislative and financial cover at the expense of providing the essential services of good government to the population.

Overall, the thesis seeks to address some important gaps in our understanding of the relationship between weak (African) states and the growth of TOC. It makes three important contributions. First, it revisits the efficacy of the weak state thesis in relation to drug trafficking. It demonstrates that globalisation, in making borders more porous, provides profitable opportunities for the interaction of state elites and organised criminals which arises from the combination of a weak post-colonial state and patrimonial political elite behaviours. Transnational drug trafficking is facilitated through a process which leads to the erosion of the capacities of the state to fulfil its juridical functions and which leaves its institutions captured and criminalised. Second, the study broadens Mark Shaw's characterisation of drug trafficking as facilitated by an 'elite protection network' to encompass the various ways in which state officials facilitate drug trafficking beyond providing protection to the drugs trade and dealers. Third, the study shows that the sustainability of TOC, especially drug trafficking, is only possible in conditions where the state itself is the promoter of criminality, as was the case with assassinated Guinea Bissau President João Bernardo Vieira (1980-1999 and 2005 – 2009) and to a certain extent under President Siaka Stevens of Sierra Leone (Shaw, 2015; Reno, 1995).

### **1.5 Limits of the research**

This research had several limitations. First, the research faced a general problem of lack of data and access to unpublished records held by government agencies, such as Office of the President Special Division (OPSD)/Intelligence, International Criminal Police Organisation (Interpol), Zambia Police Service (ZPS), Zambia National Anti-Terrorism Centre (ZNATC), Drug Enforcement Commission (DEC) Intelligence, Zambia Revenue Authority (ZRA) customs and excise division, Immigration, leaders of Civil Society Organisations (CSOs), the politicians, media and hospitality sector, among others. Secondly, due to the sensitivity of the research on organised crime and the need to protect the safety of both researcher and respondents, a decision was made by the ethics committee of the School of Government and International Affairs (SGIA) to exclude those directly involved in drug trafficking from being interviewed. The study therefore lacks a significant perspective – that of those individuals directly involved in the

criminal activities being scrutinised. Similarly, a decision was made by the ethics committee of the SGIA not to allow the researcher to interview prisoners held on drug-related offences, drug users or drug counsellors. Thirdly, the study was limited to the period 1964 to 2021, with a main focus on the 2011 to 2021 period. It does not cover the period after the change of government in 2021, with the election of President Hakainde Hichilema and the United Party for National Development (UPND). The elections in August 2021 resulted in many of the political officials and related interviewees from the then-ruling Patriotic Front (PF) party with whom I had scheduled meetings being unable to attend (or indeed going into hiding as they were themselves pursued by law enforcement agencies).

Finally, the research was heavily impacted by the COVID-19 pandemic. The researcher was forced to return to Zambia at the end of March 2020 but was not able to conduct fieldwork until February 2021. Inevitably this delay meant the fieldwork period was compressed even as communications with Durham were constrained by poor internet connections and power outages, limiting the work that could have been done through that period.

## 2.2 Introduction

Over the last four decades, scholars, international agencies and law enforcement agencies have become increasingly alarmed at the increase in organised crime throughout the world. Of special concern has been the role of government officials in colluding with criminals, through activities such as financial fraud, extortion, arms and drug trafficking, trade in human body parts and the appropriation of state resources, among others. The 2014 Report on Illicit Financial Flows and the 2016 release of the Panama Papers provides an insight into the extent to which state officials, wealthy businessmen and criminals use offshore companies to conceal illicitly acquired wealth and evade taxes (African Union (AU)/United Nations Economic Commission for Africa (UNECA), 2014; International Consortium of Investigative Journalists (ICIJ), 2016). But although collaboration between state officials and criminals is a novel idea, its scope and impact appear to have accelerated in the last two decades.

The threat posed by organised crime has long been recognised by policymakers, scholars, and international agencies. There is a general consensus that not only does organised crime undermine the strength of the state, but it also affects the contested relationship between the state and society (Dechery and Ralston, 2015; Alemika, 2013; Locke, 2012). In developing countries, the nature of the relationship between organised crime and the state has not only undermined prospects of social and economic development, but also degraded national efforts toward greater security and peace (Finckenaer and Voronin, 2001). As organised crime goes transnational, these detrimental impacts can only become more significant and more worrying.

The relationship between transnational organised crime (TOC) and the state is complex but understudied. A number of studies show that about half of all illicit transactions in the world are taking place in countries experiencing 'weak enforcement mechanisms, low levels of economic well-being, insufficient government capacity, and significant societal divisions' (Locke, 2012: 3; Gastrow, 2011; Alemika, 2013; United Nations Office on Drugs and Crime (UNODC), 2005). In these kinds of contexts, TOC erodes state capacities and legitimacy by promoting corruption, infiltrating state structures, challenging the state's monopoly of the use of violence and undermining its capacity to provide basic services. However, it is now recognised that the dominant approach to studying TOC, which tends to be mainly focused on security concerns, sanctions and the rule of law, has failed to account for the complex dynamics associated with it, especially the impact of criminal networks in and on weak and fragile states (World Bank, 2011; Wyler, 2008; de Andres, 2005)). This security-focused approach tends to be divorced

from the appreciation of the impacts on state structures including severe government deficits and entrenchment of a culture of corruption (Carrier and Klantschnig, 2012). Instead, it has reinforced historical stereotypes of developing countries as inherently corrupt, inefficient, and needing state-building interventions to regain democratic statehood. Moreover, state-building interventions which have focused on strengthening the state-derived power of governing elites, has invariably been deployed for the purpose of enacting coercive repression of populations rather than legitimate representation (Locke, 2012: 3-4); Dechery and Ralston, 2015).

Studies of state weakness have also often been focused on its relationship to conflict (Shaw and Reitano, 2013; Cockayne, 2013; Judith, 2012; Collier, 1994). Much less is known nor understood about the relationship between state fragility or weakness and TOC. This chapter draws together what we do know. It begins by presenting the arguments that there is an association between weak states and TOC, that the characteristics of weakness create vulnerabilities to TOC but also that the behaviour and practices of political elites exacerbate these vulnerabilities. The chapter then assesses the contribution of other literatures defining and explaining the phenomenon of TOC. It progresses to identify how TOC has increasingly manifested itself in Southern Africa, with arguments being presented that globalisation has been a significant contributory factor in its evolution.

### **2.3 Weak state and transnational organised crime**

While there are many competing explanations as to the impact of organised crime on the state, three have been dominant in the literature. The first argues that organised crime is facilitated by, or is a consequence of, a failed state. The second explanation is related to the behaviour of political elites to use their privileged positions to access state resources or circumvent laws and regulations for private gain, in what has come to be known as the 'predatory state.' The third explanation focuses on neopatrimonialism, whereby leaders use political office to reward supporters, a practice that undermines formal practices and centralises the distribution of patronage to key power holders, such as the president.

The failed state thesis holds that organised crime is rampant where the state is incapable of sustaining itself as a member of the international community, lacks effective control over its territory and is incompetent to perform its juridical functions. This condition of state failure can be both a cause and consequence of organised crime.

Helman and Ratner (1993) who coined the concept of failed state argue that a failed state is a phenomenon whereby a state was 'utterly incapable of sustaining itself as a member of the international

community, imperils its own citizens and threatens its citizens through an influx of refugees, due to political instability or heightened insecurity.

For Ignatieff (2002) state failure occurs when central government loses the monopoly of the means of violence. In a wider context, state failure according to Zartman (1995) happens when the basic functions of the state can no longer be performed to the satisfaction of the members of the political community, to a situation where legitimate authority, laws and regulations, and political order completely collapse.

According to Rotberg (2003) the state fails because it can no longer deliver positive political goods to its people, with failure or collapse being the ultimate end stage. Rotberg identifies three indicators of state failure. The first key indicator of state failure is the growth in criminality, such as organised crime, especially in the form of gangs, criminal syndicates and drug trafficking. The second indicator of a failed state is the inability to control or police borders or significant portions of the country's territory. Third, is the weakness or ineffectiveness of state institutions (judicial, law enforcement or regulatory agencies) to adjudicate conflicts, enforce property rights, the rule of law and contracts, delivery of social services and regulation of the economy.

The failed state thesis has been contested as to its efficacy in measuring state capacity. Di John (2011), for example, argues that the concept of state failure is inappropriate as it suggests a process of failing that ultimately leads to complete collapse of the state capacity to fulfil its Weberian functions, a situation which is very rare. The failed state thesis also ignores the fact that state formation is a historical process and, in some instances, such as in Africa, the post-colonial state inherits features that inhibit the state from performing juridical functions in a systematic and predictable way (Young, 1998). This paradigm idealises the Weberian state functions and assumes that all states should be judged by the same standard. However, state capacity and performance vary between countries and few countries can be considered to fail on all indicators. For example, it is possible for a country to record very poor economic performance and yet perform very well in providing security and political stability (Di John, 2011).

In relation to TOC, there are at least three shortcomings of the failed state thesis. First, state failure is assumed to arise from the state being overwhelmed by criminal gangs, criminal syndicates, and drug traffickers to the extent that the state is captured and unable to perform its functions. This characterisation does not reflect the reality in many African countries that have been identified as 'failed' states. Moreover, it implies a one-way subordination of the state to TOC while in the cases of Guinea Bissau and Sierra Leone, Shaw (2015) and Reno (1995) demonstrate that members of the political elite

not only play an important role in facilitating the work of organised criminal networks but are active participants in it. The failed state thesis cannot account for this apparently reciprocal relationship.

The second key shortcoming of the failed state thesis, and relatedly, is its assumption that the degree of state failure can be measured by a state's inability to control its borders to ensure that illicit goods do not come through. This assumption presupposes that state officials have inadequate resources, in terms of personnel and materials to patrol vast borders. However, the reality is that, in the case of drug trafficking, there is evidence that most of the drugs pass through legitimate border points and are facilitated by border guards and other state officials. In other words, the argument of better equipping the immigration, customs, police and anti-drug agencies to detect and arrest criminal gangs and confiscate illicit goods at borders often ignores the fact of collusion between state officials and organised criminal networks. In that instance, the state is seen to perform its other functions well, other than the fact that in controlling organised crime, it will appear to be lacking, as indicators of organised crime will show an upward trend despite large expenditures on fighting drug trafficking.

Thirdly, the assumption that state failure occurs when a state is unable to fulfil its functions, of providing public goods, such as collective security and fighting crime, among others, in a consistent, predictable, and systematic manner is highly contested in the African context. Evidence from Africa suggests that the authoritarian nature of most African states guarantees a measure of national security against external and internal violence and crime. Ultimately very few African states can be described as truly failed states, or to have been wholly overwhelmed by organised crime (Di John, 2011).

In order to acknowledge the contribution of the failed state thesis but also to avoid the assumption that the state is subsequently overwhelmed by TOC, this thesis will from here on prefer the term 'weak' state, recognising both the vulnerabilities of limited capacity as well as the continuity of state functioning in some domains.

#### **2.4 Predatory state and organised crime**

The notion of a predatory state is perhaps more helpful in explaining the relationship between the state and organised crime. A predatory state involves a small group of elites who 'capture' the state and use the bureaucracy to advance their personal and private interests. The predatory state has often been described as being characterised by neo patrimonial relations, exclusive institutions, state capture and rent-seeking.

In predatory states, leaders and their allies use the state institutions to advance their personal interests. A predatory state is defined by patron-client relationships – individuals with access to power

(e.g., members of a presidential clique) build networks of supporters by offering perks such as jobs or contracts to those who are loyal to them. The environment fosters corruption rather than growth, and relies on personalism, that is aid to companions and associates with the closest ties to the leadership rather than those best able to compete functional tasks.

Some authors have described this phenomenon as neo-patrimonialism (Clapham, 1982; Bratton & van de Walle, 1997). Bratton and van de Walle (1997) claim that neo-patrimonialism is the core feature of politics in Africa. In this system according to Bratton and van de Walle, the right to rule is ascribed to an individual rather than to an office and that individual dominates the state apparatus and stands above its laws. Relationships of loyalty and dependence pervade formal political and administrative systems, and officials occupy bureaucratic positions less to perform public service, their ostensible purpose, than to acquire personal wealth and status. Although state functionaries receive an official salary, they also enjoy access to varying forms of illicit rents, prebends, and petty corruption, which constitute sometimes important entitlements of office. "The chief executive and his inner circle undermine the effectiveness of the nominally modern state administration by using it for systematic patronage and clientelist practices in order to maintain political order" (Bratton & van de Walle, 1997: 62). While recognising the significant contribution of Bratton and van de Walle to the debate on the state, their conceptualisation as it stands can be criticised for being Eurocentric and narrow, attributing these characteristics specifically and limitedly to Africa.

The notion of a predatory state nonetheless has something to offer in explaining the relationship between the state and organised crime. Evans (1989), for example, posits that when states extract such large amounts of otherwise investible surplus and provide little in the way of 'collective goods' in return they impede economic transformation. These states can be referred to as 'predatory' as those who control the state apparatus seem to plunder without any regard for the welfare of their prey (Evans, 1989: 562). Building on this notion, Bayart, Hibou & Ellis (1999) suggest that such behaviour constitutes the criminalisation of the state. Though written as a polemic, the notion of criminalisation of the state suggests active involvement of state actors in using their positions to acquire wealth for themselves outside of legal and institutional parameters. This is possible as state actors may exact a share of the rent for themselves from facilitating illicit transactions for themselves. As Krueger (1974: 293) has correctly observed, competition for access to government services and state institutions is also in part a competition for access to rents. Evans argues that the preoccupation of the political class with rent-seeking often turns the rest of society into prey (Evans, 1989: 570).

The notion of a predatory state has recently been discussed in the literature as state capture. According to Tom Lodge (2018:14) 'state capture' refers to a 'situation in which an identifiable group of interests-leaders of a political party or members of a particular social group-secures control over the government and the public administration in such a way that their predominance is secure and unlikely to be challenged in the foreseeable future. The notion of state capture implies that 'the state has lost its social autonomy and is unable to function in such a way as to serve broad social interests or make decisions that might achieve long term goals' (Lodge 2018:14). Like in the case of criminalisation of the state, in conditions of state capture, the state is unable to fulfil its basic functions because it has become bound to very particular narrow set of private interests.

The term state capture was popularised by a study conducted for the World Bank by Joel Hellman, Geraint Jones and Daniel Kaufmann who outlined new patterns of corruption in former Soviet bloc states after their transition to market economies (Hellman, Jones and Kaufmann, 2000; Southall). According to Hellman et al, state capture refers to 'the actions of individuals, groups or firms both in the public and private sectors to influence the formulation of laws, regulations, decrees, and other government policies to their own advantage as a result of illicit and non-transparent provision of private benefits' (quoted in Southall, 2018:14).

(As this thesis will show, in the case of TOC in Zambia that state capture is facilitated through a collusion between state actors, business and criminal networks. Corruption is the main glue that binds state actors, business and criminal networks in undermining established rules and facilitating the entry, movement and trade in illicit drugs).

## **2.5 Evolution of transnational organised crime in Southern Africa**

The discussion above established that TOC is facilitated by, and impacts upon, the state, and that this relationship is a result of and shaped by weak state capacities and the self-interested behaviours of political elites. While TOC is a global phenomenon, widespread in Europe, North America and Latin America, a further consideration comes from the research on TOC in Southern Africa in particular.

Mark Shaw and Reitano (2013) identify some drivers behind the growth of organised crime on the African continent. According to Shaw and Reitano, there have been three phases in the evolution of TOC in Africa. The first phase began in the 1970s with decolonisation. They argue that although organised criminal activity was largely concentrated in two countries (South Africa's Western Cape and South-eastern Nigeria), large scale cocaine trafficking was being introduced throughout the continent throughout this period. The second phase in the evolution of TOC came during the early 1990s. According to Shaw

and Reitano during this phase brutal and protracted conflicts, especially in central and west Africa, gave birth to armed groups that colluded with foreign criminal networks to fund conflicts. This phase also saw the fast growth of organised crime in Southern Africa as border controls became more relaxed and discriminatory laws in South Africa were repealed following the advent of democracy (Hübschle, 2010: 4). It is further observed that the end of apartheid in 1994 may have created conditions for the Southern African region to be vulnerable to cross border criminal activities (Shaw & Reitano, 2013: 1). This phase created a solid foundation for the rapid growth of organised crime to follow in the next phase.

The last phase identified by Shaw and Reitano began around the start of the new millennium. They argue that this period saw a dramatic rise in illicit drug trafficking and an associated devastating impact, as powerful criminal networks with strong state connections proactively benefited from the closer integration of Africa into the global economy. This was the period when “armed groups became driven more by profit than ideology” (Shaw & Reitano, 2013: 1). Gastrow’s study (2003) supports Shaw and Reitano’s periodisation of the growth of TOC in Africa, also identifying three phases in which organised crime evolved in the region. However, unlike Shaw and Reitano, Gastrow argues that organised crime may have existed in the Southern Africa region as far back as the early 1950s. However, he acknowledges that “the criminal markets...developed during those times were, according to today’s criteria, relatively harmless” (Gastrow, 2003: 3). He observes that the first phase began in the early 1940s, during World War II. According to him the war resulted in far reaching social, political, and economic changes for Southern African countries, most of which were still under colonial rule. As a result, many colonies were required to pursue projects that would foster high degrees of self-reliance which included the establishment of secondary industries, as the war situation made it difficult for local markets to continue to be supplied with imports from colonial capitals. Gastrow argues that the expansion of domestic markets inadvertently provided conditions and opportunities for the development of criminal markets. Specifically, Gastrow observes that “criminal groups focused on the supply of goods, such as cannabis and liquor, which had always been in demand but for which there were no legal supplies available” (Gastrow, 2003: 6). Thus, during this period, organised criminal groups comprised of unemployed locals, primarily black Africans, who relied on illicit brewing and distribution since they were not allowed to purchase liquor lawfully. Gastrow then identifies the 1960s and 1970s as a second phase during which organised crime became more evident in the Southern African region. But Gastrow, however, argues that during this period political and financial developments in the global economy established conditions for the growth of organised crime and spread of criminal networks. In particular, he observes that international trade

sanctions, such as the Southern Rhodesia's Unilateral Declaration of Independence (UDI) (now Zimbabwe) in 1965, led to the establishment of a network of illicit trading channels involving, among others, the marketing of tobacco, the importation of oil, the laundering of funds, and the utilisation of existing criminal networks.

Shaw and Ellis (2015) argue that the imposition of structural adjustment programmes (SAPs) and challenges posed by the Washington Consensus to governments of the region created opportunities for the establishment of regional criminal networks. Earlier Shaw (2002: 44) had already observed that SAPs enabled the establishment of regional networks, thus marking the second phase of the development of organised crime in Southern Africa. For Goredema (2005:2) criminal networks entrenched themselves and developed illicit markets across the Southern African region in the 1970s and 1980s, supporting Shaw and Ellis' argument on the arrival of TOC in the region. It can also be observed that during this second phase, there was a marked expansion of smuggling links between the newly independent countries and state-backed organised criminal activities in the region (Gastrow, 2003:7). Gastrow identifies the third phase in the evolution of TOC in Southern Africa as having begun around the 1980s and 1990s, stating that during this phase, "a marriage of convenience" was forged between foreign investors or prospectors and local elites to their mutual benefit (Gastrow, 2003: 9). During this period, all countries of Southern Africa underwent fundamental economic, structural, and political transformations which may have spurred the rapid growth of organised crime.

Literature on the emergence and evolution of organised crime in Southern Africa reveals that, although authors may differ distinctly in terms of the arrangement of phases, they agree on the socio-economic and political factors that underpin the evolution of organised crime in Africa generally and Southern Africa in particular. For the purposes of this study, I identify four phases in the evolution of TOC in Southern Africa. These occurred against the background of shifts in social, political, and economic environments in individual Southern African countries. The first phase is what Gastrow (2003) have referred to as the 'foundational' period, which began in the 1940s during World War II, that was characterised by a slow emergence of organised criminal groups throughout the Southern African region with limited criminal market opportunities. The second phase began in the 1970s and was marked by a rapid growth of criminal networks at a regional level with instances of state-backed organised criminal activities. The third phase began around the 1980s and 1990s, as significant transformations (social, political, structural, and economical) created conditions for the establishment of international links. The fourth phase began in the early 2000s and was marked by the dramatic and devastating impact of the

illicit market with strong collusions between increasingly powerful criminal networks and political elites. The history of the emergence and evolution of organised crime in Southern Africa reveals that countries of the region became more and more vulnerable to infiltration by organised crime as they first faced the challenges of state-building but then – crucially – as they became more integrated into the global economy.

## **2.6 Transnational organised crime in Africa**

Increasingly organised crime is being integrated into Africa and, while TOC (and the efforts to control or eradicate it) are not a new phenomenon, what has changed especially since the early 1990s, is the scale and intensity of TOC and perceptions about its impact on states and international security. TOC refers to crime that is organised and coordinated across national borders of more than one country and which involves groups and networks of individuals planning, executing illegal activities, and using systematic violence or/and corruption (Eilstrup-Sangiovanni, 2005:7-8). These transnational organised criminal activities include trafficking in drugs, people and body parts, money laundering, counterfeits and illegal arms, among others. Williams (2001: 164) defines TOC as criminal business that goes beyond national borders in one way or the other. Furthermore, “the border crossing can involve the perpetrators, their illicit products, people (either illegal migrants or women and children being trafficked illegally), their profits, or digital signals (a virtual border crossing).

According to Albanese (2010: 4) TOC could be defined as ‘a continuing criminal enterprise that rationally works for profit from illicit activities that are often in great public demand. Its continued existence is based on the use of force, threats, monopoly control and/or corruption of public officials.’ This conceptualisation is in line with the perspective that considers organised crime as a business enterprise much like any other. In the case of TOC, it operates across national borders, but with similar characteristics.

Van Duyne meantime defines TOC as ‘the passing of illegal goods and or/services over national borders and/or rendering criminal support to criminal activities or related persons in more than one country (van Duyne quoted in Allum and Gilmour, 2011: 7). Albanese’s suggestion that TOC is about ‘violations of law that involve more than one country in planning, execution or impact’ (Albanese, 2011: 148), has influenced national governments to tighten border controls and use military and police forces to control organised crime (Eligh, 2017: 1-3).

TOC should be distinguished from international crimes, the latter being crimes committed by states against other states in the framework of the Rome Statutes, such as crimes against humanity,

crime against peace and war crimes. While TOCs are considered less threatening for international peace, they are nonetheless harmful and can endanger international cooperation (terrorism, plane hijacking, etc); international economic and socio-cultural development (contraband, money laundering, drug trafficking, etc), the well-being of individuals and their property, and universal system of values (human trafficking, trafficking in human body parts, pirating, pornography, prostitution, etc) (Zabyelina, 2013: 37).

There is increasing recognition that since the end of the Cold War, global governance has failed to keep pace with globalisation. While globalisation has been credited for stimulating economic growth and development in some parts of the world, it has also provided new opportunities for criminals to prosper. For example, the UNODC (2010) observes that: 'traditional organised crime has diversified, gone global and reached macro-economic proportions.' This is exemplified by: 'illicit goods are now sourced from one continent, trafficked across another, and marketed in a third...Crime is fuelling corruption, infiltrating business and politics, and hindering development' (UNODC, 2010).

There are at least six factors arising from globalisation that have created favourable conditions for transnational organised crime. These are: the breakdown of political and economic barriers between nations, economic and trade liberalisation, technological advancement, increased use of the internet, globalisation of business and the exponential growth in international travel (Viano, 2009:1-3). Criminals have adapted and taken advantage of these developments to expand their networks, market and move their goods across national borders seamlessly with little or no detection and utilised liberalised financial systems to launder their criminal proceeds. They have responded to the growing illicit global economy by embracing laws of supply and demand in the global marketplace and challenged the integrity of the nation-state as the guarantor of territoriality of national borders and regulator of international commerce (Rotberg, 2004:1-10; Findlay, 1999:30-32).

The United Nations Crime Prevention and Criminal Justice Branch recognised the scale of these activities when it coined the term, 'TOC' in 1975 to refer to criminal acts that transcended national boundaries, transgressed national legislations, and have an impact on another state. In 1994, the Naples Political Declaration and Global Action Plan Against Transnational Organised Crime adopted a common definition of TOC. But while more than 140 states committed themselves to combatting TOC, there was no precise agreement on a definition until the early 2000s. The United Nations Convention Against Transnational Organised Crime (UNCATOC), convened in 2000, adopted the first internationally recognised definition of the concept. This defines organised crime as 'a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious

offences...in order to obtain directly or indirectly a financial or other material benefit (UNODC/United Nations UN, 2004: 5). It further defines an offence as transnational in nature if it fulfils the following criteria: (a) it is committed in more than one state; (b) it is committed in one state, but a substantial part of its preparation, planning, direction or control takes place in another state; (c) it is committed in one state, but involves an organised criminal group that engages in criminal activities in more than one state; and (d) it is committed in one state but has substantial effects in another country (UNODC/UN, 2005: 5). The criminal offences stipulated in the convention include: human trafficking, corruption, and illegal trade in arms. While drug trafficking is not specifically mentioned in the convention, it can be assumed that it falls within the purview of 'serious offences'.

## **2.7 Drug trafficking and transnational organised crime in a globalised world**

The use, production and sale of narcotic drugs can be traced back to ancient history (Zabyelina, 2013: 28). For example, opiates were common in ancient Greece, marijuana was in use over two millennia ago, and coca was much an integral part of social life in some parts of contemporary Latin America. After the end of the Cold War, some criminal groups and insurgents resorted to drug trafficking as an alternative source of financing for their activities (Zabyekina, 2013: 28; Williams and Felbab-Brown, 2012: 28). Today, while there are wide variations in the data on the proceeds from TOC, evidence indicates that drug trafficking has become the second most lucrative form of business for transnational organised criminals, with an estimated annual value of between USD426 and USD652 billion in 2014 (May, 2017). In 2017, Global Financial Integrity (GFI) estimated the annual worth of the global cannabis and cocaine markets at USD183 billion and USD94 billion respectively, with heroin and other opiates accounting for around USD80 billion. The estimated annual proceeds from human trafficking and organ trafficking were USD150.2 billion and USD840 million respectively, with the number of victims of trafficking at around 2.4 million annually. The illicit trade in firearms generated between USD170 and USD320 million annually, while the black market or smuggling in oil and diamonds, was estimated to be around USD9 billion. The illegal trade in wildlife is another lucrative business for organised criminal groups, with poachers targeting skins and rare plants and animals for export to foreign markets. Organised criminal groups deal in live and rare plants and animals, threatening them into extinction, to satisfy demand from collectors or wealthy consumers in developed countries. The Worldwide Fund for Nature (WWF) estimate that traffickers moved over 100 million tons of fish, 1.5 million live birds and 440,000 tons of medicinal plants in 2012 (WWF, 2013). Other areas of organised crime including, counterfeiting and money laundering, illegal logging and piracy (May, 2017): 1-2). This study focuses on drug trafficking.

The UNODC, (2016) defines drug trafficking as the “cultivation, manufacture, distribution, and sale of substances which are subject to drug prohibition laws.” Many studies recognise the difficulty in determining the market value of drug trafficking given the fact its operations and transactions are covert. As a result, most available data comes from seizures, which typically represent only a fraction of actual drug trafficking. Further, there is not one universally accepted definition of drug trafficking, which has led to countries measuring the activity differently, thus making the available data difficult to compare across nations and regions (May, 2017:3).

GFI estimates that the global drug market was worth USD651 billion in 2014, equivalent to approximately 1 percent of global GDP. According to the UNODC *World Drug Report 2016*, cannabis represents the largest submarket within the drugs trade, worth approximately USD183 billion to USD287 billion in 2014, or roughly 43 to 44 percent of the global market. This is because cannabis is by far the most widely cultivated, distributed, and consumed drug worldwide. In 2014, it was estimated that 182 million people or 2.5 percent of the world population consumed cannabis (Organisation of American States, 2013: 7). Cocaine and opiates are similar in both value on the market as well as the number of global consumers. For example, cocaine had an estimated value of between USD94 billion and USD143 billion, while opiates (heroin, etc) was worth between USD75 billion and USD12 billion, with approximately 17-18 million users. Amphetamine-type stimulants (ATS) represent the smallest portion of the global drug market, worth around USD74 billion to USD90 billion, with approximately 55 million global users (UNODC, 2016: 43).

As with other parts of the world, Africa has a long history with drug cultivation, production, consumption, and trade. Khat, for example, is an indigenous crop grown in the Horn of Africa and on the East African coast. It has for centuries been used as a recreational stimulant in Ethiopia. Cannabis, originally imported from Asia, has a history of at least several hundred years of production and use (Klantschnig, et al, 2015; Kennedy, 1982). Initially the production of these drugs was guided by informal traditional social networks, cultural beliefs and practices (Eligh, 2017: 5; Duvall, 2017). However, it is the large-scale and widespread use of more potent drugs, such as cocaine, heroin, and synthetic substances has in the last decades linked the continent to the global drugs trade (Ellis, 2009; Akyeampong, 2005).

In fact, the African drugs trade could be traced to the early 1950s, starting with Lebanese traders using West African entry points for shipments of large heroin consignments to United States markets. It was around the same time that Nigerian criminal groups began smuggling African cannabis to consumers in European and US markets. This intercontinental trade in cannabis exploited precolonial networks and

trade routes that had been used for the slave trade, and commodities such as gold and ivory (Ellis, 2016; Akyeampong, 2005).

Independence in Africa was not accompanied by economic and institutional development, and the benefits of economic growth were often unevenly, if not inequitably distributed. With high reliance on agriculture and extractive industries whose prices were determined on the world market, the oil crisis of the mid-1970s produced serious economic dislocations in many countries. It was against the background of growing economic stress, increased poverty levels and high rates of youth unemployment, that cannabis in particular, became a symbol of protest, especially among the youth, who felt disenfranchised by African power elites (Eligh, 2017: 5). Demand and use of cannabis within Africa expanded, as did its production, providing an alternative source of income to poor farmers in the countryside.

The advancement in modern transportation, with the introduction of containerised shipping, wide-boarded jet passenger airliners made African an interesting destination for transnational drug traffickers from Latin America. As the United States and Europe tightened controls on illicit drug imports, Africa became an important transit post for hard drugs, such as cocaine and heroin. But there were also others, such as controlled drugs (Valium and Mandrax), which had a ready market in South Africa and in parts of Asia. Thus, new African transport hubs were integrated into global transport and communication networks. By the mid-1980s, expanding trafficking flows brought innovations designed to increase the volume of drug movements and decrease possibilities of seizure (Ellis, 2016).

By the mid-1980s, emerging internal conflicts and economic crises brought about by deteriorating terms of trade because of the global economic recession and exacerbated by the adoption of International Monetary Fund (IMF)/World Bank inspired SAPs, saw significant growth in the drugs trade. The United States and European law enforcement authorities, such as the US's Drug Enforcement Administration (DEA) seized illicit drugs, such as cocaine and heroin and arrested an increasing number of West African drug couriers (Shaw, 2015; Ellis, 2009; 2016). Akyeampong (2005) notes that the many networks of African drug traders, in particular those dominated by the Nigerian and Ghanaian diaspora, consolidated their positions in the 'illicit' economies of East Asia, the Middle East, Europe and North America, transporting cannabis, cocaine and other drugs to new destinations (Bybee, 2012).

The 1990s was not only a decade of democratisation in Africa with most countries re-introducing multiparty democracy and liberalising markets, but it was also a decade of penetration of drug trafficking networks into African markets with serious impacts on state institutions and public health. While the continent, through the AU, aspired for rapid economic transformation via the UN's New Agenda for

Development of Africa, this was a dismal failure by the mid-1990s, as more than 80 million Africans lived below the poverty line. The dire economic circumstances in which many African leaders, government officials and the general populations found themselves created a conducive environment for the expansion of the drug trade on the continent, especially in West Africa, where there existed developed trade routes from pre-colonial times (Akyempong 2015; Laniel 2001). For example, trade in cocaine from Latin America to Europe became an integral part of the West African drug economy. Transport nodes in countries, such as Guinea-Bissau, Ghana and Nigeria were used to repackage and ship drugs for onward transfer to European markets. The growth of the illicit drug trade in West Africa attracted international organisations, Western governments and scholars who characterised the region as 'a collection of corrupt, weak, fragile, failing or failed states (Eligh, 2017: 6; Reno, 2000b; Reno, 1997; Rotberg, 2004).

There was an increasing number of seizures of illicit drugs peddled by African couriers in the early 1990s in the United States, with one study suggesting that at least two-thirds of all the heroin seized in 1991 in New York came from African drug organisations and networks (Ellis, 2016; Ellis, 2009). It has also been suggested that the market reach of Nigerian and Ghanaian networks was quite extensive, drawing on their diaspora connections in the destination countries (Akyeampong, 2005). There is evidence that the cocaine trade links between West African transit hubs and Latin American suppliers expanded exponentially during the 2000s, to the extent that tonnes of cocaine transited through African states en route to Europe, the Middle East, the United States and North America. The reasons for the flourishing of the drugs trade in the region has been attributed to weak state structures and collusion between state officials and drug traffickers (Shaw, 2015; Reno, 2000b).

The increasing drug trade through West Africa was to lead a number of organisations and scholars to characterise some countries of that region as 'narco-states', warning of the consequences the state-crime nexus posed on regional and national security and to public health. The UNODC, for example, warned that 'narco-trafficking, through a vulnerable region that has never previously faced a drugs problem, is perverting weak economies' and was 'a threat to public security' (UNODC, 2005; 2007).

The assumption that Africa was only recently introduced to drug consumption has long been dismissed as misleading, since the cultivation and consumption of drugs has a long history on the continent. There is evidence that Africa is not only a transit region for illicit drugs, but also a consumer of hard drugs. Heroin from Afghanistan, Pakistan, Burma and Iran found its way to East African markets not only targeted at trans-shipment to Europe and North Africa, but for local consumption. Thus, the practice of injecting of heroin spread across the coast of Africa, covering Kenya, Tanzania, Mozambique and South

Africa. These practices soon spread to the hinterland, as those involved in injecting tended to be among the poorest and most vulnerable. By the end of the 1990s, the practice of heroin injection had spread to countries, such as Angola, Malawi, Burundi, Zimbabwe, Uganda, Zambia, Rwanda, Namibia, e-Swatini and Democratic Republic of Congo (DRC) (Eligh, 2017: 8).

In the last six decades, Africa's production, trade and drug use has seen a transformation from traditional crops such as khat and cannabis to large scale and widespread production, use and trade in opiates, like heroin, cocaine and other drug substances (commonly referred to as hard drugs). It is against this background that there have been several efforts to control transnational drug trafficking with the adoption of several treaties. In 2016, the UNGASSOD held in New York reflected on the nature of illicit drugs and reviewed countries' responses and adopted a ten-year counter-narcotic strategy (UNGASS, 2016). Many African countries are signatories to several conventions, including the following: The Single Convention on Narcotic Drugs (1961), the Convention on Psychotropic Substances (1971) and the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988). It is not the focus of this thesis to examine the efficacy or implementation of these treaties or convention, but to simply outline them as a framework for the broader discussion on the impact of drug trafficking on the state in Africa.

## **2.8 Conclusion**

This chapter has established the importance of three factors in explaining the relationship between the state and the rising tide of TOC in Africa. It has reviewed literature on the failed state and have identified the limited capacities of state institutions in to control and contain TOC, although their exaggeration or totalising of this incapacity suggests that we henceforth utilise the term 'weak' rather than 'failed'. Literatures on predatory states has highlighted the role played by self-interested political elites seeking to extract rent from their state offices for their own private use, while their neo-patrimonial modes of governing privilege personalist relationships and informal networks and processes. These behaviours allow them to undermine the legitimate institutions and processes of the state itself and make them susceptible to business relationships with TOC. Finally, globalisation has brought with it an erosion of state control over territorial borders and an increased incentivisation on the part of political leaders and societies to partner with TOC, not least in trafficking drugs. In other words, political elites seek opportunities for personal enrichment which state institutions cannot provide. Those same institutions are not strong enough to contain the ambitions of political elites or to resist the intrusions of TOC which are increasingly facilitated by the opening of borders and economic reliance on global integration. The

evidence presented at the end of the chapter suggests that these evolving and deepening relationships between political elites and TOC networks (which comprise a political-crime nexus to be explored in later chapters) not only facilitate the penetration of TOC, but actually begin to change both how political elites manage the state and the local economy itself (again to be explored later). The literature reviewed also indicates that this relationship between political elites and crime networks is evident in and across Southern Africa. Chapter three will draw more explicitly on literatures on the African state and develops a framework through which to study the case of Zambia.

### 3.2 Introduction

This chapter explores in more detail the nature of the African state through a review of contending theories of the state which allows us to identify its functions, characteristics and post-colonial specificities. Literature on the African state illuminates the malalignment between colonially imposed or inherited political institutions on the one hand, and the relevance and role of political elites on the other. They guide us to the evidence of personalised rule and neo-patrimonial governance, which thrive in a context of state weakness.

The chapter further explores how we can measure the degree of state weakness, as well as the evidence of interactions with transnational organised crime (TOC) and its impacts. Finally, the concept of state capture will be introduced and elaborated upon. This allows us to capture the relationship of mutual advantage that develops between political elites and TOC networks in the context of a weak state, and to follow the evidence of its impact back on the state and the national political economy.

### 3.3 Theories of the state and the African exception

To understand the relationship between TOC and the state it will be important to examine the conceptualisation of the state as it relates to Africa. The research problem poses a dilemma: is it the nature and type of state that facilitates organised crime or organised crime that shapes the form and functions of the state? It is like a chicken and egg question. In this section, we consider how conventional theories of the state have been adapted to accommodate the particular features of the African post-colonial state. This allows us to distinguish those features which makes the post-colonial state more susceptible to TOC from those which may be the consequences of TOC.

While the concept of the state has been variously defined in the literature, there are three broad conceptualisations that have dominated academic debates over the past three decades. These are: the functionalist theory of the state which postulates that the state is an instrument for the maintenance of order and provision of public goods; the descriptive notion of the state as an organisation engaged in continuous processes of interaction with other social groups with competing interests for authority, influence and power; and the state as a post-colonial set of institutional arrangements at odds with the predatory, shadow, neo patrimonial or criminalised political elites which consequently lead it to be weak or fragile. While some of these conceptualisations may overlap or contain similar features, theorists have tried to show their analytical distinctions.

Max Weber defines the state as 'a corporate group that has compulsory jurisdiction, exercises continuous organisation and claims a monopoly of force over a territory and its population, including 'including all actions taking place in the area under its jurisdiction'(Weber 1964:156). Important In Weber's definition of the state is the notion of the claim to a monopoly use of force in the territory under its jurisdiction. In other words, statehood is ascribed to a national government that has effective control over the whole of its territory and population (Jackson and Roseberg, 1982:2-3).

Following Max Weber's functionalist definition of the state, many scholars consider a state to be one which effectively fulfils the functions of maintaining order (by use of legitimate force), and providing public goods, such as security, laws, health, education and social services. This definition presupposes that the state is a dominant organisational force, which stands above society as a disinterested and neutral arbiter in the competing interests of various groups in society. However, a number of commentators have shown that the state is neither neutral nor disinterested actor in society, but an active participant with a particular interest or allied to the interest of specific social groups or classes. For example, Hagmann and Péclard (2010: 543) conclude that at the heart of state formation are efforts to institutionalise as well as legitimise political power and physical coercion. From the foregoing discussion, we can conclude that the state is a group of institutions that exercise legitimate authority as well as legislate rules that govern a population in a given territory. But in the African context, the state's capacity to deliver public goods has often been inadequate and its legitimacy contested by rival groups. Jackson and Roseberg, (1982:2) contend that the African state lacks capacity to fulfil its empirical functions. By empirical, they mean *de facto* functions (traditional functions) of maintaining law and order and providing goods and services to its people. While juridical functions, or *de jure* functions can be understood as those that arise as a result of international recognition under international law.

Jackson and Rosberg argue that by Weber's definition of the state, 'a few of Africa's governments would not qualify as states.... Because they cannot always effectively claim to have a monopoly of force through out their territorial jurisdiction.... Furthermore, the governments of many Black African countries do not effectively control all of the important public activities within their jurisdictions; in some government is perilously uncertain, so that important laws and regulations cannot be enforced with confidence and are not always complied with' (Jackson and Roseberg, 1982: 3).

Joel Migdal (2001: 21) moves the focus to the competition for power, contending that the state's monopoly over the use of violence is not sacrosanct but often highly contested. Migdal defined the state as a 'process of interaction of groupings' in a field of power marked by the use or threat of violence and

shaped by (a) the image of a coherent, controlling organisation representing people bounded by a territory, and (b) the organisation's actual practices' (Migdal, 2001: 16). For Migdal power denotes a struggle for domination and states are 'the practices of a heap of loosely connected parts with ill-defined boundaries between them and other groupings inside and outside the official state borders' (Migdal, 2001: 22). According to Migdal, while a state can influence social interactions and in turn be moulded by them, the state could best be understood as an arena of struggle of competing interests and organisations. Therefore, whether a state is strong or weak depends to a large extent on the capability of legitimate political institutions to win support for its policies and laws without resorting to violence against its citizens (Migdal, 1988: 3; Azarya, 1988: 5-6). Tilly (1990: 19) on the other hand, places competition for power at the heart of his conceptualisation of the state, noting that the relationship between the state and other groups is that of domination which is defined by the use of coercion. He argues that domination by way of coercion involves the 'application, threatened or actual, of action that causes loss or damage to individuals or groups who are aware of the action and the potential damage.' This monopoly of the use of means of coercion or violence, under certain conditions such as turbulent periods of economic and political reform, may be contested by alternative groups such as secessionists, armed gangs or organised criminal groups. A weak state, that is a state whose authority is not widely held to be legitimate, will be vulnerable to such challenges.

How do these generalised arguments about the form, function and nature of the state map onto the realities of the African state? In fact, there is a broad consensus in the literature that the functionalist theory of the state, as a provider of public goods, setter of rules and their enforcement through a 'monopoly of violence' may not have universal applicability to all regions of the world (Di John, 2010; Englebert, 2010). Alavi (1972: 59-81), for example, coined the concept of the 'post-colonial state', as a state which has inherited the colonial characteristics of domination, oppression and exploitation. According to Doornbos (1990:180-183) the post-colonial state is characterised by the following features: (a) post-colonial status; (b) problematic territorial jurisdiction or control; (c) heavy involvement in a restricted resource base (usually production of primary commodities); (d) the existence of relatively undifferentiated yet ethnically heterogeneous social infrastructure; (e) salient processes of centralisation and consolidation of power by the ruling classes, and (f) a pervasive external context of dependence (Doornbos, 1990; 180-183; Young, 1988; Mamdani, 1996: 3-12; Sørensen, 1997: 270; Clapham, 1996). Alavi (1972) adds that the post-colonial state can be said to be 'overdeveloped,' as it is not only highly centralised, but

inherited a strong and coercive military and bureaucratic apparatus from the colonial state which it uses to suppress its citizens.

The African state is generally understood to be a post-colonial phenomenon, shaped by the 'political legacies of colonialism' and thus alien to its social context (Mamdani, 1996). From its colonial past, it inherited political and social structures of domination, subservience and exclusion (Mamdani, 1996: 3-12; Clapham, 1996: 246-47) rather than the positive functionalities ascribed to states by the Weberian functionalist approach discussed above. In the case of sub-Saharan Africa, most nation-states acquired their independence and formal sovereignty not so much out of their capacity for self-government, but because of the pressure that was prevalent at the time in the context of the cold war and the desire for colonised countries to be decolonised. As Sorenson says:

'The process of decolonisation has helped create a type of state which is qualitatively different from the state defined by the 'Westphalian' concept. Before the Second World War, sovereignty was bestowed only on countries which were able to demonstrate a capacity for self-government. 'States historically were empirical realities before they were legal personalities.'

The sovereignty regime erected around decolonisation is different. Positive sovereignty, the substantial capacity for self-government, is no longer a pre-condition for negative or formal, juridical sovereignty. For example, most of the states in sub-Saharan Africa achieved formal sovereignty because of pressure for decolonisation in the context of the East-West conflict and not because they possessed the necessary means of self-government.

State institutions are thus weak and underdeveloped in post-colonial states. In Africa, for example, there was no pre-colonial tradition of statehood, and the institutions erected during the colonial period were insufficiently viable to weather the transition to independence. State power thus became concentrated in individual political leaders in a system called personal rule' (Sorenson, 1997: 260).

One important feature of the post-colonial African state is that its inherited colonial political and other institutions, were ill-suited for the intended democratic independent states, concentrating power in the hands of effectively colonially 'appointed' successor elites who lacked a broad base of representative legitimacy. Domination by means of coercion was increasingly the mode of governing as political elites sought to retain power and regimes became progressively more authoritarian.

However, this power of domination was not only wielded through the institutions of the state: indeed, they became less relevant and were unable to withstand the political pressures of independent statehood. In *Political Order in Changing Societies*, Samuel Huntington (1968) argued that the essential pre-requisite for political development or political 'modernisation' was the adoption of institutions and state bureaucracies based on legal-rational authority, political parties, legislatures, and formal rules. He argued that the main distinction between countries was not their form of government but their degree of government (Huntington, 1968: 1). Political order or political stability was an important characteristic feature of a state from which flowed from its organisation, rule enforcement, legitimacy and effectiveness. But in the African post-colonial state the institutions were rather based on inherited colonial preferences for, and structures of domination, rather than on any legal-rational authority. Excluded alternative social forces contested the authority of state institutions and were subordinated only through the preferences and behaviours of political elites rather than through the widespread acknowledgement of the legitimate legal and political processes.

Scholars, for example Ericksen (2011) argues that an emphasis on institutions alone is insufficient to explain the nature of the state, especially in developing countries such as those of Africa. Their focus has shifted to the behaviour of ruling elites, their relationships with their citizens and how that relationship shapes the functioning of state institutions (Ericksen, 2011; Scarritt, 1987:369-371).

### **3.4 Neo-patrimonialism, criminalisation of the African state and state capture theories**

Following the inauguration of authoritarian one-party dictatorships in most of post-colonial Africa, there was a re-examination of the idea of the African state. Since the early 1980s scholars have moved from a focus on institutions to political behaviour and relations between African political elites. Three strands to this thinking can be identified: neo-patrimonialism, the criminalisation of the state and state capture.

The neo-patrimonial paradigm can be divided into two distinct parts. The first, represented by Jean-Francois Bayart seeks to explain the pre-colonial origins of patronage politics in Africa. For Bayart, abuse of power and authority or corruption can be traced back to precolonial society. He argues that in the African context, it is a cultural legacy that is persistent in social-cultural life and a *raison d'être* of relations between rulers and citizens. It is therefore 'normal' for African leaders to be corrupt, following the African adage that, 'a goat eats where it is tethered' (Bayart, 1993). Bayart, thus characterises the state as an instrument to distribute spoils or a patronage machine. Political power is sought to promote the 'politics of the belly.' This focus on political behaviour influenced Bratton and van de Walle's influential

work *Democratic Experiments in Africa* (1997), in which they argue that neopatrimonialism was a unique feature of African states (Bratton and van de Walle, 1997: 61-63). Bratton and van de Walle (1997: 62) argue that 'although neo-patrimonial practices can be found in polities, it is the *core* feature of politics in Africa.' In neo-patrimonial states, power is centralised in the strongman. Despite the existence of formal rules, informal rules and practices predominate and personalised exchanges, clientelism and corruption are the defining features. Specifically, Bratton and van de Walle characterise neo-patrimonialism as follows:

'The right to rule....is ascribed to a person rather than an office, despite the existence of a written constitution. One individual (the strongman), "big man," or "supreme" often president for life dominates the state apparatus and stands above its laws. Relationships of loyalty and dependence pervade a formal political and administrative system, and officials occupy bureaucratic positions less to perform public service, their ostensible purpose, than to acquire personal wealth and status. Although state functionaries receive an official salary, they also enjoy access to various forms of illicit rents, prebends, and petty corruption, which constitute a sometimes-important entitlement of office. The chief executive and his inner circle undermine the effectiveness of the nominally modern state administration by using it for systematic patronage and clientelist practices in order to maintain political order. Moreover, parallel and unofficial structures may well hold more power and authority than formal administration' (Sorenson 1997: 260-261; Bratton and van de Walle, 1997: 62).

Sorenson describes the neo-patrimonial nature of post-colonial African political elites thus:

'Personal rule is based on personal loyalty, especially toward the leading figure of the regime, the strongman. All the important positions in the state, whether bureaucratic, political, or in the military or the police, are filled with the loyal followers of the strongman. Their loyalty is reinforced by their sharing of the spoils of office; the strongman commands a web of informal networks, patron-client relationships, within which spoils or booty emanating from control of the state apparatus are distributed. The strongman's followers have access to the state's resources in the form of jobs, contracts, loans, licences, import permits, etc. Government administration in post-colonial states is less concerned with public goods; it is 'a

source of power, prestige, and enrichment for those . . . clever or fortunate enough to control and staff it'.

There is not a monopoly of violence which is vested in the state. Instead, there is an armed force personally loyal to the strongman. It may or may not control the entire territory of the state; in any case, the armed force (and the police) is not concerned with the creation of domestic order or the protection of the population in general. It is an instrument in the hands of the ruler, used to coerce or threaten opponents or to make profits in the protection market. Post-colonial states are thus characterised by domestic anarchy rather than by order; they have not solved the 'Hobbesian problem' of creating domestic order; the national system is predominantly one of self-help (Sorenson, 1997: 260-61).'

Tangri (1999) observes that African leaders use patronage for purposes of consolidating their power or for political survival. He argues thus:

'To secure political incumbency, public benefits have been distributed and opportunities to profit provided on political lines. Thus, in their quest for self-preservation, state elites have dispensed government-controlled resources – jobs, licences, contracts, credit – to select political allies as well as mediating access to economic opportunities in favour of close associates so as to enhance their hold over state power' (Tangri, 1999: 10).

Several scholars (Bayart, 1993; Szeftel, 2000), have characterised the *modus operandi* of state power in Africa as motivated by this desire to 'eat'; that is to acquire material benefits by virtue of the positions individuals hold in the state or public sector (including state-owned entities). This phenomenon has been variously described as the 'politics of the belly;' 'it is our time to eat,' 'eat with us,' suggesting patronage involves a deliberate and systematic rent-seeking behaviour and illegal access to state resources for private benefit or that of key supporters (Bayart, 1993; Wrong, 2009; Szeftel, 2000). Patronage cannot simply be understood as corruption, it is much more complex and far-reaching as it involves a number of actors motivated by economic or political gain.

This paradigm recognises the weakness of the state in its inability to perform the functions for which it exists. This weakness is not attributed to institutions alone but to the political behaviour of ruling elites who systematically undermine formal rules to ensure access to state resources for themselves and for their supporters (clients). Others writing from this tradition have argued that the African state should

be seen 'as a resource in itself,' as corrupt, or simply criminal (Szeftel, 1982:4-6; Berman, 1998:305-308, Bayart,1993: 228-252 and Bayart et al.,1999:1-16). Szeftel (1982: 5-6), for example, contends that the state in Africa is 'a resource in itself' as elites struggle to control state power as a means for private wealth accumulation. Berman (1998:308), on the other hand, gives more clarity to the concept of the African state when he claims that its main characteristic feature is 'a combination of heavy-handed authoritarianism within the pervasiveness of patron-client relations at all levels of politics, the salience of ethnicity in political and socio-economic transactions, crude materialism and corruption that reduces it to a fought-over instrument of accumulation. In this process, the wider population are left without a state that performs the economic functions attributed to it by Weber and instead are left vulnerable to the predations of external actors.

'It is clear that conditions for economic growth and development are highly adverse in post-colonial states. Most personal rulers are preoccupied with personal enrichment, and 'the government ignores the people. Ordinary people sustain themselves by subsistence farming or by eking out a living in the vast informal sector of self-help production and exchange that constitutes the real economy of the country. It is misleading to speak of a national economy. There is a highly heterogeneous domestic economic space, consisting of sectors on very different levels of development with low levels of inter-sectoral exchange. At the same time, the economy is highly dependent on the world market for critical inputs (machinery, energy,)' (Sorenson, 1997: 260-261).

Chabal and Daloz (1999) add to this diagnosis by pointing to the actual absence of political order, stability and security, not as an incidental outcome of the weak African state but as an intended means for political elites' continued hold on power and sustained capacity to enrich themselves. In a sad indictment of the African state, they see it as an instrument that thrives on dysfunctionality and disorder. They argue that disorder provides the African state with opportunities to govern without following established rules, to personalise power and to loot state resources. They define political instrumentalisation of disorder as a 'process by which political actors in Africa seek to maximise their returns on the state of confusion, uncertainty, and sometimes even chaos, which characterise most of African polities' (Chabal and Daloz, 1999: xix). Thus, they contend that what African countries share in common is 'a generalised system of patrimonialism and an acute degree of apparent disorder, as evidenced by a high level of governmental and administrative inefficiency, a lack of institutionalisation, a

general disregard for the rules of the formal political and economic sectors, and a universal resort to personalised and vertical solutions to social problems' (Chabal and Daloz, 1999: xix).

At the extreme end of the continuum of the use of state power for personal advantage is the concept of the 'criminalisation of the state'. This refers to a situation where political elites use the state apparatus to either loot the state's resources, or collude with criminals in criminal acts (Bayart, et al, 1999). All these conceptualisations of the African state have one thing in common, they focus on the role of political elites and political behaviour in determining how the state functions, for whom, and to what ends.

In the relationship between organised crime and the state, it can be argued that politics and crime grow from the same impulse, that is to say, the drive to quickly obtain money and power. Criminal actors' resort to buying off state officials when they cannot elude them. The collusion between law enforcement agencies and criminal networks provides the latter with vital information and protection from disruption. This politics-crime nexus framework (Kupatadze, 2010) reduces the constraints on criminal markets, removes obstacles and expands the possibilities of illicit profit-making. "Criminals also want economic information from government sources that can be exploited for profit" (Godson, 2003: 265). State officials collaborate with the criminal world in pursuit of personal and political purposes, such as maintaining lavish lifestyles and financial election campaigns to prolong their stay in power.

According to Lupsha (1996), there are two patterns of the politics-crime nexus that he defines as state-evolutionary and elite-exploitative (Lupsha & Pimentel, 1997). The criterion for the dichotomy is the source of illicit power. In the state-evolutionary model of the politics-crime nexus, criminal groups are considered evolutionary, developing upwards from a low level and bonding with state institutions and upper-level bureaucrats in pursuit of insurance and protection. In contrast, the elite-exploitative model suggests a top-down relationship, in which criminal organisations are exploited by fraudulent political elites as 'cash cows' to be manipulated and exploited for their own private benefits (Lupsha & Pimentel, 1997). This model positions politicians' as active participants rather than passive victims of criminal processes. The 'elite protection network' described by Shaw in the case of Guinea-Bissau fits this framework (Shaw, 2015).

Kupatadze (2010) develops the politics-crime nexus model along a domination continuum that extends from dominance of the underworld to elite dominance. For Kupatadze, underworld dominance implies that illegal organisations co-opt and recruit agents of the state, thereby constituting the realm of 'dirty economy.' Elite dominance on the other hand relates to cases when legal organisations set up illegal

businesses in the black market. The politics-crime nexus is built on the use of corruption as the glue that links organised crime with state officials.

Bailey and Godson (2001) distinguish another aspect of the politics-crime nexus based on the extent of the criminalisation of state institutions. In Kupatadze's models of the politics-crime nexus there is a strong parallel authority outside the state apparatus. Where the underworld dominates, a country could have regular elections and a formal state apparatus which run simultaneously and in parallel with informal underground networks. The latter develop a strong but informal control over political, social and economic realms, while state institutions such as immigration and custom officials, the police and the courts might be involved in or collude with criminal networks. On the other hand, when political elites dominate in what he terms a centralised-systemic model, the government's control and its criminal activities penetrate throughout all state structures. It is a top-down construction that begins at the highest echelons of government and extends down to local governments. It is visible in all cases when:

'...all government structures, including law enforcement, military, and border guards are under the centralised state's oversight. Therefore, corruption at any level has a pyramid-like structure, and the president, at the top of the hierarchy, is typically the primary benefactor' (Marat, 2006. See also Shaw, 2015 and Reno, 1995).

The collusion between criminal networks and state officials supposes a subversion of the principles of good government, as observed by Shelly when:

"Only the shell of government remains, its institutions are corrupted and serve the interests of a limited elite rather than the citizenry" (Shelley, 2010: 2).

The large-scale decay of state institutions and their embrace of criminal networks has been labelled in the literature as "state capture" (Hellman et al., 2000; Kupferschmidt; Kupatadze, 2010). So, the relationship between criminal networks and the state can be measured on a continuum from weak to strong and from collusion with selected or few key government officials to complete capture of the state apparatus and its most key agents, such the heads of the police, immigration, customs, tax agency, ministers and the president. But in an environment of weak institutions and weak observance of regulations, even collusion with junior level government officials can seriously erode legitimacy and reflect state weakness.

This study modifies Kupatadze's and Bailey and Godson's formulation and proposes to use the adapted concept of state capture.' This is in recognition of the fact that organised crime targets individual officials and not the entire political system. Further, the individuals who are targeted, actively take

advantage of 'criminal opportunities' (Zabyelina, 2013) when they present themselves either by aiding transnational organised criminals through ports of entry or ensuring that if detected escape prosecution.

The discussion above suggests that when assessing the impact of TOC on the state, we should consider the interaction between criminal actors and government officials and how the interactions affect the state's ability to perform its traditional functions of law enforcement, provision of security and promoting the health and well-being of citizens. This study recognises that the main weakness in most threat assessments on transnational organised crime has been on a focus on intent and capability of criminal actors involved and not on the consequences (or impact, harm) they cause on state institutions. We try to remedy that deficiency by focusing on impacts as opposed to threats, by analysing the vulnerability of state institutions to penetration by organised criminal actors and how the interactions between criminal actors and state officials shape the legal environment, law enforcement and regulatory regime.

The large-scale decay of state institutions and their embrace of criminal networks has been labelled in the literature as 'state capture' (Hellman et., 2000; Kupferschmidt; Kapatadze, 2010). So, the relationship between criminal networks and the state can be measured on a continuum from weak to strong and from collusion with selected or few key government officials to complete capture of the state apparatus and its most key agents, such as the head of the police, immigration, customs, tax agency, ministers and the president.

According to Tom Lodge (2018:14) 'state capture' refers to a 'situation in which an identifiable group of interests-leaders of a political party or members of a particular social group-secures control over the government and the public administration in such a way that their predominance is secure and unlikely to be challenged in the foreseeable future. The notion of state capture implies that 'the state has lost its social autonomy and is unable to function in such a way as to serve broad social interests or make decisions that might achieve long term goals'(Lodge:14). Like in the case of criminalisation of the state, in conditions of state capture, the state is unable to fulfil its basic functions because it has become bound to very particular narrow set of private interests.

The term state capture was popularised by a study conducted for the World Bank by Joel Hellman, Geraint Jones and Daniel Kaufmann who outlined new patterns of corruption in former Soviet bloc states after their transition to market economies (Hellman, Jones and Kaufmann, 2000; Southall). According to Hellman et al, state captures refers to 'the actions of individuals, groups or firms both in the public and

private sectors to influence the formulation of laws, regulations, decrees, and other government policies to their own advantage as a result of illicit and non-transparent provision of private benefits' (quoted in Southall, 2018:14).

Adams et al. (2007:1) notes that although "capture may conjure images of physical capture, the process is more of capturing hearts, minds and emotions". It is a process of making laws, policies and regulations that individuals and business entities seek to influence. Thus, state capture involves the subversion of the public interest. Stigler (1971) in the *Theory of Economic Regulation* refers to 'state capture theory and attributes difficulty in implementing socio-economic development in former Soviet republics to negative short-term welfare effects of economic reforms. However, Hellman et al. (2000) disagreed with Stigler's view by arguing that criminal capture of state organs and policy formulation itself by politico-economic and elite networks presents the main obstacle to progressive reorganisation.

The concept of state capture is theoretically and ideologically contested. There are at least three schools of thought on state capture. These are: neo-liberal, neo-institutional economics and Marxist. First, the neo-liberal view of state capture, propagated by the World Bank and international financial institutions, holds that state capture occurs because policy-makers are inherently corrupt and use state power for allocation of rents and distribution of patronage (Robison and Hadiz, 2004:4). Neo-liberals believe in self-regulation and the economic assumption underpinning this school of thought is that the forces of demand and supply are better determinants of interest and exchange of rates ensuring availability of capital and savings. This paradigm maintains that rent-seeking and capture of economic policy by policy-makers and organised business groups and other groups, such as criminal networks, militate against efficient allocation of savings thereby hindering economic development (Srouji,2005:13).

Second, the neo-institutionalist school of thought or neo-institutionalist economists believe in state intervention to address market failure and is opposed to neo-liberalism. For neo-institutionalists, institutions ensure efficiency and play an important role of reducing transaction costs (Srouji, 2005:14). State capture, for neo-institutionalist, occurs when institutions are weak and not independent enough to enforce rules. Based on this view, there are two types of capture. One that is orchestrated by lobby and private sector groups, or distributional coalitions motivated by their own interests to manipulate policy in order to increase their share of national income (Haggard 1985:509).

The other type of capture views policy-makers and rent-seeker groups as having the common aim of extracting as much as they can from society, while maintaining their power base (Evans, 1985).

According to neo-institutionalists, different kinds of states and institutions of different nature exist. They argue that a 'strong state with minimal government authority (monopoly of violence) able to enforce property and contractual rights or a developmental state with an independent professional bureaucracy is the best'.

But neither neo-liberals nor neo-institutionalists schools of thought adequately explain the coexistence of bureaucrats and private sector actors in the success stories of East Asia's tiger economies or how policies benefit both some societal groups and the national economy at the same time (Dassah, 2018:5).

Third, the Marxist school of thought postulates that the state is always under the control of a dominant group, class or a coalition. For Marxists, the state is under perpetual capture by whichever group is dominant in society (Srouji, 2005:16). There are two distinct Marxist views on state capture: The first is the Gramscian view derived from the writing of Antonio Gramsci (1992), which views the state as a force for cohesion, not an instrument of domination. The other Marxist view is the Leninist perspective of the state which considers the state as an instrument in the hands of a dominant group, especially where capitalists hold power. This Marxist paradigm holds that state capture occurs because of ongoing struggles between different capitalists to influence economic and social policy with state institutions. The ambition of this school of Marxist thought is the capture of state power by the dominant class, the working class. Southall (2018:38) observes that state capture, according to Leninist variant of Marxist thought considers the state as an 'essential instrument for implementing the dictatorship of the proletariat'. He further argues that the left, including Marxists, consider the campaign for state capture, as a 'long march through institutions' involving the subversion of bourgeoisie cultural hegemony and the structures through which the capitalist class rules (Southall,2018:40). But both of Marxist schools of thought on state capture prescribe replacement of one dominating class with another and fail to explain the interaction of state actors on one hand and business and criminal networks on the other, in subverting the public interest.

According to Southall (2018), state capture tends to be directed towards extracting rents from the state for a narrow range of individuals, firms or sectors through distorting the basic legal and regulatory framework. State capture targets governmental organs, such as the legislature, the executive, the judiciary or regulatory agencies.

The World Bank use the term state capture to denote 'efforts by very particular private concerns-not business in general or broad sectoral group to shape the regulatory domain that affects their

operations' (Southall, 2018:15). Capturing is done by entrepreneurs, criminal groups, and other private individuals and interests outside the state, not by government or public officials. The state, namely government institutions and officials, are the target of state capture.

While the concept of state capture was first used in analysing grand corruption in former Soviet states, it entered the African lexicon recently. In South Africa, for example, patterns of collusion between private business interests and the South African state represented by former president Jacob Zuma were characterised as state capture. In a damning report on the relationship between the Gupta family and President Zuma, Public Protector Thuli Madonsela concluded that there was evidence of state capture in the relationship between former president Zuma and the Gupta family, which needed to be investigated by an independent commission of inquiry (Public Protector, 2016).

Lodge (2018) observes that South African state capture involved a calculated and intricate effort by business interests linked to the president's family and its associates and the Gupta family to 'repurpose' state institutions as to massively increase flows of illegal rents. The process involved the replacement of independent politicians in key cabinet portfolios, the redirection of state enterprises' procurement following the restructuring of their boards and re-staffing of law enforcement and security agencies so as to provide high level political protection for illegal rent-seeking (Lodge,2018:25; Southall,2018; Dassah, 2018:5). Lodge concludes that in South Africa, state capture is undertaken through the construction of an informal 'shadow state' articulated by placing 'controllers' and 'brokers' in key positions, that is, in Cabinet, within the African National Congress (ANC's) own hierarchy, in parastatals and in the security and law enforcement bodies' (:25).

Lodge further observes that states that are weak and poorly institutionalised are likely to be targeted for capture by criminal groups, especially those involved in international smuggling where basic protection offered by government is sufficient for their needs. Thus, in general, unregulated or weakly regulated and secretive political party financing can make party elites susceptible to forming symbiotic connections with particular sectional interests, including with criminal groups both in the licit and illicit sectors (Lodge, 2018:25; Pesic, 2001).

According to Sitorios (2011:46) state capture is an aspect of systemic political corruption implicated in causing poor governance in transitional economies with the potential of aggravating developmental problems. To be sure, corruption is an umbrella concept with family resemblance to clientelism, patronage, particularism, patrimonialism and state capture (Dassah,2018:5; Varraich,

2014:26). Dassah (2018) argues that while clientelism, patronage, particularism and patrimonialism focus on the output side of corruption, state capture focuses directly on the input side and can shift corruption from the illegal domain to the legal and distort the intended effects of laws and policies. He suggests that because state capture is concerned with the decision-making sphere, where laws and policies are made and implemented based on interests, it falls into the category of political or grand corruption.

Transparency International (2014:1) define state capture as:

‘.....One of the most pervasive forms of corruption, where companies, institutions or powerful individuals use corruption such as the buying of laws, amendments, decrees or sentences, as well as illegal contributions to political parties and candidates to influence and shape a country’s policy, legal environment and economy to their own interests’.

State capture can happen in different state institutions. Captors may target the legislature, executive, the judiciary or regulatory and law enforcement agencies or different ministries, for example, ministry of finance, commerce, mines, works and agriculture, that are involved in regulation of business and economic activities, including licensing. But because state capture is often about shaping or influencing the regulatory environment, it tends to be focused on those institutions that are most concerned with formulating or interpreting the laws, rules or regulations that govern corporate concerns and which determine their role in public investment or their relationship with public entities.

Lodge concludes that ‘a combination of high levels of grand corruption and low incidences of petty corruption by junior government officials is an important feature of captured states’. Importantly, he further observes that state capture thrives in situations where the “political ruling group habitually disregards its own procedures or if the active implementation of the rules of the game is arbitrary or unpredictable, or the state is ineffectual in other ways”.

But Southall (2018:41-42) cautions that ‘too broad a use of the term state capture is likely to hollow it out and deprive it of any new explanatory value’. He argues that the concept of state capture would apply under certain situations. These include the following:

- (a) Countries in transition from one political and economic system to another are particularly susceptible to state capture.

- (b) Countries operating in a political context in which massive corporations are increasingly freed from national fiscal constraints and prone to involvement in criminality and dubious legal practices, ranging from bribery of politicians to hiding of profits in offshore tax havens.
- (c) Countries where economic power has historically been highly concentrated.

The main features of state capture identified in the literature include the following:

- (a) Involve individual or business entities with an agenda to capture state institutions or people in positions of power who tend to focus on the political level of elected or unelected bureaucrats because they are responsible for making decisions and laws.
- (b) It is a network-based like corruption, which thrives through clientelism and patronage.
- (c) Unlike corruption, the achievement of private gain may not be the primary motive of illegal behaviour, but rather over-riding motivation of politicians and officials maybe 'the quest to gain access to power or cling to power'.
- (d) Criminal groups, business-persons and individuals tend to camouflage or use formal institutions as a cover to represent their interests as they engage in formal and informal interactions with state actors.
- (e) Involves the privatisation and outsourcing of government contracts as part of the business-politician relations.
- (f) Extensive involvement in the corruption process of large global corporations, large scale government contracts, which may also be a means of laundering illicitly acquired funds from illegitimate trade such as smuggling in illegal goods, including drugs.
- (g) Essentially involves private sector individuals or entities, such as business persons, oligarchs, firms, institutions, criminal groups and occasional public officials.
- (h) Main target of capture tends to be formal state institutions, such as the legislature, judiciary, executive, regulatory and law enforcement agencies, high ranking public officials and politicians who play key roles in the formulation and implementation of laws, policies, regulations and decrees.
- (i) Means of state capture include illicit, non-transparent, formal or informal behaviour, such as bribery or private payments.

- (j) Motive of state capture is often, if not always, to subvert the public interest by distorting the implementation and interpretation of laws, policies, regulations and decrees to achieve undue advantage or private gain (Dassah, 2018:4-5; Richter, n.d.8-9; Hall, 2012:4).

We may conclude that although Zambia's background and experience has been very different from that of post-communist states and South Africa, it bears some similarities such as the rapid transition from an authoritarian one-party system and a state-controlled economy to the adoption of political and economic liberalisation, with the attendant formation of political parties, holding of competitive regular elections and privatisation of state-owned enterprises. Economic liberalisation has also meant that the country's economy which was hitherto heavily protected is now open to international financial flows, that may include illicit finance or funds from illegal transactions, especially from drug smuggling and trade in prohibited goods. It is against this background that the Zambian state has been susceptible to "capture".

The literature reviewed above suggests that state capture is mainly focused on regulatory capture of state institutions by business entities. The cases studied by Hellman and others relating to former Soviet states and the South African case by Lodge (2018), Southall (2018) and Dassah (2018) to the capture of the South African state under Jacob Zuma all relate to the opaque relationship between established business persons and representatives of the South African state. There is less focus on the role of criminal groups in capturing the state. This is not to say, it does not take place, but the overt manner in which the Gupta brothers influenced key decisions of President Jacob Zuma in the appointment of ministers and the award of business contracts to their companies by state institutions whose boards were appointed at their insistence is what was considered to have circumvented the South African constitution.

But as shown above, state capture involves a relationship between private entities and individuals and politicians and junior government officials in undermining established laws, regulations and rules for the purposes of promoting private gain. It is a form of corruption, as powerful private actors, who include criminal actors, seek to influence key decision-makers in distorting or not enforcing laws and regulations.

While the concept of state capture has been used in a limited sense in the literature, especially in the influential World Bank study (Hellman et al. 2000), we use state capture to embrace all illicit relations between the state and private individuals and actors, including criminal actors which aim at facilitating illicit trade and access to state resources through illegal award contracts. This usage comes close to the conceptualisation of the criminalisation of the state, where state actors are actively engaged in promoting

criminality in collusion with private business entities and criminal individuals. In this study, we use the term state capture to incorporate the notion of criminalisation of the state. We do so advisedly, mindful that state capture involves capture of selected sectors of government, specific institutions and individual officials.

As discussed by Lodge (2018) and Dassah (2018), state capture targets specific sectors of government operations where key decisions are made and specific high-ranking individuals who are key to the formulation and enforcement of laws, rules and regulations. In the case of drug trafficking, key institutions that tend to be targeted by traffickers are immigration, customs, border guards, law enforcement (such as the police, Drug Enforcement, Anti-Corruption Agencies, Intelligence Services), representatives of the executive, such as State House, Ministry of Home Affairs and Defence.

The degree to which criminal networks penetrate government institutions and influence the formulation of policy and enforcement of laws and regulations range from low, medium to high. In low degree of penetration, only the lower echelons of government are involved, and low-level petty corruption takes place to aid trafficking. In the low-level penetration, law enforcement and regulatory agencies are seen to function and seizures and arrests of perpetrators takes place. In the medium degree of state capture, it involves the capture of middle level officials in the system. In this scenario, there is collusion between drug traffickers and selected key officials in the regulatory agencies, such as the intelligence services, the police, Drug Enforcement Commission (DEC) Anti-Corruption Commission (ACC) and senior officials within the executive (such as State House) and some judicial officials. State capture under these conditions could be said to facilitate reasonable outflow of illicit drugs, but since it does not involve the top echelons of the decision-makers, some measure of enforcement still occurs with seizures, arrests of perpetrators being recorded.

The high degree of capture could be said to be one, where the chief decision maker, the president, is captured alongside top decision-makers, such as the Chief of Intelligence, the Police Inspector-General, the head of regulatory bodies (e.g. DEC and ACC) and other senior government officials, including Ministers of Home Affairs and Defence and the Permanent Secretary. In a case of high degree of state capture, the state can be said to be completely captured, as was the case with the South African state under President Jacob Zuma. In the case of Zambia, it will be argued that state capture has not reached the high degree of complete capture, but it can be argued that there is a medium degree of state capture, given the fact that the immigration, customs, border guards, sections of the police and intelligence and

even regulatory agencies have been penetrated by private business persons and criminal elements involved in drug trafficking. However, the political system has not completely been rendered moribund, as there is little evidence that top government officials have been captured by private interests. Anecdotal evidence though suggests that powerful business interests that contributed to the ruling party's election campaign may have access to the president and play important role in influencing decisions to do with large scale contracts. Under the previous regime, there were newspaper reports that individuals alleged to be involved in illicit drug and arms smuggling were patronising the country's head of state.

### **3.5 Weak, failed or fragile states**

We now have three dynamics determining the inability of the African state to perform the functions which are normally expected of modern states: the lack of legitimacy, low capacity of state institutions, and the neo-patrimonial – even criminal – behaviours of political elites. The consequent disorder and absence of service delivery has led to them being variously labelled as shadow states, suspended states, collapsed states, weak states, fragile states, failing states (Jackson and Rosberg, 1982; Reno, 1995; Hyden, 1983 and Zartman, 1995).

A weak or fragile state is defined as one where the government cannot or will not deliver the core functions to its population. These are functions generally seen to consist of security and the rule of law, the delivery of basic public goods and services, political legitimacy and economic development. Job (1992: 17-18), lists the attributes of a weak or failed state as one which: (a) lacks effective capacities for providing international peace and order; (b) lacks popular support for the regime; (c) lacks legitimacy to command the loyalty of its citizens to enforce laws and policies throughout the territory; and (d) lacks primary identification with communal groups contending for their own security. Indeed, most scholars argue that weak or fragile states present some variations along a continuum, at one end being a complete incapacity to fulfil basic state functions, such as providing 'basic services to its population and ensuring law and order marked by loss of control over political and economic space' and at the other endowed with capacity to fulfil state functions and having effective control over the territory and its population (Zartman, 1995: 9). Zartman further suggests that this condition can arguably produce criminogenic factors that offer direct opportunities and structural vacuums ready to be exploited by criminal actors. Who these criminal actors might be, and how they access political elites, and the state raises an additional issue.

Survey of the literature on the character and functioning of the African state above has identified the impact on the state of both exogenous (eg: colonialism) and endogenous (eg: neo-patrimonial behavioural) factors. In Chapter Two I discussed the relationship between globalisation and TOC. It can

then be postulated that as well as the neo-patrimonial behaviours of political elites, and the colonial legacies on the institutional structures and capacities of the state, globalisation facilitates access to, and engagement with, political elites by TOC. This being a further exogenous determinant of the supposedly weak or failed African state (Young, 2012; Englebert, 1997). The African state is thus sufficiently weak as to be vulnerable to TOC but also, in turn, weakened by it.

This proposition is echoed by a number of scholars, who argue that developing countries, especially those in Africa, experience serious vulnerabilities, temporary or permanent, to criminal influences and pressures (Williams, 1997; Goehsing, 2006: 7-10). They suggest that criminal groups are likely to expand in periods of uncertainty or instability, such as transitions to democratic regimes and market liberalisation. During these periods, which are characterised by the collapse and the reshuffling of state structures, fundamental shifts in the principles underlying economic management, redefinition of the values on which society operates, the reorientation of relationships with the international system, or economic decline, and being faced with a multiplicity of appalling economic and political crises, severe resource insufficiencies and weak state institutions, especially law enforcement and prosecutorial incapacities criminal networks often flourish (Williams, 1997; 20).

According to Williams (2002; 2010) fragile or weak states, experience severe 'capacity gaps' that create 'functional holes' which in turn are exploited by criminal organisations. “

'Capacity gaps and functional holes are exploited by criminal organisations in one of two ways – either by filling them and, in effect, substituting or compensating for the state, or by exploiting the room for manoeuvre that they provide' (Williams, 2002: 171).

Not all perpetrators of organised crime pursue purely economic benefits. Some offenders seek political advantage, through either violence or some collaborative relationships with public officials to 'gain access to and to exploit for their own purposes, the political, economic and social apparatus of the state,' as well as to increase the security of their operations (Trends in Organised Crime, 1997). The opportunities and consequently the profits increase if criminal actors gain access to the patronage of state institutions. As Galeotti observes:

'In the long term they are parasites who need their host body to live for them to continue to feed from it. They either degrade national resources (from subverting the rule of law to demoralising security forces) or act as a powerful "force multiplier" to more obvious threats, such as insurgents' (Galeotti, 2010: 125).

### 3.6 Weak states, globalisation and transnational organised crime

In Chapter Two, we considered the role of globalisation in advancing the opportunities for organised crime to go 'transnational'. These opportunities are not universally the same for all states. Indeed, there are inequalities of various kinds embedded in the international system which create circumstances that help facilitate the work of transnational organised criminal networks. Referring to these processes as criminogenic asymmetries, Passas (2001: 18) suggests that 'structural discrepancies, mismatches and inequalities in the realms of the economy, law, politics and culture' present lucrative opportunities for misconduct and delineate the contours of global illicit markets. In other words, disparities in economic development, legal regulations, state effectiveness and resource availability between states in the international system are expected to create the criminogenic environment – that is to say, preconditions for the rise in transnational flows of illicit goods. If some states are stable and prosperous and other states are poor and conflict-torn, there are multiple possibilities for transnational organised crime. Driven by this logic, Passas acknowledges that the 'criminogenic potential is most likely to be activated when opportunities, motives, and weak controls are all present' (ibid, 18). He observes that:

'Political and economic asymmetries between China and Western countries have fuelled the smuggling of both commodities and humans. Asymmetries in environmental regulation facilitate the illegal trade in toxic and other hazardous waste. Asymmetries between art-rich and art-collecting countries underlie the trade in stolen art and national cultural property (ibid, 18).

Clearly, the absence of international or global enforcement mechanisms leads to power vacuums and institutional deficiencies or weaknesses (Skaperdas, 2001) which organised crime takes advantage of in two ways:

- (a) Taking advantage of new opportunities afforded by globalisation such as opportunities for money laundering, drug trafficking and protection rackets, created by new market technology and mobility opportunities.
- (b) Taking advantage of the domestic political and economic difficulties which accompany economic turbulence and decline.

As Passas says, transnational criminal actors, have shown that "they can exploit the weaknesses existing in regulatory frameworks...the lack of clear....rules and effective enforcement mechanisms have led to a situation in which criminals easily escape the nets of the state'. However, as the discussion above

has high-lighted, the combination of globalisation and a weak state is not sufficient to account for rising penetration by TOC in Africa. State officials take rational decisions to aid criminals in pursuit of their own wealth and status. It will be argued in this thesis that, as corruption is the medium by which state officials are recruited, for the system to completely fail to ‘detect’ or prosecute offenders, a number of actors both in the criminal network *and* the state must be involved.

This study investigates the relationship between an African state which exhibits all the signs of the ‘weakness as discussed above and TOC, specifically transnational drug trafficking. The attributes of state weakness are summarised by Williams (2002: 175) in the following Table 1 and provides us with a matrix through which we can determine exactly how Zambia exhibits such weakness. By adopting the theoretical framework of state capture, we will show that elements of criminalisation of the state and state capture interact to undermine state capacities to uphold established laws, rules and regulations relating to the control and regulation of drug trafficking involving transnational criminal actors We will return to these characteristics in the next chapter of this thesis in constructing the research methodology.

**3.7 Table 1: Impact of transnational organised crime and the State**

Capacity gaps	Functional holes	Implications for organised crime
<b>Social control</b>	Ineffective criminal justice system	<ul style="list-style-type: none"> <li>Organised crime acts with impunity</li> </ul>
<b>Social welfare</b>	Lack of provision for citizens	<ul style="list-style-type: none"> <li>Migration to illegal economy</li> <li>Organised crime recruitment</li> <li>Paternalism substitute for state</li> </ul>
<b>Business regulation</b>	Lack of regulatory framework	<ul style="list-style-type: none"> <li>Organised crime as arbitrator, protector and debt collector</li> </ul>
<b>Oversight and accountability</b>	Lack of control and transparency	<ul style="list-style-type: none"> <li>Opportunity for extensive use of corruption</li> </ul>
<b>Border control</b>	Weak interdiction capacity	<ul style="list-style-type: none"> <li>Use state for transshipment of various illegal products</li> </ul>

<b>Legitimacy</b>	Lack of authority and affiliation	<ul style="list-style-type: none"> <li>▪ Build on patron-client links and other relationships that are more important than loyalty to the state</li> </ul>
<b>Electoral norms and patterns</b>	Campaign financing	<ul style="list-style-type: none"> <li>▪ Opportunity to influence election outcomes and cut deals with politicians</li> </ul>

**Source:** Phil Williams 2002:175

Table 1 summarises the impact of TOC on the state. According to Williams, the interaction between TOC and the state produce capacity gaps that in turn contribute to what he terms functional holes. Capacity gaps are in the following areas: social control, social welfare, business regulation, oversight and accountability, border control, legitimacy and electoral norms and patterns. First, capacity gaps in social control impact the state by contributing to an ineffective justice system. An ineffective justice system in turn means that judicial officials tend to collude with criminal actors, either by meting out light sentences, dismissing cases involving drug traffickers outright or helping with tempering with exhibits (including causing seized drugs to disappear from the court’s custody). Ultimately, an ineffective judicial system encourages the growth of drug trafficking, as organised criminal actors tend to act with impunity.

Second, the function of any modern state is to provide social services to its citizens. However, the inability of the state to provide social welfare more generally may contribute to illegal migration to organised crime activities by the citizens, increase in crime rates and paternalism substitute for the state by TOC (where TOC assumes the role of distributing jobs in the illicit economy, infrastructure creation and other public works that the state is unable to provide). In terms of job provision in the illicit economy, citizens can be engaged as drug couriers and drug traders to run the wheels of a criminal economy.

Third, the interaction between TOC and the state impacts the business regulatory framework in profound ways. Importantly, the state’s capacity to effectively regulate TOC, such as drug trafficking is undermined by a weak regulatory and enforcement environment. For example, law enforcement and regulatory agencies tend to be ineffective in performing their function of controlling and preventing drug trafficking.

Fourth, the impact of the relations between TOC and the state undermines the state’s capacity to provide oversight and hold governmental agencies accountable to the citizens. Weak oversight and accountability contribute to the lack of transparency in government operations and an increase in corruption. Corruption is itself used by organised criminal actors to bribe government officials to facilitate the movement of drugs through the borders in general and the drugs trade in particular.

Fifth, one of the important functions of any modern state is to provide security from both internal and external threats. These threats can be in the form of importation of illicit goods, such as illicit drugs. Effective policing of the border is an important function of the state. Thus, the impact of the relation between TOC and the state is undermining the state's capacity to effectively police its borders-land, air, and marine. This lack of capacity to effectively police the borders may encourage illegal smuggling of various goods, including illicit drugs. It can also make the borders porous thereby making it easy for organised criminal actors to cross borders and to engage in illegal drugs trade.

The last two of William's capacity gaps relate to state legitimacy and electoral norms and patterns. TOC can have a profound impact on state legitimacy, as it can undermine state's claim to legitimacy by sponsoring armed groups that would challenge the state's authority as is the case in many countries of West Africa, where warlords control certain portions of national territory. Further, in the absence of electoral campaign laws, TOC can influence election through election campaign contributions. The financing of election campaigns by organised criminal actors undermine the rights of citizens to elect individuals of their choice and may result in the subversion of the legitimate will of the people. There are many examples of campaign contributions to political parties being derived from dubious sources, including from organised criminal, such as drug traffickers.

### **3.8 Conclusion**

This chapter has examined the specificities of the African state, demonstrating its particular vulnerabilities to TOC. First, the post-colonial legacies have left state institutions weak and unable to fulfil the functions normally associated with government. Secondly political elites have exhibited neo-patrimonial behaviours which establish parallel informal and personalised structures of power which themselves allow officials to evade the processes and constraints of state institutions. In times of economic deterioration and political instability, these become more salient, and institutions are further eroded. As government officials seek to maximise their personal economic wealth and political power, and as organised crime takes advantage of the weakness of government institutions to both regulate and enforce such regulations, political elites and organised criminals come together in a mutually advantageous collaboration that manifests as state capture. As African states have engaged with the forces of globalisation, adopting structural adjustment programmes (SAPs) and opening their borders to international trade, and given their own relative low power status in the global political economy, the opportunities for TOC have risen accordingly. State capture has thus come to define the relationship between organised crime, political elites and government officials. Specifically, organised crime and

private business entities have proactively partnered with transnational criminal networks, by undermining state institutions and colluding with state officials to extract illicit rents from state contracts and access illicit wealth from money laundering arising from drug trafficking and other illicit transactions.

This thesis will examine the case of Zambia through this understanding of the relationship between the state and organised crime in the context of state capture. The following chapter discusses the methodology for doing so and the methods used in gathering data for this thesis.

## 4.1

# CHAPTER FOUR: METHODOLOGY AND METHODS

## 4.2 Introduction

The aim of this chapter is to present the methodology through which we will operationalise the framework provided in the previous chapter and offers a discussion of the research methods used and the ethical issues involved in the process. It begins by introducing the case study country, Zambia, demonstrating that transnational organised crime (TOC) has become a significant feature of the country, with clear evidence that political elites and government officials are deeply enmeshed in a politics-crime nexus. It then sets out the methodology through which this nexus is examined, drawing on the framework elaborated in the last chapter and the research design. It then proceeds to set out the methods of data collection that were used, the ethical issues involved, the personal positionality of the researcher and the limitations of the study.

## 4.3 Introducing the case study: Zambia

Since the 1980s there has been clear evidence of the growing influence of TOC in Zambia, although it has not yet reached the proportions of West African states, such as Guinea-Bissau. While not a significant player in the drugs trade, Zambia has like many countries on the continent, experienced the problem of drug trafficking since the mid-1980s. It therefore makes a good case study of the impact of TOC on the state. This is in spite of the fact that Zambia is party to numerous international conventions on drug control (including the Single Convention on Narcotic Drugs of 1961, amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971 and the United Nations (UN) Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988). Regional conventions such as the Declaration and Plan of Action on Control of Illicit Drug Trafficking and Abuse in Africa of 2002 have been 'domesticated' with the passing of the Corrupt Practices Act of 1980, the Anti-Corruption Act of 1996, Drugs and Psychotropic Substances Act and the Prohibition and Prevention of Money Laundering Act of 2001. The Drug Enforcement Commission (DEC) was also established under an Act of Parliament in 1989 to administer the various acts related to drug control (Institute for Security Studies ISS, 2009).

Despite these commitments and regulatory frameworks, there have been many high-profile cases involving highly placed 'politicians' involved in drug trafficking and an apparent collusion between organised drug dealers and members of the political elites suggesting that TOC has penetrated the political classes and impacted the state itself. Notably, state responses to rising organised crime have changed over time. During the period of the one-party state (early 1980s), the state was relatively strong and involvement in drug trafficking by members of the political elite and government officials was often exposed, resulting in the arrest and detention of several of the perpetrators. More recently, the rate of

criminal prosecutions of high-profile members of the state elite has been low. While members of the political-criminal nexus were exposed, the Chaila Report, for example, appointed to investigate the involvement of senior politicians in drug dealing in 1985, fell short of recommending criminal prosecution of perpetrators. The sophistication with which some of those individuals named in the Chaila Report eluded detection and undermined regulatory procedures and law enforcement provides evidence of the fact that drug trafficking is a highly organised crime and that collusion between criminal actors and state actors at high echelons of power may offer a partial explanation to the persistence of drug trafficking in the country (Chaila, 1985).

Despite the growing evidence of complicity, yet there has been no serious study of the links between drug trafficking and the state in Zambia. This thesis sets out to fill this gap. The thesis covers the period 1964 to 2021, spanning three republics (the first, second and third republics and six presidential administrations). This period was selected for two reasons. First, it was the period in which organised crime, especially drug trafficking has been most salient and second, due to the availability of verifiable documents, such as media and court reports and other government documents.

#### **4.4 Methodology and research design**

The methodology for this research project is drawn from the discussions of the previous two chapters, which identified the principal factors behind the growing vulnerability of African states to TOC as being: the 'weak' post-colonial state, the neo-patrimonial behaviour of political elites and government officials, and the opening of borders without effective governance or regulatory oversight resulting from globalisation.

The first task of the research project is then to establish the relevance and manifestations of these factors in the case of Zambia. Chapter Five of this thesis provides a narrative of the evolving political economy of Zambia since independence. This narrative illustrates the post-colonial weakness of the state, evidencing the capacity gaps identified by Williams in Table 1 (loss of social control, lack of social provision, lack of effective business regulation, lack of control and transparency, weak interdiction capacity, a lack of authority and affiliation and dubious mechanisms of campaign financing). It further demonstrates the growing impact of neo-patrimonial behaviours on the part of increasingly authoritarian political elites, identifying the highly personalised rule of the presidency, the informality of rule-making and the rent-seeking of government officials as key substitutes for effective state institutions. Through the period since independence in 1964, Zambia has also experienced a very significant economic reorientation from relatively high income from mineral commodity exports to an economic decline,

imposed structural adjustment and a subsequent opening to trade liberalisation. This has brought impoverishment and heavy pressure from marginalised economic communities. This chapter therefore demonstrates that Zambia fulfils all the criteria which our framework suggests leaves it vulnerable to TOC and the second half of the chapter examines how TOC has indeed increasingly been manifest and the role played by political elites and government officials in its evolution.

The thesis then sets out to establish the contours of the politics-crime nexus in Zambia. Chapter Six provides an assessment of the evolution of the illicit drugs trade through and in Zambia, drawing on primary data to identify where and how political elites and government individuals act to collude with and facilitate criminal parties and to what effect. The transnational origins and destinations of the trafficked drugs mean that the spatial aspects of globalisation -the very borders of Zambia itself – need to be examined. Chapter Seven draws heavily on the fieldwork to explore exactly how and to what effect the institutions and officials of the state are ‘put to work’ in this partnership with TOC. In Chapter Eight, the reciprocal impacts on the economic and political environment in Zambia is explored through examination of the relationship between drug trafficking, money laundering, terrorist financing, and political party financing. This is explored further in an examination of the impacts on the key institutions of the state itself, the executive, the legislature and the judiciary in Chapter Nine, ultimately establishing that drug trafficking and TOC has indeed resulted in the criminalisation of the Zambian state. Finally, in Chapter Ten, the thesis considers how useful and appropriate the framework presented here has proved in answering our research questions, considers what lessons may be learnt and offers both comments on policy options and suggestions for future research.

It would not be possible in the time available to examine the evolution of all TOC in Zambia during this period, so the thesis has focused on just two key aspects of organised crime, namely corruption and drug trafficking. It was difficult to study drug trafficking without considering corruption and corruption has already been identified in earlier chapters as a principal mechanism through which the political-crime nexus is manifest. Furthermore, while recognising that drug trafficking involves a variety of drugs, this study confined itself to only two drugs – cocaine and heroin. These two drugs were selected for three reasons. First, they are highly lucrative and involve highly ranking officials in the political establishment. Second, they are transnational as they are almost invariably imported into the country. Thirdly, they are easy to hide, as they can be co-mingled with legitimate goods.

Throughout the empirical chapters the study focused on four related issues. These were: the identification of the actors; their interests and motivations; the nature of their relationships and how these

relationships affect the effective functioning of state institutions (i.e., the police, customs, immigration, DEC, Anti-Corruption Commission (ACC), National Prosecution Authority (NPA) and the courts). The chapters also sought to answer and shed light on the larger research questions of what explains the ineffectiveness of law enforcement and regulatory agencies in controlling and preventing TOC, especially drug trafficking? and what impact in turn does TOC, specifically drug trafficking, have on the state's capacity to perform its traditional functions of regulation and law enforcement?: These questions reflect the fact that a politics-crime nexus results from the coincidence of the weak state (in particular the lack of strong regulatory frameworks, the lack of control and transparency of state institutions and officials, and the issues around campaign financing) as well as the behaviour of political elites and government officials (neo-patrimonial relations of informality, personalism, rent-seeking and personal wealth maximisation). As indicated in the framework in Chapter Three, the agency of individual officials and political figures is paramount in their collaboration with TOC networks and in terms of how institutions of the state are subverted and put to the services of organised crime. The thesis anticipated four key categories of actors whose behaviours should be interrogated through interviews and who might comprise key participants in the politics-crime nexus, including:

- (a) state officials (retired and serving officials) from the following agencies, intelligence services, customs Zambia Revenue Authority (ZRA), immigration, airport oversight, Zambia Police Service (ZPS), DEC, ACC, NPA, Financial Intelligence Centre (FIC) and former senior civil servants (State House and Cabinet Office).
- (b) Political parties: leaders of political parties, especially the main political parties in the country. Focus will be on political parties that have been in power or were the leading opposition groups. Those to be selected will include United Party for National Development (UNIP), Movement for Multiparty Democracy (MMD), Patriotic Front (PF), and United Party for National Development (UPND).
- (c) Businessmen/women: businesspersons with traceable links to government officials, as friends, associates or family members, sponsors of political parties, lawyers, some financial institutions and real estate agents.
- (d) Independent business persons engaged in businesses which have been penetrated by drug trafficking/TOC. (See ethical discussion below).

#### **4.5 Research methods**

Since this study does not seek to quantify drug trafficking or TOC in Zambia, but rather to interrogate the relationships between social actors (political elites/government officials and TOC networks) which facilitate it, the study utilised a qualitative research methodology. Qualitative research can be defined as an approach for exploring and understanding the meaning individuals or groups ascribe to a social events or human problems (Creswell, 2014: 32). Here the researcher is concerned with identifying how people describe their own experiences, recall their knowledge of events that they have experienced (Merriam & Tsdell, 2016: 6) or in this case understand their place within a relationship or set of relations. By collecting interview data, collating it and triangulating it, the researcher is able to understand better the reality or the phenomenon he/she is studying. The reality can then be interpreted and explained, especially as regards the research question being investigated.

##### **(a) Primary sources**

The main sources of primary data for this research included: archival material including newspapers, government reports and documents and oral interviews with key informants, including those from categories indicated above. The study of newspapers helped track the evolution of organised crime from the early 1980s to 2021, its trends and to identify the main actors. This helped in mapping the actors, processes and institutions of organised crime during the study period and also helped in identifying entry points for the study. Government documents studied included reports of DEC of arrests and convictions of corruption and drug-related crimes and annual reports by the ministries of Home Affairs and Commerce and Industry on enforcement of legislation to control crimes, relating to corruption, money laundering and drug-trafficking. Arguably, the police and court records on highly sophisticated organised crime and grand corruption may be misleading since most of these crimes are often rarely investigated. As observed by the United Nations Office on Drugs and Crime (UNODC), (2013), caution must be exercised in the use of official crime statistics due to their incompleteness and lack of consistency and unreliability. Van Dijk (2007:20) has perceptively noted that the 'low rates of court cases on corruption or organised crime may point to higher rather than low prevalence of such types of crimes.' Thus, the study used official documents to identify cases but then follows them up by corroborating them with published sources and interviews with key informants.

Possibly the most significant and original contribution of the thesis comes from the extensive interview material gathered during an extended period of fieldwork amounting to fifteen months (15) and a brief period of field work in Zambia in early 2023. Respondents were purposefully sampled, to include representatives of the four key sets of actors described above. They were also selected to represent both

central authority agencies and agents engaged at the physical sites of TOC penetration of Zambia, the land, maritime and air border crossings at Nakonde, Kenneth Kaunda International Airport (KKIA), Harry Mwaanga Nkumbula International Airport (HMNIA), Lake Tanganyika, Luangwa (sometimes referred to as Feira, Chanida, Victoria Falls, Kazungula, Katimamulilo, and Mongu. In total seventy-four individuals were interviewed from six of the ten provinces. At least one complete day was spent observing the border crossing at each location.

The sample represented institutional and individual categories of respondents. In total, the sample had a total of two respondents' strata. There were categorised as Key Institutional Informants and Key Individual Informants. Key Individual Informants were drawn from institutions which in the opinion of the researcher had adequate knowledge about cocaine and heroin trade in Zambia or were directly involved in enforcement of laws related to drug trafficking in Zambia. In these strategic locations, some individuals from key public service institutions namely the Office of the President Special Division (OPSD)/Intelligence, Interpol, ZPS Intelligence, Zambia National Anti-Terrorism Centre (ZNATC), DEC Intelligence, ZRA customs and excise division, Department of Immigration, leaders of Civil Society Organisations (CSOs), politicians, media (targeting investigative journalists) and the hospitality sector among others. A full list of these is shown in Table 1 and 2 which show national field work plan and distribution of sample by location and institution category. Interviews were first conducted in Lusaka (where the researcher lives). In the east of Lusaka, the area visited was Luangwa-Feira a marine border area between Zambia, Zimbabwe and Mozambique. The next province visited was in the eastern province, the Chanida land border with Mozambique. In Muchinga province the Nakonde land border with Tanzania was observed, then in the Northern province the Lake Tanganyika marine border shared by Zambia, Democratic Republic of Congo (DRC), Tanzania, Burundi and Rwanda and an important gateway connecting east Africa to Southern Africa. The researcher also visited the Southern province and the site of the HMNIA air border, the Victoria falls border with Zimbabwe and the Kazungula border quadripoint where the four countries of Zambia, Zimbabwe, Botswana and Namibia meet. The last province the researcher visited was Western province. Throughout the interview and analysis processes, the researcher acknowledged that data obtained from respondents, both institutional and individual, when themselves part of the politics-crime nexus being studied, could not be considered as truly 'objective'.

**4.6 Table 2: National field work plan and sample distribution by location and institutional category**

Institution/Institution Category		Location/Province	Sample Size
1	OPSD/DEC Intelligence	Muchinga and Western	2
2	DEC	Lusaka, Western, Muchinga and Southern	9
3	ZPS/ZPS Intelligence	Lusaka, Southern and Eastern	3
4	International Criminal Police Organisation (Interpol)	Lusaka	1
5	ZNATC	Lusaka	1
6	Immigration Department	Lusaka, Eastern, Northern, Muchinga	7
7	Zambia Airports Corporation (ZAC)	Lusaka and Southern	2
8	Freight Service Providers NAC 2000 Corporation Limited	Lusaka	1
9	ZRA Customs and Excise Division	Lusaka, Eastern, Muchinga Northern and Southern	9
10	Zambia Airforce (ZAF)	Lusaka	1
11	Common Market for Eastern and Southern Africa (COMESA): Small Scale Cross Border Trade Survey	Eastern	1
12	Cross Border Traders (Importers/Exporters)	Lusaka, Feira	1
13	Trans-border transporter (Goods)	Lusaka	1
14	Local Transporters (Passengers)	Lusaka, and Muchinga	2
15	Aerospace Operators	Lusaka	2
16	Department of National Parks and Wildlife (DNPW)	Lusaka	2
17	Cargo Clearing and Forwarding Companies	Lusaka and Muchinga	3
18	Security Service Providers/Hospitality	Northern	1
19	Hospitality Service Providers	Lusaka	5
20	Media (Targeting investigative reporters)	Lusaka	3
21	Politicians	Lusaka	1
22	Politicians/ Cargo Clearing and Forwarding Companies	Lusaka, Chirundu	1
23	Retired Head of Law Enforcement Agencies (LEAs)	Lusaka	2
24	Lawyers with experience in prosecuting drug related cases	Lusaka	1
25	Hawkers	Northern	3

26	Leaders of CSOs	Lusaka	2
27	Community Member	Lusaka	1
28	Community Elder	Lusaka	1
29	Border Foreign Currency Dealers	Lusaka, Chirundu	1
30	ZNATC Senior Security Officer	Lusaka	1
32	Airport potters	Lusaka	2
33	Academician/senior citizen	Lusaka	1
<b>Total Sample</b>			<b>74</b>

**4.7 Table 3: Sample distribution by province and respondent category**

<b>Population Category- Lusaka Province</b>		<b>Sample</b>
1	DEC	2
2	OPSD/ZPS Intelligence	1
3	Interpol	1
4	NATC	1
5	Immigration Department	3
6	ZAC	1
7	Freight Services Providers NAC 2000 Corporation Limited	1
8	ZRA Customs and Excise Division	2
9	ZAF	1
10	Cross Border Traders (Importers/Exporters)	1
11	Trans-border Transporters (Goods)	1
12	Local Transporters (Passengers)	1
13	Aerospace Operators	3
14	DNPW	2
15	Cargo Clearing and Forwarding Companies	2
16	Hospitality Service Providers	5
17	Media (Targeting investigative reporters)	3
18	Politicians	2
19	Politicians/ Cargo Clearing and Forwarding Companies	1
20	Retired Head of LEAs	2
21	Lawyers with experience in prosecuting drug related cases	1
22	Leaders of CSOs	2
23	Community Member	1
24	Community Elder	1
25	Border Foreign Currency Dealers	1
26	ZNATC Senior Security Officer	1
27	Airport potters	2
28	Academician/senior citizen	1
<b>Provincial Sample</b>		<b>46</b>

<b>Population Category- Eastern Province</b>		<b>Sample</b>
1	ZPS	1
2	Immigration Department	1
3	ZRA Customs and Excise Division	1
4	Cargo Clearing and Forwarding Companies	1
5	Cross border resident	1
6	COMESA Small Scale Cross Border Trade Survey	1
	<b>Provincial Sample</b>	<b>6</b>
<b>Population Category- Muchinga Province</b>		<b>Sample</b>
1	OPSD/DEC Intelligence	1
2	Immigration Department	2
3	ZRA Customs and Excise Division	2
4	Local Transporters (Passengers)	1
5	Cargo Clearing and Forwarding Companies	1
	<b>Total Provincial Sample</b>	<b>7</b>
<b>Population Category- Northern Province</b>		<b>Sample</b>
1	Immigration	1
2	ZRA Customs and Excise Division	1
3	Trans-border Transporters	1
4	Security Service Providers/Hospitality/Hawker	1
5	Hospitality Service Providers	1
6	Hawkers	2
	<b>Provincial Sample</b>	<b>7</b>
<b>Population Category- Southern Province</b>		<b>Sample</b>
1	DEC	5
2	ZPS	1
3	ZAC	1
4	ZRA Customs and Excise Division	2
	<b>Provincial Sample</b>	<b>9</b>
<b>Population Category- Western Province</b>		<b>Sample</b>
1	OPSD/DEC Intelligence	1
2	DEC	1
3	ZRA Customs and Excise Division	1
	<b>Provincial Sample</b>	<b>3</b>

A semi-structured interview guide was used to structure the discussions and, due to the sensitivity of the study, all respondents were anonymised to protect them from identification. Whenever possible information provided by one source was triangulated, cross-checked, or corroborated with published material. Interviews were conducted in English (the preferred language of respondents, who were offered the choice of interview languages beforehand).

Setting up meetings with interviewees was often a complex and lengthy process. For interviewees from state security, borders and customs institutions, the researcher first had to obtain permission from

respective state security institutions, from their Lusaka Headquarters. They would inform their local agencies of my arrival and they would often select an individual whom I would meet. In other cases, the researcher had to make a courtesy call to the senior figures in an organisation who might themselves offer to be interviewed or would nominate an alternative individual. At border crossings arrangements were simpler: the researcher would select interviewees having observed the site, for example individuals transiting the border for trade or service purposes or individuals who themselves offered services at the border. The researcher was confident that no-one was ever coerced by senior staff into giving an interview, but on some occasions, although happy to give the interview, respondents did prefer not to sign consent forms for the research or be identifiable in any way. Not all respondents would answer all questions – questions relating to state institutions were especially sensitive. On one occasion, a drug enforcement officer even threatened to imprison the researcher for asking questions in section four of the interview guide (appendix one) which asked about the link between drug trafficking and the state. The serving head of LEAs declined the interviews citing secrecy of oath. To be interviewed they required express permission from the president. The head of DEC and immediate past head of the FIC referred me to interview her subordinate instead. For the most part, however, interviewees were happy to participate in interviews, especially when official permission had been given by senior officials. Where interviews were conducted more formally, this was done in the respondents' workspace which they and the researcher considered to be 'safe spaces'. Interviews with respondents engaged at border crossings were conducted in those public spaces. Interviews usually lasted two or more hours.

All respondents were informed about the main and specific objectives of the study. The main objective of the study was read out to them from the interview guide and contained in the information sheet given to them (appendix four). Respondents were assured that all the findings of this study (including their responses) would be used for academic purposes only and the study had no profit or any hidden objective that could put them at risk. The researcher assured them that their responses to the questions I asked would be kept completely confidential and anonymised so that it would be impossible to relate any finding to any respondent and all information obtained during interviews would be stored securely on a password protected electronic security system. If they wished to withdraw their consent after the interview had taken place, all written notes would be destroyed.

Respondents were further assured that (i) they were free to refuse participation in the interview if they felt uncomfortable, (ii) during the interview, they were free to ask for the discontinuation of the

interview if they felt uncomfortable and (iii) that at any time during the interview, they were free to ask for more time, including a break.

Interviewees were assured that no personal data was going to be shared but, anonymised, that is, no identifiable data may be used in publications, reports, presentations, web pages and other research outputs. At the end of the project, anonymised data may be archived and shared with others for legitimate research purposes. All research data and records needed to validate the research findings will be stored for ten (10) years after the end of the project in accordance with Durham University Data Management Policy. Durham University is committed to sharing the results of its world-class research for public benefit. As part of this commitment the University has established an online repository for all Durham University Higher Degree theses which provides access to the full text of freely available theses.

The researcher found the interview process highly rewarding: responses were often unexpectedly detailed and nuanced. Despite the sensitivity of the topic, and the element of risk involved in discussing it (see below), people were enthusiastic to talk, and the interviews brought to light numerous cases of significant political-crime nexus corruption which had not been reported in the media or found by the researcher in official documents. Two weeks spent observing border locations provided additional contextual understanding of the everyday conditions and processes of drug trafficking, which sometimes proved important in understanding the interview responses.

A final word must be said here about the researcher's own positionality. His job as lecturer at the University of Zambia is complemented by teaching work at the Military and Intelligence Services College in Lusaka. To some extent this facilitated initial contacts with some of the state organisations whose staff I was seeking to interview and made getting permission easier. When in the field, the researcher introduced himself as a university lecturer and PhD student at Durham University. This status did offer the researcher credibility and respondents were positive about the research objectives of the project. Some initial reservations about being photographed were allayed after the research explained his objectives. As a Zambian himself, the researcher viewed his research as contributing to the security of his country and often found his respondents liked this aspect. The field trips were often his first time in those locations, but respondents related to him as a fellow Zambian and not as an outsider.

**(b) Secondary sources:**

Research on organised crime in general and drug trafficking in particular in Zambia is scanty. Most research about organised crime and drug trafficking has been produced in South Africa and West Africa (Shaw, 2013; Ellis, Akyeampong, 2001). For example, work by the Global Initiative, ISS and the

UNODC was invaluable to this study. The study also consulted reports by international organisations such as the International Institute for Democracy and Electoral Assistance (International IDEA) and Non-Governmental Organisations (NGOs) on organised crime, corruption and drug trafficking, published academic work and any relevant information available online on the subject. The researcher had to leave the field before being able to get hold of the annual reports from the Ministry of Home Affairs and Internal Security and from the ACC, which may have yielded additional data.

#### **4.8 Ethics and risk**

This study adhered to strict ethical guidelines as issued by the University of Durham – School of Government and International Affairs (SGIA) Ethics Committee (February 2021). Ethical approval for the study was also received from the University of Zambia Directorate of Research and Postgraduate Studies (DRPGS) - Humanities and Social Sciences Research Ethics Committee in 2020. The researcher complied with the standard procedures of explaining the aims of the study to respondents, obtained consent, preserved anonymity, and managed the security of data as required. All appropriate permissions from government agencies were also obtained before research commenced.

One important aspect of the ethical approval process was recognition of the risks involved in this research, both to the researcher himself and potentially to respondents. The researcher was acutely aware that synergies in Zambia's drug trade and politics are a deeply sensitive topic and that this raises potential for nervousness on the part of respondents. For this reason, all respondents were offered anonymity as mentioned previously. Respondents were invited to suggest meeting places where they felt safe to speak (at all times taking care of the researchers own safety as well) and it was agreed that their workplaces or offices were safe, and the researcher also was comfortable to conduct interviews from their offices. The researcher took care not to ask questions which might incriminate respondents and did not seek information which might put the researcher himself at risk. Respondents were requested to let the researcher know if they had any concerns for their safety arising from this research.

Fieldwork was undertaken with several precautions. The researcher was aware of the limitations in soliciting information from government sources and with the lack of reliability of the data. In addition, because of the sensitivity of the subject he took safety precautions by ensuring that he works with local contacts who are known by the respondents. The researcher also took a low profile, avoiding publicising the study in the media or drawing public attention to the preliminary findings. Thus, while some journalists were targeted for interview, the researcher did not give interviews or publicized the aims of the study.

One outcome of the ethical approval process was that I was not allowed to interview individuals whom I knew to be engaged in TOC, or specifically drug trafficking, as I had originally planned. Traffickers are armed and dangerous people and could have caused harm to the researcher. They could have misinterpreted the study to be an investigation against them. Others were counsellors of drug abusers and drug abusers themselves.

#### **4.9 Limitations and scope of the study**

Empirical research into organised crime and drug trafficking is often saddled with difficulties, especially in the African context. It is recognised that, in general organised crime, such as corruption and drug trafficking are subjects that are very difficult to research empirically since evidence tends to be sparse and those involved have a strong incentive to conceal their work, by ensuring their work goes unhindered (Haysom et al, 2018: 4). The links between politics and crime also tends to be quite difficult to establish, let alone quantify. The official evidence is frequently highly contested, often non-existent due to corruption in the criminal justice system and pressure exerted on law enforcement and prosecutorial agencies to drop cases. Often allegations of criminality or criminal cases for that matter are stopped in their early stages and few ever reach the courts.

Access to government files and records is centrally located, but often restricted for researchers. Until recently, Zambia lacked Freedom of Information legislation which restricted access to government records, which are often classified as either confidential or secret. Obtaining such information without express government permission is considered a violation of the country's secrecy laws (the State Security Act or the Preservation of Public Security Act). Government officials also are bound by these laws and fear giving interviews without the permission of their superiors. The reluctance is even more so on sensitive topics that involve or may implicate high-ranking government officials. Thus, obtaining information from government sources is fraught with several challenges that were addressed by obtaining permission to conduct interviews from respective state institutions and by identifying helpful contacts within the government or those well-known to the targeted officials for interview. On 23<sup>rd</sup> December 2023, Zambian President Hakainde Hichilema signed the access to information bill into law, the government passed the access to information act, which allows members of the public to demand after more than two decades of debate and procrastination. The new law will allow members of the public access to information which was previously classified as confidential or secret. However, the extent to which this law will work in practice remains to be seen (see *Lusaka Times*, December 2023).

Care was taken with the evidence on organised crime, as some of it may not be credible and only meant to tarnish the image of political rivals, especially in the context of the just-ended elections held in August 2021. While sometimes, sensational in their reporting, investigative journalists were extremely valuable as a source of information for this study. It was anticipated that through interaction with journalists, it was possible to gain access to their sources who may include some high-ranking government officials, whistle-blowers and influential businessmen/women.

Some of the limitations of fieldwork included:

- (a) Few of the government respondents (e.g., police officers, immigration and custom officials, and others from investigative agencies) were unwilling to talk but when there were they would cite lack of permission or authorisation from superiors. In most cases, the reluctance to openly answer interview questions was due to fear of reprisals. To get them to participate and feel free, they were assured that their names will be kept anonymous.
- (b) As drug trafficking is a crime in which highly placed political figures are involved and given that TOC tend to use violence to silence those campaigning against it, there was some unwillingness among a number of respondents to disclose links that would implicate higher officers such as the Inspector General of Police, Minister of Home Affairs, members of the State House (the president and his aides) and some other senior government officials in place until the change of government on 12<sup>th</sup> August 2021. Prior to the 2021 elections when information involved senior political and government officials, respondents only talked of top officials without mentioning their names. As the research was being conducted in an election year (2021), some respondents were concerned that the results may be used to favour the opposition in its campaign against the incumbent party (PF) and government. But the researcher made serious efforts to assure respondents that he would be discreet, keep information shared confidential and emphasised he was not affiliated to any political party and as an employee of the University of Zambia, the research findings would be used purely for academic purposes.
- (c) It was expected that some respondents would not provide factual information on some cases and only provide general details. This then increased the necessity to corroborate evidence, which involved several rounds of interviews simply to establish the authenticity of certain allegations.
- (d) Many Zambians are easily scared of possible political reprisal if they think that the researcher has a political agenda or is working on behalf of the intelligence agencies or foreign interests. It was therefore necessary to be resourceful and required tact to convince respondents that the study had

no ulterior motives and was being conducted for purely academic purposes. The researcher's affiliation with the University of Zambia, in a low-key, mid-career academic position was used to assure potential respondents that their information would not in any way be divulged to unauthorised people or used for political purposes.

- (e) Given the high number of interviews that were conducted, using a recording device, such as a recorder could have discouraged respondents to speak openly. Thus, to assure the respondent of confidentiality, the researcher relied on hand-written notes of the interviews and in some cases allow the interview to flow, and only wrote notes after the interview. This meant that interviews took longer than anticipated but also that there was a limit to how verbatim quotes from respondents could be used.

#### **4.10 Doing field work during the Covid-19 pandemic**

A final constraint on the research, and possibly the most significant, was the impact of the COVID-19 pandemic. This initially delayed the fieldwork by over one year. The researcher had to return to his home in Zambia in March 2020, and the poor internet network connection and frequent power outages restricted communications with his supervisor and University. Ethical approval for fieldwork was both delayed and had additional conditionalities imposed to ensure the safety of both the researcher and interviewees from physical danger and diseases. The application ultimately included a Research Participant Covid-19 Exposure Declaration Questionnaire which was circulated to all interviewees forty-eight hours or two days prior to the interview. A copy of the questionnaire is shown in appendix three in the appendices section. None of the interviewees had symptoms of Covid-19 or were reported to have suffered Covid-19 within seven days after the interview. Both researcher and interviewees wore appropriate face masks, maintained social distancing, and sanitised their hands to handle consent and research information forms. Ultimately these measures may have impacted the atmosphere of the interviews although the researcher considers that the principal impact was to lengthen the period of the meeting.

It should also be noted that the UNODC in Lusaka was closed throughout this period and staff members of the African Union (AU) were unavailable due to COVID-19.

## **5.1 CHAPTER FIVE: THE POLITICAL ECONOMY OF DRUG TRAFFICKING IN ZAMBIA**

### **5.2 Introduction**

This chapter provides a macro-level political-economy narrative Zambia, identifying the evolution of the characteristics which leave it vulnerable to transnational organised crime (TOC) and susceptible to a politics-crime nexus. It examines the nature of the Zambian state and how that led to the erosion of the efficacy of oversight institutions and contributed to neo-patrimonialism and clientelist patterns of political behaviour.

The chapter argues that the current weakness of the state has its origins in the colonial state, which lacked moral legitimacy, was predatory and whose control of the polity was largely contested (Englebert, 1997: 767). The post-colonial Zambian state retained the institutional apparatus of the colonial state, but it proved to be ill-suited to the circumstances of an independent democratic polity, (not surprisingly since it has been based on the previous colonial administration's needs). Power was heavily centralised in the figure of the president, who privileged ethnic and regional allies while marginalising other segments. In the early years of independence, commodity exports generated revenues for neo-patrimonial distribution by the president via state institutions, but as these diminished in the 1970s, state distributive functions came under pressure and informal and personalised alternatives became more significant. Political elites indulged in increasingly corrupt practices to fund their own political and accumulation strategies, leading to demands for political multi-party reform and an assortment of new anti-corruption institutions. In this context, organised crime found fertile ground and, as economic and political liberalisation took root in the 1990s, so it became evident that political elites were engaged with transnational organised crime networks to sustain their own grip on power.

This chapter is organised as follows. Following this introduction, the chapter traces the evolution of the Zambian state and the changing nature of state institutions since the colonial period. The next section discussed the evidence of the simultaneous evolution of organised crime, drug trafficking and TOC- political relationships in Zambia. Finally, the chapter concludes that the Zambian state demonstrates both the weakness attributed to post-colonial institutions by the African post-colonial state thesis, and the patrimonial behaviours of political elites. Together these have left it vulnerable to the encroachments of TOC which come with structural adjustment programmes (SAPs) and the opening of borders, with consequent evidence of a politics-crime nexus at work.

### **5.3 The political economy of the Zambian state in historical perspective**

The most salient feature of the contemporary Zambian state lies in the inheritance of colonial forms of political authority. Colonialism bequeathed to the independent Zambian state a heavily centralised structure of government, as well as patrimonial and clientelist patterns of rule embodied in the first independence leadership. Together these would shape state-society relations in the post-independence era. The Zambian state inherited its political institutions from the departing colonial power, Britain. The constitution (complete with a bill of rights) and the separation of powers into separate executive, legislature and judiciary did not reflect the colonial experience of Zambia itself but was rather a replica of what obtained in the metropolitan centre. In other words, it was 'imported' and 'hybridised' to suit local conditions (Englebert, 1997; Mulford, 1967).

Prior to formal political independence in 1964, Zambia had been a colony of the United Kingdom (UK) for almost 75 years. The colonial project in Zambia, as elsewhere in Africa, was never meant to promote the welfare of its inhabitants, but rather the maintenance of law and order and appropriate conditions for the expropriation of the mineral resources of the territory, taxation of economic activities and native labour. Taxation revenue was utilised to pay for the administration of the territory with minimal investment in the social welfare of the native population. For example, at the time of independence only about a hundred Africans had attained a high school qualification demonstrating the neglect of African education and social advancement by the colonial authorities (Mwanakatwe, 1970).

The colonial state was centralised, authoritarian and repressive. To maintain law and order and enforce its policies, especially as regards employment and taxation, the colonial state had a highly centralised bureaucratic structure. At the district level, for example, the District Commissioner combined the functions of the executive and judicial office, enforcing colonial policies and adjudicating in local disputes as a magistrate. The lack of separation of powers or functions in this arrangement introduced arbitrariness in the manner in which laws and policies were enforced. Importantly, to ensure compliance the colonial authorities resorted to the use of often violent coercion. Natives were outlawed from participating in politics, forming or belonging to trade unions and political parties till after 1940. Labour strikes in 1935 and 1940 were violently suppressed resulting in the death of several striking workers (Parpart, 1985; Berger, 1974).

Another important feature of the colonial state in Zambia (then called Northern Rhodesia) was its reliance on traditional rulers or chiefs to enforce territorial policies. This collaboration with traditional rulers introduced and fostered privileged access to state benefits and patronage. With the emergence of African

trade unions and political organisations towards the end of the 1940s, the colonial state was able to co-opt African elites into its bureaucracy thus creating a privileged segment of the native population. The incorporation of traditional rulers and some educated elites into the colonial bureaucracy may have affected the struggle for national independence but was also to be the building block of a patronage system that was to endure even after independence. Importantly, the colonial state assumed a patrimonial role by insisting that it understood the natives and acted in their best interests. For example, independence itself was delayed based on the argument that natives were not ready to govern themselves (Mulford, 1974). The independence constitution, 'negotiated' at Lancaster House in London reflected the interests of the departing colonial power and not the nationalist leaders. Paradoxically, the new leaders were expected to operate a constitution that provided for a plural democracy, multiparty political competition and separation of powers, when they hardly had any experience of such a political system. Up till 1962, Africans had been denied a franchise, were restricted from political association through public order legislation and were unfamiliar with competitive politics. So, when within two years of the transitional government independence was granted, the new political elite wasted no time in discarding the letter of the constitution by adopting centralised and authoritarian patterns of authority.

The subsequent post-colonial period can be divided into three main periods or republics. These are: the first republic or multiparty period (1964-1972), the second republic or one-party state period (1973-1991), and the return to a multiparty system or third republic (1991 to date). In this discussion I map the main contours of these periods, especially as regards the nature of the state, the processes of accumulation and the patterns of authority. The discussion aims to problematise the political economy of Zambia's post-colonial state and shed light on how political and economic development were interconnected in ways which ultimately indicated its inherent 'weakness'.

Early literature on the Zambian state reveals the optimism towards a nationalist elite that was preoccupied with national development. Early errors of governance were excused as evidence of inexperience (Roberts, 1976). But by the end of the first decade the Zambian state was distinguishable as highly centralised, with most power concentrated in President Kenneth Kaunda, who was both United National Independence Party (UNIP) leader and head of state. Political opposition was all but wiped out, and most of his opponents had been thrown into jail. Competition for power was influenced by perceptions of ethnic or regional exclusion or marginalisation (Molteno, 1974; Scott, 1978). For example, the former leader of the United Party (UP) claimed his ethnic Lozi group had few cabinet positions and were marginalised from sharing the resources and benefits of economic development. This view was to be

echoed by former vice president and Kaunda's childhood friend, Simon Mwansa Kapwepwe, who in resigning from government in 1971 and forming the opposition, United Progressive Party (UPP), said his people, the Bemba-speaking people, had suffered on his account (Molteno, 1974; Scott, 1978).

While ethnic and regional grievances influenced the political discourse during the First Republic the main fault line had to do with the distribution of state resources and the fact that access was dependent on belonging to the ruling party. Faced with growing opposition to his rule, Kaunda adopted a divide and rule stance, using a combination of repression and the distribution of patronage and state largesse to his opponents.

He was able to manage this because in the first decade of independence the economy performed relatively well. This allowed the government to embark on an ambitious infrastructural development program, involving the construction of roads, schools and health facilities across the country. Between 1969 and 1970, commercial, industrial and mining enterprises that had been in foreign hands were nationalised. The creation of a large state sector provided employment to almost 60 percent of Zambia's formal sector labour. But apart from nationalisation, the state also promoted indigenisation or Zambianisation, whereby some small foreign businesses were sold to Zambians. There were also empowerment programmes to encourage the development of a local entrepreneurial class or local business class. These were state financed through special purpose vehicles such as, the Credit Organisation of Zambia (COZ), Cattle Finance Company (CFC), Industrial Finance Company (IFC), Zambia National Commercial Bank (ZANACO), and Lima Bank. Although these institutions were often inefficient and loan repayments were poor, by 1972 on the eve of the introduction of a one-party state, a small business class had formed. Most of those who were beneficiaries of state loans had previously held influential positions in government indicating the neo-patrimonial behaviour of political and economic elites (Baylies and Szeftel, 1982).

The first decade of independence witnessed a concentration of power in the president and increasing personalisation of authority in Kenneth Kaunda. The ruling UNIP played a pivotal role in decision-making, with political functionaries such as District Governors, Provincial Political Secretaries and Members of the Central Committee occupying coveted positions paid for by the state. The party and government bureaucracies were merged, the country becoming a de facto one-party state for all intents and purposes. Even if there was a nominal opposition representation in parliament, from the African National Congress (ANC), it was inconsequential to the dominance of UNIP. However, fearing the growing popularity of opposition figures, such as Simon Mwansa Kapwepwe (former vice president) on the

Copperbelt and in his home region of Northern Province, the government decided to legislate for a one-party state in 1972. This was despite resistance from opposition parties and civil society organisations, especially the Catholic Church (Gertzel, 1984).

While the executive had enormous power and influence in the polity over the legislature, there was relative freedom to criticise government policy. But due to the overwhelming number of UNIP members of parliament (MPs), Parliament was simply reduced into a rubber stamp of UNIP policies and decisions. The judiciary maintained political distance from both the executive and legislature, and often made judgements that went against the state. However, individual judges were subjected to political intimidation from UNIP supporters and occasionally threatened with deportation or violence if they passed judgements against UNIP or the government (Sishuwa, 2022; Roberts, 1969).

A one-party state constitution was passed by parliament at the end of 1972 and the country became a one-party state from January 1973, effectively ushering a second republican era. The one-party state constitution outlawed all other parties, apart from the UNIP. Membership of UNIP became a pre-requisite to contesting council and legislative elections. Kaunda contested presidential elections without any challenger, with voters required to vote either 'Yes' or 'No' to his continued leadership of the country. Dissent was by and large proscribed, as every citizen was expected to operate within the ambit of what came to be known as the 'one-party participatory democracy.' Even the judiciary had to pass judgements that took the supremacy of the UNIP into account. For example, in 1978 UNIP arbitrarily changed its rules to bar two of Kaunda's challengers to the leadership of UNIP, Simon Kapwepwe and Harry Mwaanga Nkumbula, who had joined the UNIP two years earlier. UNIP was represented by the Attorney General and the High Court ruled that the party and government was one and the same thing ('party and its government – PIG). Despite flouting laws of natural justice and denying party members a right to contest elections, the High Court ruled in favour of the UNIP (Gertzel, 1984).

Notwithstanding this concentration of power and willingness to utilise coercion to protect it, the one-party state came under strain, especially with the deterioration of the economic situation. By 1980 there was serious shortage of foreign exchange, foreign reserves had all but dwindled, there were general shortages of essential commodities (with consumers having to queue for supplies), and there was capacity under-utilisation in manufacturing enterprises which lacked imported inputs. A number of industries simply closed down (Bates and Collier, 1995).

The copper industry had been the mainstay of the Zambian economy. By 1973 it was contributing approximately 95 percent of foreign exchange revenue, 45 percent of government revenue and up to 40

percent of gross domestic product (Burdette, 1988). However, the world economic recession of 1973-74 led to a dramatic collapse in the price of copper on the world market and an astronomical increase in fuel prices. Those events contributed to the worsening balance of payments situation for the country and by 1974 the Zambian economy had all but collapsed. The government, influenced by a welfarist ideology of Humanism<sup>2</sup> and increasingly dependent on its patrimonial distribution of resources to maintain power, was reluctant to react to the worsening economic situation, hoping it was a temporary episode which would quickly go away.

By 1976 the government was forced to seek financial assistance from international donors. But dependence on borrowed money led to additional foreign debt, rising to more than US\$3 billion by 1979. By the early 1980s, it had become imperative that economic reforms were introduced to revive the economy. During the 1980s, the UNIP government initiated a number of SAPs with the support of the international financial institutions, including the International Monetary Fund (IMF) and the World Bank. However, facing serious domestic opposition, especially from trade unions, the government invariably failed to implement key components of the reform packages (Rakner, 2003; Simutanyi, 1996). Even so, the reforms generated significant political resistance. In 1986, for example, mine workers on the Copperbelt and other wage earners in Lusaka protested the removal of maize prices subsidies (which doubled the price of the country's staple) resulting in 27 people being shot dead by police (Simutanyi, 1996).

The implementation of the IMF/World Bank-inspired economic reforms resulted not only in the closure of a number of enterprises, but also in significant job losses. For example, by 1987 when the government severed its links with the IMF and adopted a homegrown economic programme, at least 20,000 people had lost their jobs through redundancies (Rakner, 2003; Simutanyi, 1996). The environment for conducting business was not conducive, as businesses lacked capital, lending rates were high averaging 70 percent and there was runaway inflation of 120 percent by 1989.

The poor state of the economy, massive unemployment occasioned by labour redundancies and deterioration in social services illustrates that Kaunda's patronage machine had crumbled. Unable to placate constituencies for political support and with real wages of workers almost worthless in the face of inflation and high cost of living and the army of unemployed seeking alternative means of survival in the

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<sup>2</sup> Humanism was a form of social democratic ideology which was predicated on state ownership of national assets, social distribution of wealth through subsidies to urban consumers (low food prices) and provision of free education, health and other social amenities.

informal sector, Kaunda and the UNIP were forced to concede to demands for a return to multiparty system in a third republican era.

In June 1990, an attempt to remove subsidies on refined maize meal was met with serious protests and rioting culminating in an attempted coup against President Kaunda. While discussions were underway within the UNIP and in the country on a return to multiparty democracy, (Kaunda had even proposed holding a national referendum on the matter), the events of June 1990 were pivotal in the Government's decision to repeal Article 4 of the Constitution, thus allowing the formation of political parties and ending the UNIP's monopoly. The Movement for Multiparty Democracy (MMD), was formed in July that year to campaign for a multiparty system, was registered into a political party in January 1991 and contested elections in October of that year, defeating UNIP and President Kaunda. The MMD obtained 125 seats against UNIP's 25, while MMD candidate Frederick Chiluba won the presidency with more than 75 percent of the votes. Kaunda, in contrast, achieved a paltry 24 percent of the vote.

The 1991 Constitution enacted in the wake of the return of multiparty democracy provided for separation of powers between the executive, legislature and judiciary. It also entrenched the bill of rights, which provide for enjoyment of freedoms of association, assembly and protection of property rights. In 1996, the Constitution went through revisions, notable of which was the introduction of a citizenship clause that barred first President Kenneth Kaunda from contesting on account of his parents having hailed from Malawi. Despite the return to democratic multi-partyism, the constitution also strengthened the powers of the president in creating state institutions, making key political appointments and as key dispenser of political patronage in the political system.

In the 1990s, under the leadership of former trade union leader, President Frederick Chiluba and the MMD, Zambia became a favourite of foreign donors as it was considered to be committed to political and economic liberalisation. The country was recognised as having led the way in the global trend away from one-party politics and state-controlled economies towards multiparty democracy and market-based economic reform (Joseph, 1992; Bratton, 1992). The MMD government under President Chiluba undertook one of the most extensive and far-reaching macroeconomic and market liberalisation programs on the African continent, which included privatisation of state-owned entities, liberalisation of the exchange markets, decontrolling prices of essential commodities, removing agricultural subsidies, and lowering tariffs and interest rates. By 2000, the privatisation program embarked upon in 1993 was considered among the most successful in Africa. But the final privatisation of the copper mines was cautious and characterised by policy hesitation and cronyism (Craig, 2001; Kaunda, 2004). Ultimately,

Zambia's economic performance during Chiluba's first two terms in office was dismal. Chiluba's attempt to extend his term by another term in 2001, was thwarted by a spirited opposition from an alliance of opposition parties, civil society, trade unions and his own ministers (Sishuwa, 2020). Importantly, by the end of 2001, despite a remarkable record of implementing economic liberalisation policies, foreign direct investment was poor, per capita incomes were low and poverty rates remained high (Rakner, 2003; Resnick & Thurlow, 2017). Annual Gross Domestic Product (GDP) growth averaged 2.2 percent between 1992 and 2001, while GDP per capita fell from \$1,065 in 1991 to \$875 in 2002 and poverty rates remained notoriously high at 65 percent in 2001, a marginal decrease from 73 percent in 1994 (World Bank, 2012; CSO, 2012). Chiluba following the example of Kaunda, dispersed patronage resources to key constituencies, such as traditional rulers, selected constituencies and regions where he had an electoral base (these included Copperbelt, Luapula and Northern Provinces) and to some members of his party, the MMD. At one time he even had a budget provision of USD20 million allocated to him by Parliament as a personal slush Fund (personal communication with Neo Simutanyi, Lusaka, 15 May 2020).

But by the end of his rule, the economy was in such bad shape that reliance on state resources to sustain political patronage was no longer predictable. Reports emerged that President Chiluba and the MMD depended on donations from well-wishers. These tended to be contractors who benefited from government tenders, and all manner of people seeking favours from the presidency. The personalisation of power made access to the president for such favours possible (Simutanyi, 2005).

It can also be argued that the centrality of the presidency in making key appointments allowed the president to place individuals in certain positions who could facilitate financial transfers on his behalf. State institutions, such as the Bank of Zambia (BOZ), ZANACO, Zambia Electricity Supply Corporation (ZESCO), Development Bank of Zambia (DBZ) are believed to have provided funds to oil Chiluba's patronage machine. But as the cash from such donations often did not meet integrity test and had to be made discretely, there was a need to seek alternative sources of funding. In 2001 months before the general elections, there were media reports that accused President Chiluba of being a thief. Those accusing Chiluba of theft were arrested and charged with criminal libel. In their defence, they released a dossier codenamed, 'Chiluba's Matrix of plunder,' which revealed transactions involving Chiluba and his associates channelling funds through a ZANACO account in London to support his personal and political needs. It was to be a subject of criminal prosecution of Chiluba by his predecessor, two years later (van Donge, 2009).

By contrast, the second decade of 2000s witnessed a period of rapid economic recovery, superintended by Chiluba's two successors, Levy Mwanawasa (2002-2008) and later Rupiah Banda, who was elected president following Mwanawasa's untimely death in August 2008. During the 2002-2011 period, total GDP grew by an average of 7.4 percent per annum, while per capita income increased from US\$383 in 2001 to US\$1,673 in 2011, paving the way for the country to be re-classified as a low middle-income economy. Mwanawasa's government was also credited with a robust anti-corruption drive that included the prosecution of his predecessor, Frederick Chiluba (van Donge, 2008). The establishment of institutions, such as the Task Force on Corruption, to investigate and prosecute corruption allegations against members of the Chiluba government received overwhelming endorsement from civil society, some opposition parties and the donor community.

The country also benefited from significant debt relief in 2005, under the Highly Indebted Poor Country (HIPC), as Zambia's total foreign debt stock of US\$7.1 billion was reduced to US\$502 million, thus putting the economy on a growth path (Magande, 2018; Magande, 2006). But that was after his government implemented an IMF-inspired Poverty Reduction Strategy program that was enunciated in PRSP (2002-2004) (Eberlei, et al., 2005). However, despite Mwanawasa's perceived commitment to prudent economic management and strong anti-corruption drive, his record was tainted by public perceptions that criminal prosecutions were selective and aimed mainly at his opponents (Erdmann & Simutanyi, 2003: 69). While the economy recorded impressive growth rates averaging 5 percent of GDP between 2002 and 2008, there were concerns that development did not benefit the majority of the population, but rather a small minority. The trickle-down effect was absent, fuelling accusations that Mwanawasa favoured members of his own ethnic group (Lambas and Lenje) and marginalised the Bemba-speakers in government (Cheeseaman and Hinfelaar, 2010). For example, the prosecution and robust court handling of the cases of former members of the Chiluba government who were Bemba-speakers was considered as evidence of Mwanawasa's partiality.

In 2011, Zambia witnessed a political transition when the MMD government was defeated in a competitive election. Michael Sata of the opposition Patriotic Front (PF) defeated MMD's Rupiah Banda in elections described by domestic and international observers as having been free and fair. The election of an opposition party, which is a rarity on the African continent, might be attributed to the successful embedding of Zambia's democracy, but others have suggested it should rather be seen as evidence of citizens' fatigue with the one set of political elites who had ruled for two decades (Bratton & Lolojhi, 2014). Though lacking a coherent economic platform, the PF advanced what was described as 'pro-poor'

economic policies that called for more state intervention in the economy, an increase of agricultural subsidies and control of consumer prices (PF Manifesto, 2011: 26). In October 2014, President Michael Sata died unexpectedly in a London hospital and was replaced by then Justice and Defence Minister Edgar Chagwa Lungu, who was elected in hotly contested elections in January 2015, defeating his nearest rival, Hakainde Hichilema, of the United Party for National Development (UPND), by the narrowest of margins. Apart from being elected by just 48.8 percent of the electorate against Hichilema's 47.1 percent, on a 32 percent turnout (perhaps the lowest in Zambia's history), Lungu's election also exposed schisms within Zambia's body politic, as ethno-regional divisions surfaced. Importantly, the election of President Lungu in 2015 exposed the fragility of the PF hold on power, and demonstrated that a change of leader, even from the same political party, has implications for the sustainability of policy reforms.

President Lungu was re-elected in 2016, in a controversial election that was unsuccessfully challenged by the losing candidate in the Constitutional Court. Winning by just over 13,000 votes above the 50 percent plus one threshold, and allegations of its questionable integrity, heightened the PF's government resort to populist, and short-term policies to mobilise electoral support for the next elections in 2021. Apart from announcing his desire to contest for a third time, despite clear constitutional provisions that restrict anyone who has twice been elected president contesting the presidency, the last four years have been characterised by repression of the opposition and civil society, creating a volatile political environment.

The country's economic performance has seen a decline since 2015, with most economic indicators showing a downward trend. For example, the exchange rate declined from K6.34 in November 2014 to K12.06 in November 2015, and from K10.66 in June 2016 to K18.52 in April 2020. This dramatic decline in the exchange rate has had an adverse effect on imports, especially on fuel, which in turn pushed up prices of goods and services. This has also had an impact on economic growth, as GDP growth in the period 2015 to 2019 averaged only 3.1 percent, in contrast to GDP growth rates of 5.7 percent in the period 2012-2014. This discrepancy in growth rates and economic indicators can be explained by the different policy choices pursued by the political leaders in the two different administrations, the flow of foreign direct investment and performance of the mining industry, the main drivers of the Zambian economy.

A number of features are evident in this narrative of the evolution of Zambia's political economy which have been constant in almost all the governments since independence. These include the centrality

of the presidency, a disconnect between formal institutional structures and informal rules and the use of patronage and clientelism (Simutanyi & Hinfelaar, 2018; Lindemann, 2011).

The centralisation of power in the presidency has seen incumbents enjoying wide discretion in what they do and whom they appoint to other positions. For example, the central role played by the presidency in decision-making has meant that nothing gets done without his direct say and performance of oversight and regulatory institutions reflects idiosyncrasies of the person in the state house. This has distorted formal lines of communications, as everyone seeking favours, lobbying for attention, seeking access to state structures or seeking protection from prosecution, is forced to seek a direct audience with the president or those close to the head of state. The involvement of the presidency in decision-making is predicated on the neo-patrimonial notion of personalisation of power, where the success or failure of any government agency is viewed as reflecting positively or negatively on the leader.

Secondly, and related to the importance of the presidency and centralised authority, is the predominance of informal rules and processes alongside established formal institutional structures and rules of the game. While the country has a full range of formal institutions similar to those found in any democracy, these function only to some degree. Often actors within them neither operate according to established formal rules nor feel bound by them. Institutional weakness is not necessarily due to lack of capacity, but rather to dysfunctionality. Because of inability of formal state institutions to deliver either reliable economic development or genuine political accountability, and the subsequent reliance on non-state resources to sustain political powerbases and patronage networks, formal institutions and rules are subordinated to an informal logic, where personal informal relations take precedence over established rules. Understandably, the predominance of informal relations undermines and weakens formal institutions further, thereby reproducing the logic of patronage. The most common feature of informalisation of decision-making is the use of ministerial and presidential power, whereby procurement rules are observed in breach, the high degree of impunity, and enforcement of laws and regulations is weak or compromised. Often heads of law enforcement agencies, such as the police, Zambia Security Intelligence Services (ZSIS), army, air force, immigration, Zambia Revenue Authority (ZRA), Drug Enforcement Commission (DEC) and Anti-Corruption Commission (ACC) are appointed by the president and accountable only to him. There is also increasing evidence that those appointed to oversight institutions are rarely chosen on merit, but rather based on political loyalty on account of their regional, ethnic or political background. In the Zambian case, though nepotism, ethnicity, and irregular practices in the enforcement of rules receive less attention in policy discourse, they account for the poor performance

and weak enforcement mechanisms by law enforcement agencies, especially as regards organised crime. The constant changes in heads of state agencies are reflective of the desire to have in place individuals who will operate by the informal logic of personal relations, or 'loyalty' to the appointing authority as opposed to adherence to formal rules of the game. This does not only promote patronage, but corruption and abuse of power by the presidency, in ways that allow infiltration of the state by criminal elements or collusion between state actors and criminals.

The centralisation of power in the person and office of the presidency, and the weakness of institutions demonstrated by more significant parallel informal processes of decision-making, encourage the third factor - patronage politics (Tangri, 1999: 7). In Zambia, the use of patronage and the pursuit of rent-seeking has been pervasive in all political regimes since independence. Bratton and van de Walle confirm this system of 'neo-patrimonialism' (Bratton and van de Walle, 1997: 68). Specifically, patronage flows from 'clientelism', a system based on the reward of personal favours. These favours typically take the form of public sector jobs, distribution of public resources through licenses, contracts, and projects, in return for material rewards or/and political support (Bratton and van de Walle, 1997).

Under the UNIP government, President Kaunda established an extensive patronage system, whereby loyal supporters were rewarded with lucrative positions in the party, government and parastatal sector (Szeftel, 1982). While corruption was present, it was not widespread, as some institutions, such as the Leadership Code were enforced and leaders who breached it faced sanctions. But under Chiluba's two-term reign, an elaborate patronage machine was designed which used state resources to reward political supporters and line the pockets of those close to the corridors power. The privatisation program was characterised by the stripping and under-pricing of state assets and the sharing of state companies to members of the political executive and their families and friends. State companies were also often ordered to contribute to the ruling party election campaigns and expected to employ relatives and loyal members of the ruling party. This practice continued into the Mwanawasa, Sata and Lungu presidencies. State companies, such as Zambia Consolidated Copper Mines (ZCCM), National Pension Scheme Authority (NAPSA), Zambia State Insurance Corporation (ZSIC) and ZESCO were considered 'cash cows', to provide short-term liquidity to government but also to finance private financial needs of senior members of the government and the ruling party. Though Levy Mwanawasa, who had been vice president to Chiluba in the first MMD cabinet, had strongly opposed corruption he was reported to have irregular dealings with the business community, including receiving party donations which he banked in his personal bank account. He was also instrumental in awarding single sourced oil contracts to favoured

bidders (Simutanyi, 2005), a practice which resulted in an impeachment motion being brought against him in 2003 by the opposition UPND, which he won, thanks to MMD's superior numbers in the legislature.

We can see from this narrative that Zambia does indeed demonstrate the key attributes of the African state. The colonial legacy was to leave state institutions whose legitimacy and authority rested only on their demonstration of the nation's independence and their aspirations for democracy, economic development and the rule of law. These were continually undermined by the power and rent-seeking behaviours of political elites, which were contained in the years of plenty but – when the economy declined along with copper prices, were increasingly directed towards informal and extra-institutional avenues. Political and economic crises tested the resilience of state institutions and ultimately showed them to be weak, not so much in terms of capacity but in the sense that their particular constructions proved to be dysfunctional. The state was unable to satisfactorily fulfil its presumed functions – to provide representation of and service provision for all social groups. The increasing salience of informal avenues to access these (limited) goods through the patronage of senior government figures, has fostered growing corruption, even as those government officials are forced to find new sources of finance to sustain their power beyond state revenues. According to the framework presented in Chapter Three, Zambia must surely be vulnerable to the rising influence of a political-crime nexus.

We can also see that through this period Zambia has progressively been opened to the forces of globalisation, through SAPs and conditionalities which take the form of economic liberalisation including the trade opening, financialisation and deregulation of the economy. It is reasonable then to hypothesise that in these circumstances it has also become vulnerable to TOC and that the political-crime nexus has evolved accordingly.

The following section which charts the evolution of organised crime and drug trafficking in Zambia indicates that this has indeed been the case.

#### **5.4 The evolution of organised crime, drug trafficking and political relationships in Zambia**

For the purposes of this study organised crime is taken to refer to a broad range of serious economic activities that could be punishable under Zambia's Penal Code, including criminal activities that might traditionally be seen as 'white collar crimes' (Hatchard, 1985: 483-384). I will use the term organised crime to describe the activities of organised criminals rather than referring to groups or networks. Using the abovementioned conceptualisation of organised crime allows for a greater understanding of contemporary organised crime, and can incorporate new crimes such as cyber-crime, which do not fit the typical form of organised crime. Zambian organised crime falls into two categories: the supply of illicit

goods (such as drugs) and services and the infiltration of legitimate businesses (such as banking, transportation, construction, agriculture, and retail trade).

In Zambia today criminal groups or gangs are engaged in a variety of such activities including theft of motor vehicles, aggravated robbery, drug trafficking, money laundering, sale of counterfeit goods, human trafficking, poaching and trafficking in live wildlife and wildlife products and trafficking in firearms. But prior to formal political independence in 1964, when Zambia was a colony of the UK, the closest the country got to organised crime was the extraction of local resources and the native population by the British South Africa Company under the protection of the colonial power.

Following Shaw and Reitano (2013), the evolution of organised crime in Zambia can be divided into three phases: the foundational phase which began in the late 1970s following the precipitous decline in the Zambian economy as a result of the collapse of copper prices, increases in the price of fuel and the adoption of IMF/World Bank inspired SAPs in the 1980s; the second phase which began with the end of the Cold War in late 1980s or early 1990s and was marked by Zambia's political and economic liberalisation, and the last phase which coincided with the beginning of the new millennium in 2000 and evidences the deepening of Zambia's integration into the global economy.

Before the advent of economic reforms in the early 1980s, Zambia was not considered to have had an organised crime problem. Where it did exist, it was to a relatively low extent and intermittent and usually found in urban centres such as Lusaka and the Copperbelt. In Lusaka, for example, organised gangs had forged links with foreign criminal organisations in East Asia, especially India, in order to obtain narcotics commonly known as Mandrax. Any connection with the political elites was negligible in the early years of independence. Kaunda had introduced the Leadership Code in 1973 which criminalised leaders holding public office from simultaneously engaging in business. Those who did were summarily dismissed.

The first significant signs of indigenous organised crime in Zambia can be traced back to the emergence of illegal immigrants engaged in illegal mining and the smuggling of precious stones, mainly emeralds, on the Copperbelt in the early 1990s. These illegal migrants, who were mainly Malian, Senegalese and Congolese, were also believed to have been involved in a number of rackets, including motor vehicle thefts and the smuggling of goods, including wildlife products, to the neighbouring Congo Democratic Republic (DRC) and to Europe. Smuggled products included items taken from endangered species such as rhino horns and ivory. These smuggling rackets were highly organised, involving individuals in the high echelons of the police command. As they proliferated, notorious gangs such as that of Lusaka's Chibolya suburb gained visibility (ISS, 2009). They were facilitated by Zambia's multiple and

quite porous land borders (Angola, Botswana, DRC, Tanzania, Malawi, Namibia, Mozambique and Zimbabwe), and by its fortuitous position as a transit hub for evading sanctions against Southern Africa during the apartheid period. Therefore, a lot of human traffic and goods passed through Zambian ports (mainly airports).

The government tasked the Special Investigations Team on Economy and Trade (SITET) and the DEC to respond to emergent organised crime. The SITET, had been established in 1971 with the mandate to investigate serious economic crimes in Zambia. This was during a period in which the country had exchange control regulations, which prohibited the holding and externalisation of foreign exchange outside of Zambia without the authority of the Bank of Zambia (BOZ). Other areas that now fell under the purview of SITET, included money laundering, illegal currency dealings, smuggling and the hoarding of commodities. Though not backed by any specific legislation, SITET was at this time highly successful in detecting and prosecuting organised criminals and retrieving the proceeds of illicit activities, such as drug trafficking, motor vehicle thefts and the smuggling of precious stones. However, the SITET was disbanded in 1992 following the change of government (Ndulo, 2014; Woldring, 1983).

The control of drugs and drug trafficking in Zambia can meantime be traced back to the colonial period. The Dangerous Drugs Ordinance was enacted in Zambia in 1926. This Ordinance did not directly refer to cannabis as such, but recognised "dagga, wild dagga, red dagga, klip ". It was complemented in 1938 in a supplement to the laws which defined extract or tincture of Indian hemp (*Cannabis sativa* L.), morphine and its salts, cocaine and some other substances as habit-forming drugs. In 1967, the previous legal provisions on drug control were replaced by the new Dangerous Drugs Act which had been prepared in accordance with the Single Convention on Narcotic Drugs of 1961. This new Act made provision for the control of dangerous drugs, including the importation, exportation, production, possession, sale, distribution and the use of such drugs. In 1971, new dangerous drugs regulations were enacted in the form of a Statutory Instrument (No. 128 of 1971). These regulations provided for the control of raw opium, coca leaves, poppy-straw, cannabis, cannabis resin and all preparations of which cannabis resin formed the base. They restricted the importation and export of these drugs and empowered the Government to make regulations for the control of production, possession, sale and distribution, as well as for the issuance of licenses and the prohibition of cultivation of plants from which the drugs were derived. The Government was also authorised to prescribe measures for the eradication of such plants. One regulation empowered the Director of Medical Services to allow a medical practitioner to prescribe specified quantities of certain drugs to addicted persons.

The DEC was first established under the Dangerous Drugs Act Number 7 of 1989, later replaced by the Narcotic Drugs and Psychotropic Substances Act number 37 of 1993, Chapter 96 of the Laws of Zambia. Its main mandate was to prevent and control the cultivation, production, trafficking, and abuse of drugs, (although since 2010 it has also been tasked with the prohibiting and preventing associated money laundering activities according to the Prohibition and Prevention of Money Laundering Act of 2010 and the Forfeiture of Proceeds of Crime Act of 2010. These two acts are important as regards organised crime, as they help investigate and trace the concealment, laundering or sanitising of money acquired through criminal activities, such as drug trafficking. Specifically, the Prohibition and Prevention of Money Laundering (Amendment) Act 2010, which replaces the Prohibition and Prevention of Money Laundering Act of 2001, provides for the disclosure of information of suspicion of money laundering by banks, financial institutions and individuals, and the functions of the Anti-Money Laundering Unit within the DEC. The Act is to be read as one with the Prohibition and Prevention of Money Laundering Act, 2001. The Prohibition and Prevention of Money Laundering (Amendment) Act defines money laundering as: where a reasonable inference may be drawn, having regard to the objective factual circumstances, any activity by a person (a) who knows or has reason to believe that the property is the proceeds of a crime; or (b) without reasonable excuse, fails to take reasonable steps to ascertain whether or realised directly or indirectly, by any person from the commission of a crime; where the person (i) engages, directly or indirectly, in a transaction that involves proceeds of a crime; (ii) acquires, receives, possesses, disguises, transfers, converts, exchanges, carries, disposes, uses, removes from or brings into Zambia proceeds of a crime; or (iii) conceals, disguises, or impedes the establishment of the true nature, origin, location, movement, disposition, title of, rights with respect to, or ownership of, proceeds of any illegal activity. It further defines proceeds of crime as: property or benefit that is wholly or partly derived or realised from a disposal or other dealing with proceeds of a crime; wholly or partly acquired proceeds of a crime; and includes, on a proportional basis, property into which any property derived or realised directly from the illegal activity is later converted, transformed, or intermingled, and any income, capital or other economic gains derived or realised from the property at any time after the crime; or any property that is derived or realised, directly or indirectly, by any person from any act or omission that occurred outside Zambia and would if the act or omission had occurred in Zambia, have constituted a crime (Forfeiture of Proceeds of Crime Act, 2010). The other related legislation enforced by the DEC is the Forfeiture of Proceeds of Crime Act of 2010. The Forfeiture of Proceeds of Crime Act provides for the confiscation of the proceeds of crime; deprivation of any person of any proceed, benefit, or property derived from the commission of any serious offence;

facilitate the tracing of any proceeds, benefit, and property derived from the commission of any serious offence. (Preamble to the Forfeiture of Proceeds of Crime Act, 2010). The three pieces of legislation enforced by the DEC are derived from relevant international conventions to which Zambia is party including the Single Convention on Narcotic Drugs of 1961, as amended by the 1971 protocol, the Convention on Psychotropic Substances of 1971, the United Nations Convention Against Transnational Organised Crime of 2000, the Southern African Development Community (SADC) Protocol Against Corruption of 2001, African Union Convention on the Prevention and Combating Corruption, 2003, the United Nations Convention Against Corruption, 2004, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. These international legal instruments have been domesticated in Zambian laws relating to organised crime and drug trafficking. Specifically, the language of the Narcotic Drugs and Psychotropic Substances Act of 2010, the Prohibition and Prevention of Money Laundering Act and the Forfeiture of Proceeds of Crime Act of 2010 borrow heavily from the UN Convention on Transnational Organised Crime, the UN Convention Against Illicit Traffic in Narcotic and Psychotropic Substances and the UN Convention Against Corruption.

The rising tide of organised crime coincided with the transitional phase of the political dispensation in Zambia. We should not be surprised since – as noted in the second chapter of this thesis – Shaw (1998) suggests that organised crime syndicates develop most rapidly in periods of political transition, when government resources are concentrated in certain areas only and gaps materialise in which organised criminal groups may function. At this point in Zambia's development, the economy was also being opened to new economic actors as it sought to integrate into global markets. Just as organised crime had grown in countries like Russia during times of political and economic turbulence associated with political and economic liberalisation, so did it now in Zambia.

It has been acknowledged that when the one-party state ended, border controls were weakened, creating new opportunities and potential areas of operation for expanding TOC. Scholars point out that at this time East Asian, West African and East European syndicates bought into the Zambian nascent criminal operations and expanded them (Shaw & Reitano, 2013; Gastrow, 1999).

The establishment and expansion of organised crime and TOC during this time - and identification of collusion between criminal networks and figures associated with the institutions of the state – either within the police and associated security forces or among political elites was by now becoming clear. The available literature on the intersection between local senior political elites and transnational criminal elements confirms this for the second republic from the early 1970s to 1991 and covering the first half of

the third republic from 1991 to 1995. (Thereafter though there is little academic discussion despite rising evidence of it). In 1985 then President Kaunda, recognising the growing problem, appointed the Mathew Chaila Tribunal to investigate 25 prominent Zambian and foreign nationals accused of involvement in drug trafficking. The prosecution of the suspected drug dealers through a tribunal and not the courts, was itself problematic, as it suggested that the protection of the illicit drugs by senior politicians may have started earlier than 1985 in Zambia and they were intent on limiting the institutional oversight, and although Kaunda can be seen as having responded positively to the first cases of organised drug trafficking by setting up the tribunal and by creating the DEC in 1989, he could not escape allegations himself of protecting some drug barons for the purposes of political appeasement (Mushinge, 1994:133). It is also fair to say that the rise in organised crime, especially drug trafficking and money laundering, happened at a time when the country had not sufficiently developed its institutions and legal infrastructure to control it, partly explaining why the first cases of drug trafficking that involved some high prominent Zambians were dealt with by a special tribunal rather than the courts.

Each government since has inherited the illicit economy. Indeed, Kaunda's successor, Chiluba's MMD government was accused of working to actively undermine the efforts of state institutions and anti-drug laws, (Chikulo, 2000:174-175). Undoubtedly the Chiluba regime was highly permissive of leaders engaging in business and oversaw an escalation of leaders' abuse of office for personal benefit, with Chiluba himself taking the lead (van Donge, 2008). In the early years of the MMD government there was growing evidence of collusion between senior party officials and known convicted drug dealers, such as Vijaygiri 'Vicky' Goswami<sup>3</sup> and Issa Galedou, who were believed to have provided funding to the MMD election campaign in 1996 from laundered drug money, a belief echoed by interview participants for this thesis (Dolley, C. 2019; Interview with former senior official in the MMD and former cabinet minister, January, 2020). Szeftel (1998) points out that that some senior MMD members in the party were involved in corruption, criminality and drug trafficking. On account of the corruption and drug trade allegations some founder MMD members either left the party on their own or were dismissed by President Frederick Chiluba as early as 1992 (at the instigation of international donors). In order to distance themselves from a party which was led by leaders perceived as tolerant to corruption and drug trafficking, Baldwin Nkumbula and associates established their own party, the National Party (NP) in 1993. Other parties were also formed as a result of dissatisfaction at how the MMD was being led and at the government's tolerance of

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<sup>3</sup> Goswami is currently in a US jail facing prosecution for drug trafficking. He has implicated a number of prominent politicians in Africa, including former South African president Jacob Zuma.

corruption and drug trafficking, including the Zambian Democratic Congress (ZADECO) in 1993, the Liberal Progressive Party (LPP) in 1994 and the National Lima Party (NLP) formed in 1996 (Craig 1998:134-135). Party supporters who stood for genuine reforms left the party and government citing corruption and the failure by the government to honour election campaign promises to fight the drug trade (Chikulo, 2000:176; Ihonvbere, 1995:14). Moreover, the Chiluba administration was confronted with a dilemma as foreign donors such as the IMF made the removal of individuals perceived to have been involved in drug dealing from the government a condition for economic aid (Chitala,2003; Szeftel, 2000). Concerned about drug trafficking among Zambian cabinet ministers, at a meeting of the Consultative Group (CG) in Paris in December 1993, donors used corruption and drug control as a condition for support to Zambia (Szeftel, 1998:231; Szeftel, 2000:220). This led to the withholding of US\$96 million out of the US\$860 million in 1993 (Lorch, 1994).

It can be argued that the increasing centralisation of power in the office of the presidency under Chiluba facilitated the undermining of the checks and balances which might have contained the expansion of drug trafficking at this time. For example, when DEC Commissioner exposed some cabinet ministers involved in the illicit drug trade, he was summarily dismissed. This was after the government changed the country's drug laws to give the president enough powers over the DEC (Chikulo, 2000:176). The president also had enough powers over other state institutions such as the Judiciary and the ACC, which he exercised by the blocking of recommended cases for prosecution or trial in the courts of law. Evidence shows that the president used the Corrupt Practices Act of 1980 to shield some cabinet ministers that were in good standing with the government from prosecution and by rejecting reforms aimed at strengthening the Judiciary, to transferring powers for appointing Judges and the Director of Public Prosecution (DPP) from the president to the Judicial Service Commission (Chikulo, 2000:174-177). Reasons for the protection of the illicit economy were two-fold. Firstly, the president was a weak and indecisive leader when it came to controlling his colleagues in the party and government, especially on disciplinary matters. Secondly, it was time for government to reward sponsors (including former ministers in UNIP government that were investigated under the Mathew Chaila Tribunal) with ministerial positions for funding the MMD party allegedly using drug money for a brief time it stayed in the opposition (Chikulo, 2000:177). Funding for election campaigns was critical because the re-introduction of multiparty politics in Zambia and elsewhere in Africa gave rise to an urgent need to fund elections. The MMD had just been formed closer to the 1991 elections and had little time to discuss policy matters and to mobilise enough resources for the campaigns (Rakner, 2011:1116). Reporting on the extent of the drug trade, the then

vice president Brigadier General Godfrey Miyanda accused the opposition parties of having been also involved in the illicit drugs trade (Chikulo, 2000:166). In 1994, some cabinet ministers resigned pending investigations which up to now have not taken place after more than two decades (Szeftel, 1998). After the 1996 elections President Chiluba announced that he could not appoint three former ministers to his cabinet and took advantage of the occasion to publicly attack the donors. The withholding of US\$96 million by donors had its own effects on the ordinary citizens and the economy. This led to the resignation of prominent government leaders from their positions, then Foreign Affairs Minister Vernon Mwaanga, Deputy Speaker of the National Assembly Sikota Wina, and Minister of Community Development, Princess Nakatindi Wina. Even so, the lack of political will to enforce drug laws meant that citizens would endure the economic hardships in exchange for the protection of the illicit economy by the state (Ihonvbere, 1995).

In the last three decades the problem of organised crime in general and drug trafficking in particular has grown both in magnitude and sophistication, as has the evidence of political collusion in it. The large number of arrests and drug seizures by the DEC, and the involvement of law enforcement officers in the scourge introduces serious challenges to address the problem. There are credible concerns that drug trafficking has penetrated the highest echelons of government, including the State House. Since the early 1990s, heads of state and prominent politicians are known to have had close ties to drug traffickers. For example, former president Frederick Chiluba had close relations with Vicky Goswami and Issa Galedou, known drug traffickers. His successor, Levy Mwanawasa, defended drug traffickers when he was in private practice and is believed to have had close ties to them even when he was president. There are allegations that a former president, had been 'captured' by drug traffickers, as his association with with a prominent Lusaka business man is believed to help provide the business man with protection and allowed him to utilise government facilities to transport drugs (Chisenga, 2019. *Zambian Watchdog*, 2019). The implication of the president himself being engaged with in drug trafficking illustrates the extent to which the state is involved in the drugs trade and the penetration of state institutions by transnational drug trafficking networks. For example, convicted drug lord, Vicky Goswami, who was arrested in the United States for drug trafficking, did not only implicate a former South African president, but also claimed that a former Zambian president's friend, a prominent Lusaka business man was part of his drug network in Southern Africa (Dolley, C. 2019; *News Diggers*, 16 September 2019). There is little doubt, although equally little legal establishment that from Kaunda to Chiluba, from Mwanawasa/Banda to Sata and Lungu, presidents themselves have played varying roles in leveraging organised crime.

The State has progressively introduced institutional means of containing and inhibiting TOC. For example, as it became clear that there is a symbiotic relationship between drug trafficking, corruption (including of political elites and state officials), and the money laundering which conceals it, the DEC has seen its mandate extended to include the responsibility to investigate and prevent money laundering, determining whether unexplained wealth could be a result of proceeds of crime.

In order to enhance the capabilities of government to investigate financial activities of organised criminal groups and in recognition of the sophistication of organised crime in concealing their activities and proceeds derived from criminal transactions, the Financial Intelligence Centre (FIC) was established in 2013. Established under the Financial Intelligence Centre Act of 2010, the main mandate of the Financial Intelligence Centre is to conduct forensic investigations into suspicious financial transactions, demand and receive reports of suspicious transactions and forward its findings to other investigative law enforcement agencies, such as the Police, the ACC and the DEC. The FIC follows reports on unexplained wealth/illicit wealth and traces how proceeds of crime could have been converted to property or laundered through the banking system (Ndulo, 2014). In addition to the FIC is the ACC, established under the ACC Act of 1996 (as amended by the Anti-Corruption Act of 2010), which repealed the Corrupt Practices Act of 1980. The ACC is the sole government agency that investigates and prosecutes corruption-related offences that include the following: corrupt use of official power, abuse of authority of office, corruption by public and private bodies/officials, solicitation and granting of bribes to public officials and electoral corruption, among others (Anti-Corruption Commission Act of 2010).

But despite the existence of laws, such as the Narcotic Drugs and Psychotropic Substances Act of 1993 and the Prohibition and Prevention of Money Laundering Act, drug trafficking seems to have continued and the involvement of political elites and state officials, which seems to range from permissive non-intervention to active engagement, must surely be a (if not the) contributory factor. It does indeed suggest that Zambia has become a victim of what Kupatadze (2010) referred to as the 'crime-state nexus.'

## **5.5 Conclusion**

This chapter has provided a narrative of the evolution of the Zambian national political economy from the colonial period to the current day. It has made a number of key arguments for the purposes of this research study:

First, it has argued that the institutional arrangements inherited by the independent state from the colonial regime were unsuited to the ethnic and regional diversity of Zambia and, by concentrating power in the office of the presidency, reinforced centralisation whilst weakening the representativeness, legitimacy

and moral authority of the state itself. In the years of plenty funded by commodity exports, this was somewhat disguised by the capacity of the political elites to utilise state institutions to distribute economic wealth to the population as a whole. But when those export incomes dwindled, the state was unable to sustain its legitimacy and relevance for the wider population, leading it to conform with the 'weak' post-colonial African states described in earlier chapters of this thesis. The intersection of political and economic liberalisation, manifest in the confluence of the introduction of multi-party democracy and the budget constraints imposed through the SAPs, played a significant role in incentivising new modes of behaviour on the part of political elites.

Thus, secondly and simultaneously, political elites were increasingly dependent on their own personalised relations to accumulate their own both political and economic capital, in turn engaging in patrimonial relations with others, distributing patronage to secure their positions. These informal relationships and the abuses of office they enabled, generated growing corruption (along with state efforts to control it through laws, regulatory and investigatory bodies). Over time, state institutions and revenues were subverted by political elites in an extension of this behaviour. Again, we see the behaviour of elites conforming to the predatory state phenomenon identified in earlier chapters as key to the evolution of a politics-crime nexus.

Thirdly, we have seen that the era of economic liberalisation ushered in via SAPs in the 1980s and 1990s created growing opportunities for TOC and that political elites were closely networked with TOC networks at this time. Moreover, the collaboration of political elites and TOCs reached into the political and institutional conduct of the state via routes such as campaign funding and money laundering to the extent that major political figures featured in lengthy and high-profile trials. Importantly, the sharp decline in incomes that followed the decline in copper export revenues meant that Zambia's middle and upper classes experienced a sharp decline in incomes. At the time, the introduction by the authoritarian one-party state of restrictions (Leadership Code) on leaders not to engage in business activities also affected the performance of legitimate business enterprises and provided strong incentives to engage in drug trafficking.

Fourthly, the chapter has indicated that the Zambian borders have historically proved to be porous: when the economic crisis hit the country following the decline in Copper prices, the institutions of the state proved unwilling or unable to maintain the integrity of borders against first the illegal trade in wildlife products and in precious stones, then illegal immigration and, finally TOC (specifically drug trafficking, theft and smuggling of motor vehicles, money laundering, illegal trade and smuggling of wildlife

products). As a response to these threats, the government passed legislation and established specialised institutions to deal with the scourge, but the entrenchment of law and establishment of law enforcement institutions has not been sufficient to combat organised criminal activities, as the permissive political environment that came with multiparty democracy has only enhanced cooperation between drug traffickers and politicians. Moreover, in recent years drug trafficking, money laundering and human trafficking seem to be exacerbated by the country's poor economic conditions, high levels of unemployment, low salaries and poor conditions of service, especially in the public sector (ISS, 2009).

My thesis is that organised crime is a consequence of the declining economy, low public sector incomes and new opportunities that came with globalisation, as well as the dwindling public finances available to pay for patronage and the lavish lifestyles by government leaders and the political elite as they engage in patrimonial behaviours to sustain power in the context of an institutionally weak state.

## **6.1 CHAPTER SIX: THE STATE AND THE DRUG TRAFFICKING NEXUS IN ZAMBIA**

### **6.2 Introduction**

In order to explore the conclusions reached in the previous chapter, this chapter examines one part of the politics-crime nexus in detail, that of the developing transnational drug trade in and through Zambia. The chapter aims to demonstrate how the politics-crime nexus operates in this area and the extent of its impact. It begins by mapping the contours of the drugs trade in and through, noting the relative importance of various drug products as well as the difficulties in accessing reliable statistics on seizures and market size,

The chapter then draws on available data and interviews to identify the agents involved in the drug trafficking process, and the role in particular of political elites in the trade.

### **6.3 A note on measurement of scale, degree and extent of drug trafficking.**

Before delving into the findings of this study, a cautionary note on the challenges of measurement and estimating the degree and extent of drug trafficking should be made. While several studies (United Nations Office on Drugs and Crime UNODC, 2005; 2014; Ellis, 2016; Herbert & Gallien, 2020 and Klein, 2019) over the last 15 years or so have highlighted a growing salience and growth of drug trafficking flows into Africa generally and certain African regions in particular, the efficacy and reliability of the data remains controversial. While law enforcement agencies (LEAs) often consider seizures of drugs as an indicator of organised crime activity, the drugs metrics that they produce are usually considered sensitive and therefore not easily accessible by researchers (Raineri & Starazzari, 2023:358). On the other hand, at the policy level, the data on drug trafficking tends to be derived from different sources using varied methodologies making generalisations and comparability somewhat difficult.

Some of the most important sources of data on drug trafficking include, the World Drugs Report (WDR) produced by the UNODC, the United States of America (USA) State Department's International Narcotics Control Strategy Report (INCSR), and the European Monitoring Centre for Drugs and Addictions (EMCDDA) reports. While these reports have provided valuable data on which policy-makers and researchers have made conclusions on the extent and degree of drug trafficking flows and consumption, they share one thing in common, their findings are often simply estimates and at most unreliable (Raineri & Strazzari, 2023). Importantly, the measurements of the degree and extent of drug trafficking flows is influenced by several criteria, which include politically-driven framing of legality and criminality by international, regional and national policies; association of organised crime to security concerns and capacity limitations.

While the WDR is viewed as the most reliable, 'authoritative' and 'objective' (Thoumi, 2005:188) source of drug trafficking data, the reliability of the data still poses a number of challenges (Raineri & Strazzari, 2023:366). For example, a 2020 UNODC report was led to conclude that: 'given the high levels of uncertainty and the continuing lack of information in many cannabis-producing countries the estimates of global cannabis herb and resin production have not been calculated' (UNODC, 2020:46). In another report, UNODC experts conceded that 'we hope that we are correct, but we acknowledge a very high deception rate.... The margin of error of supply estimates can be very significant. 10-40 percent for opium, even more for cocaine'(quoted from an interview with a UNODC expert in (Raineri & Strazzari, 2023:367).

Despite the fact that most drug trafficking data is based on estimates, the most commonly used measurement for the degree and extent of drug trafficking, has been seizures of drugs at ports of entry and arrests of drug traffickers. The UNODC places great emphasis on seizures data noting that: 'seizures are the most comprehensive indicator of the drug situation and its evolution at the global level' (UNODC, 2020:50). The UNODC claims to have complete data set of seizures covering the period since 2005, making comparability between countries possible and also making it possible to make time-series trends of the evolution and growth of drug trafficking across countries and regions.

But while seizures and arrests are now acknowledged as best indicators of the degree and extent of drug trafficking, it is important to point out that over reliability of seizures data is highly controversial for several reasons. These include:

- (a) Data collection and sharing is challenging when quantification of a phenomena that by definition is not only elusive, but also criminalised:
- (b) UNODC field researchers of seizures have tend to focus more on flights interception at airports, while most (98%) of the drugs shipments occur at sea;
- (c) WDR methodology relies heavily on state-reported seizures data and leaves very little room for ethnographic methods of data collection, a situation which increases risk that publicly available data about drug flows and supply could be seen as deceptive (Raineri & Strazzari, 2023:366-67).

In considering measurement of the degree and extent of drug trafficking, Raineri & Strazzari advise that, it is important to take into consideration the 'structural uncertainties and ambiguities' that

obtain in the interpretation of seizures and arrests data (Raineri & Strazzari, 2023:367). For example, the questions to consider are two-fold: does an increase in seizures or arrests imply that drug trafficking is rising or that law enforcement is more effective, and secondly, does a decrease in seizures indicate a contraction of drug trafficking or a greater degree of concealment and corruption?

Structural uncertainties and ambiguities relating to seizures and arrest data involve the regulatory environment, the size and organisation of LEAs (police, immigration, customs and excise, Drug Enforcement Commission (DEC) and Financial Intelligence Centre (FIC) etc). Uncertainties may involve variations in the interpretation of laws relating to control and prevention of illicit drugs, in terms of production, distribution, possession and consumption of illicit drugs. In the Zambian case, there is multiplicity of LEAs relating to illicit drugs or psychotropic substances. Among them, the DEC is the lead agency. So, in terms of investigations and prosecution of cases of drug trafficking it is the DEC, which takes the lead. As a result, the work of other agencies, such as the police, Anti-Corruption Commission (ACC) and FIC may be considered complementary. Thus, the involvement of other agencies, other than the DEC in investigating and prosecuting drugs-related offences may be viewed as duplication or at best interference.

Secondly, in the absence of effective coordination between LEAs, methods of detection may differ, and certain drug-related offences may be classified differently. Thirdly, there are ambiguities in the arrest data, as it may involve only a small fraction of those engaged in the drugs trade, such as mules and drug kingpins, but may not help in understanding the structure of drug networks and the volume of drugs being transacted. So far, arrests have tended to concentrate on small quantities of hard drugs, such as cocaine and heroin and cannabis. Infact, more people are arrested for being in possession of cannabis than cocaine and heroin. Those arrested are also by and large people in lower echelons of society, while the politically connected and wealth businessmen/women are rarely connected to the drugs trade (Eligh, 2018). Disaggregating the number of arrests provides an ambiguous picture of the kinds of perpetrators and the quantities involved. But because of the weak coordination between the agencies, coupled by institutional capture of some of the agencies, the numbers that have emerged for both seizures and arrests do not inspire public confidence that enough is being done to control and prevent drug trafficking (Thoumi,2005).

It should be acknowledged that while seizures data can do little to enhance our understanding of the supply side of drug trafficking in Africa, it cannot be assumed that African LEAs have the capacity and

willingness to perform seizures, collect accurate data, and share it in good faith with the international community. Political considerations, including collusion between state officials and organised criminals/drug traffickers may militate against LEAs doing their job based on national legislation and international conventions. As already pointed out in Chapter Two of this thesis, state sponsored protection rackets (Shaw, 2015; Snyder & Duran-Martinez, 2009) point to significant pattern of cooperation or collusion whereby state authorities protect, sponsor and actively contribute to the organisation of drug trafficking (Strazzari, 2014; Gallien, 2020 and Raineri & Strazzari, 2021).

To remedy the lack of reliability of seizures and arrests, it is important to extend the interpretation of drug trafficking data by including large scale corruption cases, especially those involving illicit financial flows, money laundering and racketeering in the measurement of the extent and degree of drug trafficking flows in any country. By so doing, measurement of degree of drug trafficking goes beyond available seizures and arrests of those involved in drug related offences and creates a picture of magnitude of the size of drug trafficking problem. Raineri & Strazzari, (2023) have referred to this as 'relational interpretation' of organised crime data. They argue thus: 'a relational interpretation' can enable a deeper understanding of social practices labelled as 'criminal' and help avoid the specialisation of organised crime and drug trafficking of which the absence of reliable data is an indicator'. Relational interpretation refers to 'the acknowledgement that the definition, apprehension, monitoring and overall visibility of organised crime which underpin the measurement of its manifestations are inherently political phenomena. Hence, the triangulation of different sources of evidence, can contribute to tackling the biases of quantitative-oriented data sets' ((Raineri & Strazzari, 2023: 375). To be sure, proceeds from corruption and money laundering may come from a variety of sources, including oil deals, illegal gemstones, bribes from award of contracts and illegal trading in wildlife and timber (such as redwood). However, it is suggested here that, following on Reineri and Strazzari, drugs may be another source of the unexplained wealth in possession of some members of the elite. Such laundered money may come as payment of bribes or as a share to officials in illicit transactions.

In this study, measurement of the extent and degree of drug trafficking included data on seizures, arrests, reports on illicit financial flows involving politically exposed individuals (PEI) and high-profile cases of money laundering, racketeering involving politicians and government officials. We adopt the 'relational interpretation' in supplementing existing seizures and arrests data to build a better understanding of the extent of drug trafficking in the country. In so doing, the study showed that despite erratic figures on

seizures and arrests that do not provide comprehensive trends in the growth of drug trafficking in the country, there has been a growth of data compiled by FIC and increased media reporting on cases of money laundering and racketeering involving politicians and government officials, which suggests that drug trafficking is on the rise. As corruption is acknowledged as currency for ensuring concealment and protection of organised crime generally and drug trafficking in particular, the combination of seizures and arrests data with that of corruption related data, shows that the extent and degree of corruption in Zambia has increased, especially in the last ten years.

In terms of sectors, drug trafficking affects many sectors, but particularly construction, retail, import and export trade, energy, agriculture, real estate, restaurants, and casinos and lately gambling and betting firms. These are the sectors where concealment and laundering of drug trafficking proceeds are being done. Based on available reports from DEC, ACC and FIC, politicians and government officials receive bribes and unofficial payments which are laundered through the purchase of motor vehicles and real estate, thereby being in 'possession of properties suspected to be proceeds of crime', as they cannot disclose or account for the sources of their wealth. The thesis presented official seizures and arrests data and triangulated with data from FIC on illicit financial flows and corruption related reports involving money laundering to demonstrate the extent and degree of drug trafficking in Zambia over the last decade or so.

#### **6.4 The Rising tide of drugs in Zambia**

Our first task is to determine that the drug trafficking trade is substantial and significant in Zambia. It has to be said that it is impossible to know its precise dimensions. To some extent, the identification of drug trafficking in Zambia today can be found in the DEC reports of drug seizures, arrests of suspects and number of prosecutions. But the reports of drug seizures are often not reliable and mask the true extent of the drugs problem. A recent study has revealed that there is a dearth of reliable data on the illicit drugs trade and consumption in Africa. It notes that, 'while there has been a considerable increase in statistical information, this is still largely based on reports of seizures and arrests compiled by national authorities and international agencies mandated to control drugs', such as the UNODC (Klantschnig, et al., 2016: 167). But seizures and arrests are well known to be poor measures of the drugs trade, as they do not reflect the many cases of involvement by law enforcement agencies and the consignments that go undetected due to the complicity of law enforcement. A senior UNODC official noted the poor state of the government records on drug statistics when he noted the fact of its 'irregularity' and 'incompleteness' in the UNODC questionnaire, as well as its susceptibility to 'bias' (UNODC, 2013).

However, notwithstanding the poor quality of data on drug trafficking and abuse in the country, indications are that it is a growing problem. For example, between 2009 and 2018, arrests for drug-related offenses increased from 3,070 to 5,241. The DEC seized 63 tonnes of cannabis plants, compared to 128.8 tons of cannabis plants and 22.3 tonnes of cannabis herb in 2018. While most of the Zambians were arrested for dealing in locally produced cannabis, the majority of foreigners were arrested for dealing in hard drugs, such as crack cocaine and heroin. For example, the DEC had a single seizure of 13.2 kg of cocaine in 2009 (at the time the largest in the country), but in 2018 only 2.3 kg of cocaine was seized, with 4 kg of heroin (DEC 2010; 2019).

**6.5 Table 4: Trends in drug related arrests in Zambia 2009 – 2018**

<i>Year</i>	<i>Number of arrests</i>
<b>2009</b>	3,216
<b>2010</b>	4,595
<b>2011</b>	3,525
<b>2012</b>	4,131
<b>2013</b>	5,102
<b>2014</b>	5,832
<b>2015</b>	5,374
<b>2016</b>	5,901
<b>2017</b>	5,757
<b>2018</b>	5,241

**Source:** Drug Enforcement Commission Annual Reports, 2009-2018

**6.6 Table 5: Trends in drug seizures in Zambia, 2009-2016**

	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
<b>Cannabis (tonnes)</b>	64.03	108.0	66.3	42.6	43.7	55.7	132.1	59.0
<b>Khat/Mirra (kg)</b>	511.18	597.3	164.9	1,811	1,036.0	1,449.6	462.2	304.0
<b>Cocaine (kg)</b>	5,923	5,804	956	21,279	1,419	9,410	581.0	26.2
<b>Heroin ((kg)</b>	90	4	1	431	307	288.4	1,438	476.9

**Source:** Drug Enforcement Commission, Annual Reports, 2009-2016.

Table 4 shows that there was a significant overall rise in the number of arrests for drug related offences between 2009 and 2018. Nonetheless the quality of this data is problematic, since some reports are not readily available on the DEC website. In the case of arrests for drug related offences it would be interesting to know the proportion of government officials arrested, prosecuted and convicted. When reports of the ACC and the FIC on money laundering are taken into account, it may be possible to explain some of the variability in the data, as some of the illegal drugs may not have been seized by law enforcement officials, and the arrest of immigration officials and DEC officers may have helped hide the true extent of the drugs passing through Zambian borders. For example, in 2013 DEC officials are believed to have seized cocaine from two Bolivian drug traffickers, but later stole the drugs and sold them themselves. It is alleged that there is a cartel within the DEC that connives with drug traffickers, by providing them with protection, in return receiving bribes either in cash or in drugs (*Zambian Watchdog*, April 7, 2020). It is impossible to verify this, however. A second case involved three DEC officials who were arrested for aiding a Pakistan national to externalise US\$280,000 in cash, money which was believed to be from proceeds of crime (*Zambian Observer*, February 6, 2018). With this apparent complicity by law enforcement officers, it is probable the numbers reflected in the DEC annual reports may not reflect the true situation of drug trafficking in the country. Indeed, with the allegations that a former president has close friends or associates involved in drug trafficking and money laundering, most of the drugs may be flowing freely with assistance of government from the highest level.<sup>4</sup>

In addition to seizures of various drugs, the DEC also seized or confiscated money and property believed to be proceeds of crime, including drug-related money laundering, which also provides some indication of the scale of the problem, as well as the scale of networks around it. In 2009, the DEC had seized various assets amounting to K13 million (equivalent of USD1.3 million) in counterfeit notes, made 40 arrests involving K5.5 million, and confiscated 56 motor vehicles and nine houses, all believed to be proceeds of crime. In 2018, the number of people arrested due to money laundering had increased to 77, while the sums involved had grown to K37,471,220 or US\$1,771,064. The total assets seized included were valued at K71 million, while the cash accounted for K13 million or US\$59,901 (DEC 2010; 2019).

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<sup>4</sup> In 2019 a former cabinet minister accused a former president and his friend, businessman of using the presidential jet to transport cocaine and laundered money. Specifically, the allegation is that a former president on a trip from Israel transported a consignment of drugs and huge amounts of foreign currency. See *Zambian Watchdog* September 9, 2019. See also *The Times of Israel*, September 15, 2019.

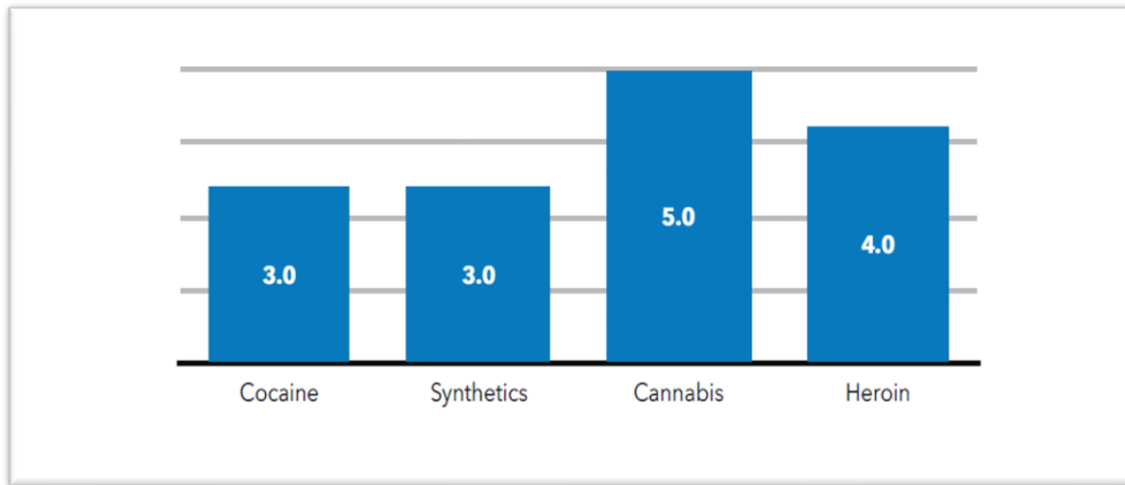
In 2019, the FIC Trends Report revealed that it had investigated at least US\$500 million in suspicious financial transactions as a result of corruption and money laundering. Most of the transactions involved politicians, their associates or politically connected individuals (FIC, 2019). The disclosure of the suspicious financial transactions attracted angry reactions from senior government and ruling party officials who called for the disbanding of the FIC, arguing that it is not supposed to release its findings to the public. The DEC Commissioner made an unusual claim that the FIC was in breach of its mandate and public disclosure would jeopardise future and on-going investigations (Chabala,2020; Chisenga, 2019). By the end of 2019, the government had dissolved the board of the FIC despite several high profile government officials having been implicated in the suspicious transactions, including former presidential advisor and a former director of the Road Traffic and Safety Agency (RTSA) , who faced criminal prosecutions for racketeering and being in possession of property believed to be the proceeds of crime (Mkhala, 2020). It is believed that the racket went further to the heart of government and may have involved the Head of State himself (Interview with a former FIC board member, Lusaka 10<sup>th</sup> May 2020). Clearly, senior political figures are ready to protect the financial dealings of transnational organised crime (TOC)-related activity even when that means eradicating entirely a state institution.

### **6.7 The composition of the Zambian drug trade**

Zambia has been considered an important transit centre for illicit drugs from Asia and Latin America since the mid-1980s. There are five different illegal drugs, the trade of which is controlled according to the Narcotic Drugs and Psychotropic Substances Act, Chapter 96 of 1993. These are cannabis, miraa/khat, cocaine, heroin and different types of amphetamines and methamphetamines.

While the drugs trade in Zambia may not be as sophisticated as that of West Africa and South Africa, the increase in illegal drug seizures in the country suggests not only the intensification of the trade, but an emerging and expanding local consumption market (*Lusaka Times*, April 22, 2016), which may account for the fact that cannabis is by far the most common illegal drug in Zambia, accounting for more than 80 percent of all drug seizures in 2015 alone (DEC 2016). While the cannabis is mainly cultivated locally for the local consumer market, it is also marketed to Europe and Asia.

**6.8 Figure 1: Organised crime index-drug trafficking-importance in Zambia**  
 (Scores out of 10- Lower scores are better)



**Source:** Cusack, J. 2020: 10-12

Cocaine and heroin, which rank second and third in importance going by the quantity of seizures by the DEC, have meanwhile been identified as the most profitable concern for international drug networks and the drugs in which possible collusion in trading by local authorities is of most concern. These illicit drugs are highly lucrative: they realise a high street value and are highly profitable to all those involved, for the traders, and for the government officials, state security and port authorities who take bribes for facilitation. Table 6 shows the main illegal drugs in Zambia, their properties, sources and the points of entry at which they make their way into Zambia.

**6.9 Table 6: Illegal drugs most prevalent in Zambia**

Drug	Physical properties	Source/origin	Mode of transport	Storage	Entry & exit points/ports
<b>Cannabis plant</b>	Marijuana plant, known as <i>cannabis sativa</i> . Tetrahydrocannabinol (THC) most active psychoactive property of	Grown in most African countries, especially East and Southern Africa. Commonly	Road, rail and bicycle	Packed in sacks and stored alongside food crops, such as maize,	Smuggled cannabis come through East Africa, especially Tanzania, through

	cannabis includes other cannabinoids.	found in Zambia, as a recreational plant.		cassava and beans.	Nakonde border. Southern borders, Chirundu, Livingstone, Kazungula and Katima Mulilo.
<b>Hashish</b>	Derived from cannabis resin secreted by the flowering tops of cultivated cannabis sativa. Brown in colour and powdered form of cannabis plant.	South and East Asia and parts of North Africa, including Morocco.	Road, air and sea	Packed in sacks or packet and co-mingled in luggage and other goods, especially agricultural goods.	Smuggled by road through Nakonde border and by air through major airports (Lusaka, Livingstone and Ndola).
<b>Khat/miraa</b>	Also known as Catha delis, khat is leafy green plant that contains amphetamine substances, cathinone and cathine.	Kenya, Ethiopia, Eritrea, Somalia, Sudan, Madagascar and Yemen.	Road and air	Packed in sacks and co-mingled with a variety of goods and in passenger luggage.	Through northern and eastern borders, Nakonde and Mwami border posts and

					other pedestrian smuggling routes. Also by air through major airports.
<b>Cocaine</b>	Derived from leaves of coca plant. It is a white pearly powder identical to salt.	South American countries of Brazil, Colombia, Mexico	Sea, road and air. Also, by couriers (mules).	Packed in small satches, concealed in shoes, clothes, containers and luggage. Also, commingled with a variety of goods.	Smuggled through various ports of entry, both land and air.
<b>Crack cocaine</b>	Freebase form of cocaine. Solid block with higher density than candle wax or crystals varying in colour from yellow, to pale rose or white.	Colombia, Bolivia and Peru.	Sea, road and air.	Packed in boxes, sachets and stored in containers in warehouses with mainly imported goods.	Mainly comes through airports, especially Kenneth Kaunda International airport(KKI

					A) with some transported by road to land borders such as Chirundu, Livingstone and Katima Mulilo in the South.
<b>Heroin</b>	Heroin, also known as diamorphine hydrochloride or diacetylmorphine. It is a white or brown powder and also comes as a sticky black tar. It is derived from morphine extracted which is extracted from opium poppy.	Afghanistan, Pakistan, Burma, Laos and Mexico.	Sea, road and air. Also by couriers (mules).	Packed in small sachets and swallowed by mules. Hidden in luggage or other goods on containers and compartments in trucks and cars and shoes.	Mainly through airports and land borders, such as Nakonde, Mwami, Chadiza.
<b>Others illegal drugs – amphetamines,</b>	Various stimulants, such as biphphetamine,	Imported from established chemical	Road and air.	Packaged in boxes together with established	Airports and road border areas,

methamphetamines and MDMA	desoxyyn, ecstasy, valium, and LSD.	companies and illegally manufactured locally in many African countries, including Zambia.		drugs or concealed with imported. Stored in warehouses or storerooms.	especially Tanzanian border from the North, Nakonde. Exit through Southern borders of Chirundu, Livingstone and Katima Mulilo.
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**Source:** Various Drug Enforcement Commission Annual Reports, 2013;2014;2015;2017

As mentioned, while a decade ago Zambia was mainly a transit route for drugs enroute to nearby South Africa, the country has now become both a transit *and* a consumer nation of illicit drugs. John Cusack (2020), quoting the Global Initiative Against Transnational Organised Crime (GIATOC) data, states that the country has an estimated 81,000 people with illegal drug use disorders, representing 0.52 percent of the population. The most trafficked and perhaps most consumed drug is cannabis with a score of 5/10. It is cultivated by and provides a source of income for the poorer population residing in rural areas while some also comes from neighbouring Mozambique and Malawi for onward distribution. The second most trafficked illicit drug is heroin 4/10 followed by cocaine and synthetic drugs at third position 3/10. He states that ‘drug trafficking in Zambia has reached street level with the resultant formation of criminal gang groups in isolated residential compounds,’ and that ‘Illicit drugs have continued to fuel crime, violence and other social problems that harm communities. Illicit drug abuse also contributes to Gender Base Violence (GBV) and rapid spread of infectious diseases like Human Immunodeficiency Syndrome (HIV) and hepatitis.’ (Cusack also highlights ‘the connection between drug trafficking, drug abuse and money laundering, where money laundering “has also continued to have far reaching consequences, as it undermines legitimate economic activities and negatively reduces tax revenue,” Cusack, J. 2020: 10-12).

The increase in the incidence of drug production, trafficking and consumption in Zambia is depicted by the increase in the number of people being incarcerated in various prisons within the country

for drug related offences as well as the increase in the numbers of persons that have sought counselling for drug addiction at various institutions within the country. This data provides some insight into the extent of the drug problem in the country.

**6.10 Table 7: Occupation characteristics of persons arrested and counselled for drug abuse in 2016 and 2017**

<b>Occupation:</b>	<b>2016</b>	<b>2017</b>	<b>Annual increase/decrease (%)</b>
<i>Professional/Managerial/Technical</i>	30	20	(33.33)
<i>Unemployed</i>	118	123	4.24
<i>School Dropouts</i>	46	40	(13.04)
<i>School Leavers</i>	58	45	(22.41)
<i>Agriculture</i>	6		
<i>Student/Pupil</i>	345	469	
<i>Other</i>	7	7	
<i>Total Counsellled</i>	610	709	

**Source:** Drug Enforcement Commission Annual Report 2017:25

Students and pupils represented many of those arrested and counselled between 2016 and 2017. In 2017, there was a 26% increase in the number of students and pupils counselled increased from 345 counselled in 2016 to 469 counselled in 2017 aged between 10 to 50 years. The most widely abused drug was cannabis. Other abused drugs were alcohol, benzhexol (artena), tobacco, codeine, cocaine, heroin, and diazepam. The highest numbers of students and pupils attended to between 2016 and 2017 signifies the gravity of the drug consumption problem among the country's young population, which is still in school, (DEC Annual Report 2017:25). An analysis of annual reports from DEC shows increases in the numbers of persons accessing counselling for drug related problems from 2013 to 2019 (Figure 3). Considering that not all drug users seek counselling, this increase can be a cause of concern.

Speaking at the International Day Against Drug Abuse and Illicit Trafficking Commemorations on 28<sup>th</sup> June 2022, in Lusaka, former DEC Director General Ms Mary Chirwa said drug dealers have found a lucrative market in Zambia as evidenced by the availability of narcotics drugs on the streets and evidenced by the arrests made by DEC in the recent past. She said the number of people involved in drugs and substance abuse in the country has been increasing over the years. And that DEC has been attending to people of various age groups who are dependent on drugs and require urgent help for them to come out of the drug problem. She said drugs and substance abuse has caused more that 50 percent of young people in learning institutions to drop out in the first quarter of 2022 alone. Speaking at the same

occasion, United Nations (UN) resident representative Beatrice Mutali said a recent study indicates that there are almost no facilities offering harm reduction services, although a significant number of people inject drugs. Ms Mutali said the group of people who inject drugs are also among the most at risk of contracting infectious diseases such as HIV/AIDS (Mofya M. 2022).

#### **6.11 Tracing the political-criminal nexus in Zambia**

This study on Zambia joins other studies that have emerged on the collaboration between politicians, military and international drug networks in West Africa and parts of the East African coast (Shaw, 2015; Ellis and Shaw, 2015; Hanlon, 2018; Bybee, 2018), a collaboration which is understood through the concept of the political-criminal nexus and which suggests a symbiotic mutually beneficial relationship between politicians and government officials on one hand and criminal elements and established traders on the other hand. Goodson, Olson and Shelley (1997:4) note that organised criminal groups or traders develop collaborative relationships with state authorities in order to access and exploit the political, economic and social apparatus of the state. State officials on the other hand develop cooperative relations with criminal elements for a number of self-interested reasons, which may include money for personal use or to finance election campaigns, or to control or otherwise disable their opponents. Mark Shaw (2015a:341) suggests that diminishing aid flows and scarcity of local financial resources may provide strong incentives for the political and bureaucratic elite to seek out alternatives in the illicit drug economy. For Shaw the entry of illicit drugs into a country, especially cocaine, can be understood through what he describes as a 'protection network', defined as 'a set of transactions entered into overtime by an elite group of often competing individuals for the purpose of ensuring the facilitation, sustainability and safety of a set of illicit activities' (Shaw, 2015a:341). State officials deliberately undermine the proper functions of key state institutions, such as the police, customs, and immigration services in order to ensure safe passage of illicit goods, including drugs, thereby putting the state at the service of Transnational Organised Crime (TOC) and protecting its activities. For this to occur, the state institutions must already be vulnerable to manipulation by political elites: indeed, Shaw makes the point that the involvement of political elites or the state elite network in drug trafficking 'is not because of the corrupt influence of illicit drugs, but rather because of the badly eroded nature of the state institutions' (Shaw, 2015a:341). One element of this is undoubtedly the under-resourcing of state institutions and the poor official remuneration of state officials, which serves as a strong incentive for the taking of bribes and facilitation of criminality at all levels of officialdom.

In the case of drug trafficking, and in order to ensure smooth flow of illicit drugs into the country through the ports, TOC networks seek the protection of politicians of the ruling party and very senior government officials, including those of the State House. Politicians, as we have established, are receptive to this as they need the payments from drug dealers for the purposes of fund-raising for electoral campaigns, to purchase their motor vehicles, build houses, and enjoy other luxuries which they would not afford ordinarily given the state of the Zambian economy. Thus, it is noticeable that politicians and government officials who are part of the criminal network can be identified by ostentatious lifestyles. But the same is true for low-level officials, who are known to have built or bought houses and motor vehicles the costs of which are far above their official income. The impunity with which this is done and allowed by the government even where ethical rules exist, comprises what we earlier identified in Chapter Three as the 'criminalisation of the state' (Bayart et al, 1999). For the system of criminality to flourish there is need for an elaborate network of people at all levels to facilitate movement of illicit goods, obstruct justice and undermine the proper functioning of state functions, such as customs and immigration controls. Police, customs and immigration and judicial officials alongside politicians and high-level state officials are an important part of the collaboration which comprises the political-criminal nexus (Kupatadze 2010, Goodson, 2003:1-3).

The literature on shadow or predatory states indicates that violence, or the threat of it, is often used to protect or enhance access to resources by those acting for private or personal interests, as opposed to collective interest (Reno, 1998; Bayart et. al., 1999; and Ellis and Shaw, 2015). In this case, the coercive components of the state apparatus are deployed at the disposal of criminal groups, including drug traffickers, allowing them to bring illicit goods into the country with the full involvement of different state agencies and instilling fear in elements who might attempt to uphold legal means of curtailing this. The political-criminal nexus must therefore be inclusive of state security forces, including the police, border control forces and possibly the military and intelligence branches (who may simply be 'silent' rather than proactive in collaboration. At the same time, where weak state institutions are mobilised to protect the politics-criminal network, they may do so through selective enforcement of laws and regulations (Shaw, 2017: 5-6). It is possible for the state to protect only one type of criminal activity where significant members of the state elite are involved and accrue most financial benefit but regulate the others, as is the case with the heroin trade in Mozambique (Hanlon, 2018:1-4). In the case of Zambia, for example, we have already noted that the official statistics appear to suggest that drug trafficking in the country is dominated by cannabis. But this may not be the true picture of the illicit trade. The under-estimation and

under-valuation of illegal drugs entering the country has long been observed as an established practice in states that are engaged in the drugs trade (Hanlon, 2018:7). Therefore, the figures for cocaine and heroin seizures by DEC in Zambia could be deliberately understated and the real quantities being trafficked hidden by authorities, making it appear that any local drug problem is as a result of locally produced and cultivated cannabis. Speaking at an international conference a Zambian minister revealed that the drug problem in Zambia extends beyond cannabis. He said thus: 'While Zambia was previously used as a mere transit point for illicit drugs, trends have changed, as the country is now a consumer of drugs, such as cocaine and heroin' (*Lusaka Times*, April 22, 2016). This admission by the government of a growing consumer market for hard drugs, such as cocaine and heroin, suggests larger quantities of these drugs may be going through Zambian ports with the assistance of state security agencies and highly placed individuals in the political system.

The quote above also suggests that the notion of political-criminal nexus describes activities of collaboration which actually rely on a wider set of actors to facilitate, sustain and promote drug trafficking. The concept of 'state' protection is limited, as it does not consider the full range of activities involved in the illegal drugs trade. Importation of illegal drugs involves a complex network of actors that include large- and small-scale traders in both licit and illicit goods, transporters, chemists, and warehousing owners and as well as security agencies (police, customs, immigration and intelligence) and senior state officials. All these actors play different but collaborative roles that ensure the concealment, safe passage, and marketing of the illegal drugs and many of their activities traverse the licit/illicit boundary making it difficult to determine accurately where one activity stops and the other begins.

In sum, the political-criminal nexus paradigm is useful as a model for this Zambian study as it focuses our gaze on the collaboration between political and criminal networks vis-à-vis the illegal drugs trade, providing possible motivations for each side in their engagement which go beyond simplistic assumptions of one-way corruption by TOC of individual political figures. The concept of protection is also useful as it allows us to understand how a broader community of lower-level state officials become embroiled in the network as they are directed to enable TOC by senior political figures, both indicating the weakness of state institutions but also in turn criminalising the state itself. The state is able to selectively enforce its own regulations and, by co-opting its own security branches, can put its coercive power behind these actions. At the same time, the political-criminal nexus operates within a wider network of economic actors which blur the boundaries between what is legal and what is not.

The enduring nature of the political-criminal nexus is then informed by a number of factors: first, the interconnection between licit and illicit trade (in this case of illicit drugs) which requires the collusion of and protection by the state. Second, the scarcity of local finance, especially from state sources, provides incentives for this collaboration from among political elites as they seek to defend their political privileges. Thirdly, that same scarcity of state resources manifest in poor salaries, equipment and conditions of service for lower-level state employees, creates frustration and provides opportunities for rent-seeking and taking of bribes throughout the state institutions. Finally, the economic crises, and the inability of state institutions to address it, creates both the space and the incentive for a broad range of social and economic actors to facilitate the working of the political-criminal nexus, creaming of their own small shares of rent through the erosion of the boundaries between licit and illicit activity.

Williams (2002) has suggested that the list of state and state-affiliated institutions which become part of this nexus is extensive, listing their roles in facilitation of TOC as follows in Table 8. In the following discussion of our field data on the case of the political-criminal nexus in Zambia, this provides a starting point but, as will be shown, the network extends further.

**6.12 Table 8: Stakes and motivations of criminal actors in the state and drug trafficking nexus in Zambia**

Target of corruption	Objective of corruption
Executive branch	<ul style="list-style-type: none"> <li>▪ Create a safe haven.</li> <li>▪ Obtain protection and support.</li> <li>▪ Obtain information</li> </ul>
Legislature	<ul style="list-style-type: none"> <li>▪ Obtain favourable legislation.</li> <li>▪ Block unfavourable initiatives.</li> <li>▪ Obtain informal support group</li> </ul>
Political parties	<ul style="list-style-type: none"> <li>▪ Ensure tacit support through funding.</li> <li>▪ Receive favours in return for votes.</li> <li>▪ Create obligations for new government members</li> </ul>
Judiciary	<ul style="list-style-type: none"> <li>▪ Obtain dismissal of cases</li> <li>▪ Obtain light sentences.</li> <li>▪ Overturn guilty verdicts</li> </ul>
Police	<ul style="list-style-type: none"> <li>▪ Obtain information and advance warning.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Obtain time for countermeasures.</li> <li>▪ Create capacity for sabotage.</li> <li>▪ Persuade police to act against rivals</li> </ul>
<b>Customs</b>	<ul style="list-style-type: none"> <li>▪ Neutralise inspections.</li> <li>▪ Protect shipment of drugs</li> <li>▪ Obtain information on standard search procedures</li> </ul>
<b>Banks</b>	<ul style="list-style-type: none"> <li>▪ Obtain approval for money laundering.</li> <li>▪ Meet 'know you customer' requirements.</li> <li>▪ Avoid filling of suspicious activity reports</li> </ul>
<b>Business</b>	<ul style="list-style-type: none"> <li>▪ Obtain opportunity for money laundering through legitimate companies.</li> <li>▪ Develop opportunity for false invoicing.</li> <li>▪ Develop legitimate cover for trafficking</li> </ul>
<b>Civil society</b>	<ul style="list-style-type: none"> <li>▪ Develop reputation for paternalism.</li> <li>▪ Obtain legitimacy.</li> <li>▪ Obtain public support.</li> <li>▪ Acquire information</li> </ul>
<b>Media outlets</b>	<ul style="list-style-type: none"> <li>▪ Influence public debates.</li> <li>▪ Develop lobbying capacity.</li> <li>▪ Enhance legitimacy</li> </ul>

**Source:** Williams 2002:175

In the following discussion of the field data, this chapter will attempt to map the contours of the drug trafficking trade in Zambia, to identify the spaces and roles through which the politics-criminal nexus operates, to draw out the ways in which the officials and institutions of the state 'protect' it and may themselves be considered to have been criminalised, and to establish the wider set of actors who comprise the boundary between licit and illicit trading.

When asked about their awareness of the problem of drug trafficking in Zambia, all respondents across the three categories interviewed responded in the affirmative. There was awareness of the (growing) scale of the problem, the changing nature of the drugs being traded, the collusion and complicity of political elites and state officials, the wider network around the political-criminal nexus which traverses the licit/illicit boundary and facilitates the trade, and also about the routes into the country through which they would enter (which provides the entry point to our next chapter).

### **6.13 Evolution of illicit drugs in Zambia.**

There was a consensus among interviewees, including senior officials in the DEC, that the problem of transnational drug trafficking has been growing over the years, confirming the data presented above. They reported that as the problem had been rising, the country had also witnessed a change in the kind of drug being trafficked. They reported for example that mandrax which contains methaqualone as the main ingredient, is becoming popular throughout the country (and was reported to be the main drug being trafficked until around 2000 when cocaine took over). Mandrax is imported from India and is known to be trafficked overland from Tanzania and Mozambique to various African markets,' (GIATOC, Global Organised Crime Index-Zambia: 2021: 3-4). Soon after the turn of the new millennium, heroin and miraa/khat emerged as the key competitors to Cocaine on the illicit drug market and the DEC interviewees attributed the emergence and growth in heroin and miraa/khat to the fact that there seemed to have developed a steady supply from Asia, South Africa and Nigeria through the East African Coast. Miraa/khat was easily accessible from East Africa from where it was smuggled into Zambia across the northern borders, particularly Nakonde. Meantime Immigration officers revealed that Bolivia in particular has become an important source country from which drugs like Cocaine are imported into Eastern and Southern African countries. Compared to cocaine, heroin, cannabis and miraa/khat were considered cheaper and more readily available, especially in slums such as Chibolya in Lusaka, which is notorious for drug trafficking and abuse. Another drug reported as readily accessible was bostic. Taxi drivers who were interviewed revealed that due to its low price and easy access, the drug was widely abused by unemployed youths in cities like Lusaka and was responsible for disruptive behaviour and mental illness among the youth.

Interviews also referenced that the country has become a significant consumer of drugs, not just a thoroughfare on transnational drug routes. They indicated that heroin is available on the streets in urban cities and is consumed mostly by the country's young population. Cocaine too is available on the streets of major urban cities and is transported overland from South America via the west and east African routes. Zambia's cocaine market has grown in the past 10 years, with rising rates of consumption and an expansion in the overland transport of cocaine from Latin America via West African and East African continental entry points.

Production, trafficking or consumption of synthetic drugs are not known to happen on a large scale in Zambia although some respondents suggested that some quantity of methamphetamine and methaqualone (used in the production of mandrax) is imported into or produced in Zambia. While some

cocaine and heroin remain locally for consumption, the country remains an important transit point and a distribution centre for foreign lucrative markets in North America and Europe where cocaine and heroin are fetching a high market price. (It is worth noting here that whereas the price of heroin is \$20.83 per gram in Zambia, it is sold at \$80 per gram in the United Kingdom (UK) and in Denmark it is sold at \$213 per gram, Various Official Confidential Zambian Government Records, 2019; Haysom, S. P. Gastrow and M. Shaw 2018:7-8).

The thesis has already mentioned that recent government statistics indicate that cannabis is the most trafficked drug in Zambia owing to the fact it is locally cultivated and can be accessed easily. Informants stated that some peasant farmers had introduced the growth of what was referred to as 'indoor' cannabis specially grown away from direct sunlight to enhance the potency of the drug. (DEC 2017).

Although all respondents identified cannabis (widely called Ngwalala in the streets), cocaine and heroin as the top three drugs trafficked and abused in Zambia, one interviewee revealed that the border had become an entry point for a new drug, a cough mixture drunk with Coca-Cola soft drink. Said to originate from South Africa, the drug is said to be highly potent but tended to degenerate the body system of its consumers. "People who drink it are not normal, their health system is destroyed" (Interview with a former senior PF party Chirundu District Official/Cargo Clearing Forwarding Agent May 2021). This new drug was also revealed during an interview with an investigative journalist. The latter stated that codeine was mainly consumed by youth from rich families and celebrities including musicians by mixing it with benylin, a common cough mixture bought over the counter in local pharmacies.

A number of reasons were given for the observed increases in drug trafficking. Interviewees suggested that unfolding developments in the region and elsewhere point to an expansion of the drug trafficking routes in Africa as a whole. Infrastructure development projects in Eastern and Southern Africa are resulting in new road, railway, seaport and airport infrastructure which were identified as simultaneously providing new intra and international routes to drug traffickers. For instance, post war reconstruction in Angola was opening up that country to the international community through new routes and a senior officer from one of the state security agencies stated that there are now new direct flights from Brazil to Angola and from Angola to Lusaka which present a new challenge in the fight against drug trafficking.

Interviewees, including an investigative journalist, also noted the scourge of high youth unemployment rates due to the poor state of the economy. The journalist, writing for The Mast revealed that the 18-to-50-year age groups was the most active age group involved in drug trafficking. Trafficking

has become normalised as a means for survival on the streets for many in this age group. One respondent, using the pseudonym Ba Guy described it thus:

Cocaine and heroin trafficking is a huge problem here in Zambia, especially in Lusaka. They [young men] get it from Chibolya.... In Chibolya they get it for K10 [approx... US\$1=K17]. When they get to Kabwata a populous middle-class neighbourhood] they sell it for K20. The difference goes to pay for transport and profit for risking their own lives. Heroin is called Volo, or Parcel. They mix it with cannabis. Sellers of heroin are also found at bus stations among 'call boys', boys who call passengers to board. Cocaine mainly comes from Chibolya and it is worth K50 when it is sold at Kabwata. Popular musicians freely access cocaine in Chibolya. Its street name is 'stone' or kamwala (Interview with a resident of Kabwata Township Lusaka June 2021.)

A final rationale for the increase in drug trafficking was the suggestion of new modes of concealment being used, such as human couriers swallowing drug packages and women secreting them in body cavities.

#### **6.14 The active collaboration of state officials and the politics-crime nexus**

Informants regularly cited the active involvement of state officials, from different government institutions, in the trading of drugs. In many cases, this collaboration was clearly sanctioned, if not directed, by more senior officials and/or political elites: A local transporter of passengers by bus from Nakonde to Mpulungu and Kashikishi revealed that the bulk contraband usually passes through the official manned border at Nakonde border post where there is security presence.

'Government officials are in it, and they are the ones giving them directions where to take the drugs and where to sell. Government officials such as Ministers, Director of departments, police, immigration officers in charge are participants. They get income a lot \$100, \$200 etc. Traffickers approach them to say 'I have this and that' then they say 'okey we will facilitate'. Traffickers come from Dubai, Kenya, Malawi and Tanzania. There is a plane which come from Dubai to Dare salaam. From Dare salaam they start coming towards Zambia Tunduma border. When they reach, they start approaching immigration, police if they have bulk cargo, they also approach Zambia Revenue Authority (ZRA). From Dare salaam they come on buses or truck to Nakonde Tunduma border. These are Kenyans, Tanzanians, Congolese,

Burundians and Malawians. Even a truck one container of cocaine and heroin is transported through the border by corrupt border officials. Traders in small quantities, for example in a briefcase, just use illegal routes and come through the border and are not searched' (Interview with a local transporter of passengers, Nakonde, 11<sup>th</sup> March 2022)

A senior Intelligence officer from Office of the President Special Division (OPSD) revealed that, although in some cases corruption is a one-off event between the police and criminal actors, there are also permanent relationships. For example, he suggested that police officers from a named police station in Lusaka have been reported to be on the payroll of a named drug trafficker in exchange for protection and advance information.

Kapalu Nzoro (not real name) of Chibolya is a major supplier of heroin in Zambia. He works with the police. Every time LEAs want to apprehend him, the police alert him. He receives heroin from Tanzania. He even receives protection from Zambia Police Service (ZPS) and a few bad eggs from within the DEC. Tanzanian drug barons enter Chibolya to give him drugs. They clear normally or enter the country using undesignated border entry points. Courts in collusion with defence lawyers make it hard for DEC to provide evidence they found with the trafficker. The other one by the name of Ben Bubu (not real name) is a major trafficker and businessman. He moves heroin internationally (bulk shipments). He is protected by officers from X police station. Ben Bubu is in farming. He used to run a studio sound check within Lusaka. He would hide behind the musicians, yet he was into heroin. He is supplied by Tanzanian suppliers by road. He goes to pick the contraband himself. He is a friend of the police. Some of his heroin remain in Zambia, some go to South Africa. He lives in Lusaka and South Africa. He was arrested a few times with cocaine. We heard that he was the owner of the twenty-four kilograms of cocaine which went missing from the courts. Shula Henry Kasolo is a heroin, cocaine and hashish trafficker. He was arrested once in the UK and now in the United States of America (USA) where he is currently serving a jail sentence for importing heroin in the USA (Kunda, J.2024:1). His mule was arrested with two kilograms of cocaine at KKIA in 2017. At court they made the girl to admit. She was sentenced to three years. Upon arresting the girl, Shula was cornered in Livingstone Swift cash about to send money

to corrupt a DEC officer. The girl was a Zambian with a UK passport. Each contraband moves with its own cartel. There are buyers and sellers, and one example of a cartel is that one of Koko who has been arrested several times in trafficking in ephedrine. This same cartel is involved in the trafficking of heroin. Koko pushes heroin from India by air into east Africa Uganda later into Zambia. In most cases he has used human couriers, 'mules' who enter by road either through Nakonde or Mwami border post. The quantities he has been arrested with goes up to two kilograms. A senior PF politician by the name of Kembo would go to DEC offices to rescue the arrested traffickers (Interview with a senior Intelligence officer OPSD/DEC Intelligence, 28<sup>th</sup> March 2022).

Another interview with a senior police officer in charge in Eastern province revealed that he normally receives information about people involved in illicit drugs but when he sends police officers for an operation, the same officers he sends alert the criminals via a phone message and by the time the police arrive there the criminals will have run away.

According to the cross-border traders interviewed, while some drugs traffickers sought to elude border authorities, others sought entry or exit through the connivance of state security and other officers. They recounted how vehicles bearing government registrations were sometimes used to transport drugs because they were not subjected to security searches, especially in transiting drugs internally around the country. Interviews also revealed the use of legal national drugs couriers who deliver imported medical supplies to hospitals and medical stores, camouflaging the transportation of illicit drugs like heroin and cocaine. The study also revealed the use of Zambian government vehicles to supply drugs to Chibolya Compound. Some interviewees revealed how government vehicles parked near the slum and offloaded illicit drugs to traders' vehicles. The trading agents then vanished into the thicket of the densely populated Chibolya, which has no house numbers or even planned roads. This method of transportation was said to be common for drugs entering from South Africa. Within Zambia, heroin and other drugs were also transported using the usually over-loaded charcoal delivery trucks. When stopped by traffic police for overloading, a small bribe was enough to get on with business. These trucks fetch charcoal from the countryside and usually deliver it together with cannabis right into the Chibolya at mid-night or dawn when there were not many police patrols.

An interesting observation which adds to our understanding of the relationship between low-level state officials and higher-ranking officials and political elites can be termed 'the demonstration effect'.

This was described by one informant, who suggested that when senior level officials order the release of containers containing drugs or release confiscated contraband, this has a strong demonstration effect that encourages low-level state officials to actively collaborate in drug trafficking on their own accord. He described a popular tale in Nakonde northern border with Tanzania:

'In Nakonde, a South Africa truck driven by a Boer was caught at Nakonde carrying drugs. The truck was carrying fifteen tons of cocaine. He refused to talk to any of the police officers, immigration, ZRA or DEC officers. Opting to make one call. Law enforcement officers started to receive phone calls direct on their phones not on the truck driver's phone. Then they started dispersing one by one in the order they were receiving the calls. If these people were not called by people in government, the officers would not have dispersed in the manner they did. They dispersed to serve their jobs. This happened in 2014/2015. This is a well-known story in Nakonde. Within an hour he was let go' (Interview with a Trans-border Transporter of Cargo, Chirundu border, 21<sup>st</sup> June 2021).

#### **6.15 Other actors in and around the political-criminal nexus**

The interviews revealed that the drug trade depends on a wide range of actors, beyond the key agents of the political-criminal nexus. Pupils and transporters were identified as key players in the drug distribution network while peasant farmers in the most rural districts were identified as cultivators of cannabis as an illicit cash crop. Heroin was reportedly also distributed and consumed by passenger taxi and bus drivers, especially in busy loading stations in main cities around the country. Unemployed political party cadres called 'Junkies' in the local drug network, were revealed in an interview with an investigative journalist to be key players in drug trafficking at bus stations. Their main clients were the suppliers of drugs to bus drivers and conductors. Drivers and conductors often abused drugs to cope with the demands of their exhausting jobs. For every illicit transaction between a supplier and a bus driver or conductor, a payment had to be made to a leader of the junkies or else the bus would be forced out of the trading area and be prevented from loading passengers. In some cases, a bus that has already loaded passengers could be forced to offload if Junkies were not paid something. In some cases, they were said to cause physical harm on drivers and conductors who denied them payment. Street boys and hawkers, particularly those selling sausages branded *Viana* were identified by an investigative journalist as actively involved in trafficking in Heroin. He revealed that some of the sausages are used to conceal the drugs.

Beyond these 'small fry' participants, an interview with a senior military pilot from Zambia Air Force (ZAF) revealed that:

'International criminal networks collaborate with some Zambian or foreign business owners, involved in the import and export trade. At the airport the goods only arrive when friendly people are on duty to ensure the safe passage of the goods. The drug traffickers in this country some of them are business owners. When legitimate goods co-mingled with cocaine and heroin arrive in the country, they are stored in the warehouses of the business owners. From the warehouse goods are taken to the stores where in no time goods are bought due to sudden demand by the drug owners. The business owners, who act as importers of legitimate goods, use their official business as fronts to hide the true nature of their trade in illicit drugs. These business owners will often be of foreign origin (Lebanese, Somali, Senegalese or Indian)' (interviewee a senior military officer from ZAF, 1<sup>st</sup> March 2021).

Drug traffickers in Zambia were also said to use very important persons with close associations with the ruling elite to evade capture and prosecution. They, particularly, conducted their transactions in some of the top of the market social places like bars and restaurants. Interviews with some night club and casino workers revealed that night clubs and casinos were epicentres of drug trafficking in Zambia. Revelations were made of how some foreign nationals had recruited some patrons (including sex workers), waiters and waitresses as their agents. Some workers in and clients of named massage parlours were allegedly members of drug syndicates. Interviews with international transporters revealed that some cross-border passenger buses and cargo trucks were also used by drug traffickers in the distribution of drugs. These were said to connive with law enforcement officers at border points to facilitate transnational movement of drugs.

If this is indicative of the blurring of boundaries between licit and illicit economic activities which results from the erosion of the already weakened state capacities, then the non-reporting of drug trafficking related corruption in the media was also suggested to be strong signal that civil society and journalists have been also compromised by the drug trade. On face value, one would not suspect or know that Zambia is a drug trafficking country as the nexus has ensured that the drug trade is conducted quietly. Media reports mainly cover the unfortunate stories of very young people - mainly teenagers - grappling with the effects of drug addiction and once in a while news about drug seizure of especially cannabis in very large quantities and seizures of cocaine and heroin in small quantities.

But news stories which cover the traumas of juvenile addiction do not fully capture the role played by many young victims in the broader sustenance of the political-criminal nexus. Interviews with respondents confirms the reports by Cusack (2020) and Smith (2011) about formation of criminal gangs in compounds and increasing crime and violence in the country. The residents of high-density residential areas, such as Kalingalinga and Ng'ombe in the capital city Lusaka revealed that the criminal gangs are composed of very young peoples called the 'Junkies' who are terrorising residents in the night especially those who walk home either from work or socialising in the neighbourhood. They beat the unsuspecting residents and take away cash and mobile phones from the victims. The attackers are young boys and girls who have run away from their homes, dropped out of school, and are living together in unfinished buildings taking cocaine and heroin and involving themselves in sexual relationships. They are now found nearly in all residential areas in Lusaka. When the police approach them, some are arrested, and others run to other compounds where they meet other 'Junkies'. Some spend their nights at funerals where they steal from mourners when they fall asleep. Others are found in bars and when a customer leaves the bar to go home, these 'Junkies' follow behind and attack him or her. Some sleep-in makeshift stalls called '*tuntemba*' in local Zambian language along the streets. During the day *tuntemba* become shops where people go to buy items such as sweets and groceries and become bedrooms at night for the Junkies when the owners of the stalls go home after work (Interviews with Kalingalinga and Ng'ombe residents in Lusaka, September 2021).

The concept of the political-criminal nexus was validated by our interviewees, as well as the idea that the state effectively protects drug trafficking activity through facilitation, selective regulation, and even direct participation by its officials, especially those in the security agencies, at all levels. It was also confirmed that the political-criminal network operates within a larger pool of actors who support the drug trade, not least by blurring the boundaries between the licit and illicit economies.

### **6.16 Conclusion.**

This chapter has presented and discussed the research findings on the structure and evolution of the drug economy in Zambia. It began by setting out the scale and nature of the drug trafficking trade as far as it is possible to do so given both the paucity and unreliability of official data. The chapter then set out to establish the structure of the drug trade in Zambia through an elaboration of the concepts of the political-criminal nexus, state protection, the wider network of facilitative actors and the blurring of boundaries between licit and illicit activity. Interview data was used to provide illustrations of how these manifests themselves and to what effect. The structure of the drug trade referenced the sellers,

distributors, transporters, consumers, and facilitators, including state institutions such as the police, army, customs, and immigration as well as political elite figures. Through the interviews it becomes clear that the drug trade has penetrated every level of Zambian society (from presidents to bus call boys), every state institution that is tasked with regulating or eradicating it, and all the corners of everyday life. The examination of the structure of the drug trade brought to light a number of insights:

First, interviews included discussion of the routes through which drugs enter and leave the country. These included land, water, and air borders, all of which are considered to be more or less porous despite the state's responsibility to secure them. These are routes that drug traders should ordinarily find difficult to penetrate suggesting that there is collusion or assistance with or from state authorities, something which will be explored in more detail in the next chapter.

The chapter also brought to light the economically and politically beneficial ties between drug traders on the one hand and state actors on the other. The political economy of such illicit collaboration clearly involves substantial amounts of money and influence being transacted. For the most part political actors facilitate the drug trade by distorting enforcement mechanisms (at times leveraging their influence on criminal networks through disruptive activities which encourage the use of corruption by TOC).

This activity also extends beyond the state actors, political elites and TOC networks, and includes a wide range of actors who make it possible for drugs to be moved within the country, between borders, without detection or with minimal risk. Their activity reflects a lack of trust in, and respect for the state, the widespread belief that the state is unable or unwilling to protect the economic or security interests of the wider population, and the necessity to find alternative incomes in the face of a weak legal economy. The institutions of the Zambian state have proven themselves to be weak, facilitating the penetration of the country by TOC, in this case for the trafficking of illicit drugs. It is weak because political elites proactively undermine it and are able to do so because of the distribution of powers within the political system; because prolonged deterioration of the national (legal) economy has left state institutions unable to pay decent wages to officials and thus made them susceptible to financial inducements; and for the same reason and increasingly because the increased drug trafficking has penetrated the wider society, because the illicit economy provides a means for the wider society to make a living in the absence of a properly functioning and legitimate state.

## **7.1 CHAPTER SEVEN: THE STATE, GLOBALISATION AND DRUG TRAFFICKING IN ZAMBIA**

### **7.2 Introduction**

In previous chapters, this thesis has argued that globalisation has provided an essential backdrop for the evolution of the transnational drug trade into and across Zambia in so far as economic liberalisation has opened borders through the easing of trade restrictions. In this chapter, the everyday manifestations of that process are explored via the evidence collected from interviews and observations in the field, at a number of Zambia's major border crossings. The chapter begins by mapping out Zambia's borders, identifying the significant formal entry and exit points in international trade and transit.

Subsequent data demonstrates firstly how neo-patrimonial behaviours by political elites and weak state institutions combine to enable illicit trading which takes advantage of trading openness across these border points, making the formal borders all the more porous. It demonstrates how dysfunctions and chaos which derive from weak state institutions and low state capacity, are exacerbated and manipulation by patrimonial behaviours. Secondly, the chapter considers the growing scale of intraregional traffic in goods which places new pressures on those borders and provides cover for the increasing illicit flows of drugs. Thirdly the chapter considers the movements of people across the borders, how this degrades the security which can be provided against drug trafficking whilst also continuing to serve other socio-economic needs of transborder ethnic communities, and identifying the opportunities which this provides to agents of transnational organised crime (TOC).

### **7.3 Entry and exit routes of illicit drugs in Zambia**

Most of the responses from the interviewees identified specific air, land and marine borders as the main routes of drug trafficking into and out of Zambia. Zambia has several land borders with all its eight borders and numerous waters crossing points with Zimbabwe, Namibia and Botswana in the South, Mozambique in the East, Democratic Republic of Congo (DRC), Burundi and Tanzania in the North.

#### 7.4 Figure 2: Map of Zambia



**Source:** British Broadcasting Corporation (BBC) Zambia Country Profile Page  
[www.bbcnews.countryprofilezambia.com](http://www.bbcnews.countryprofilezambia.com)

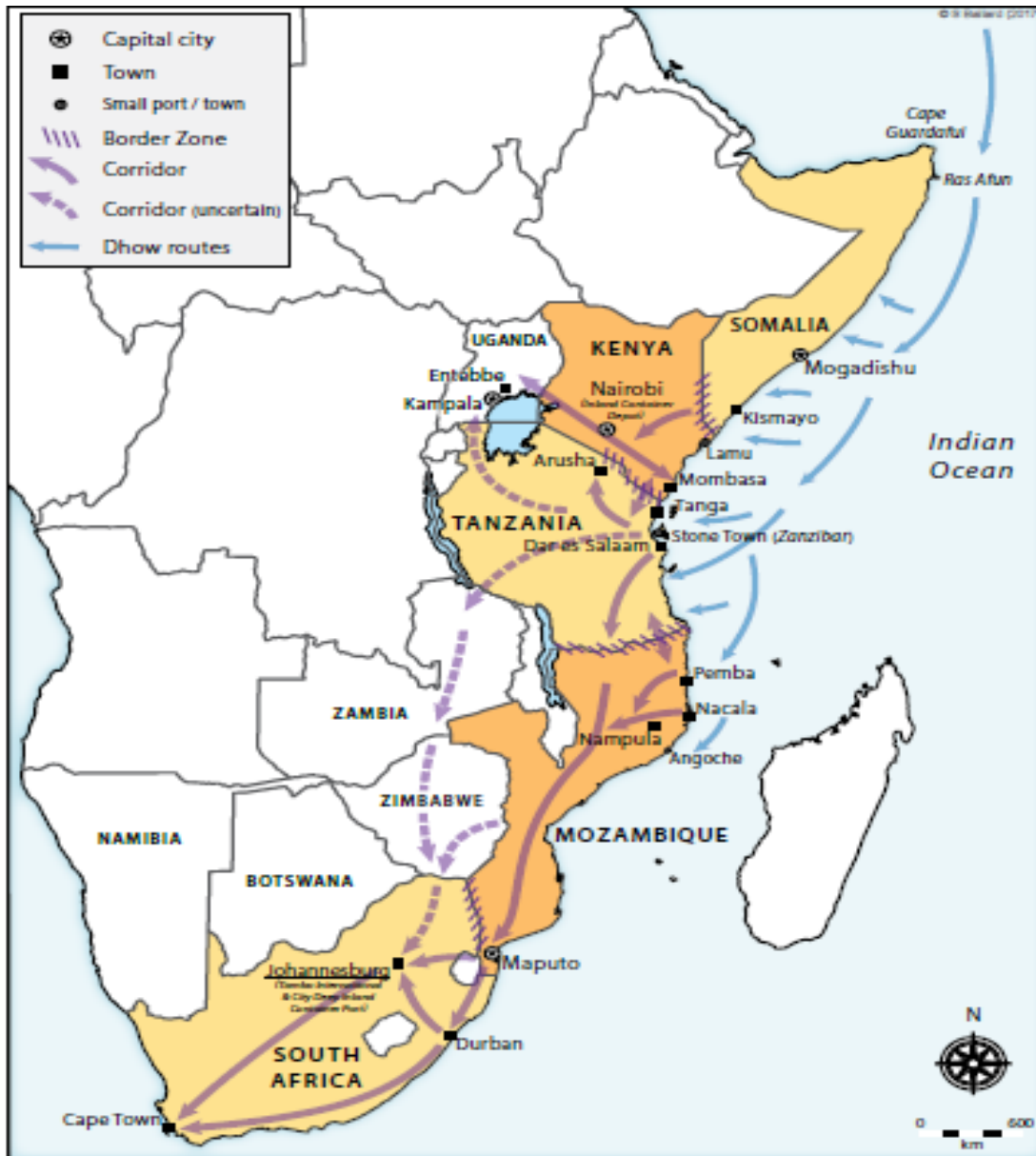
The country's three international airports: Kenneth Kaunda International Airport (KKIA) in the Capital, Lusaka, Harry Mwaanga Nkumbula International Airport (HMNIA) in the South and Simon Mwansa Kapwepwe (SMKIA) on the Copperbelt were reportedly less attractive to drug traffickers due to the fact that they had tighter security checks than inland borders. However, interviews with security officers revealed that the country's second largest international airport, SMK International Airport was more porous than the other two international airports (Kenneth Kaunda, and Harry Mwaanga Nkumbula international airports in Lusaka and Southern provinces, respectively).

Poorly manned small rural airports and airstrips also came out as trusted entry and exit points for drugs. In terms of conventional land borders serving as key entry and exit points for drugs, Nakonde came out most prominently, followed by Chirundu. The two border points save as key links with traffickers coming through the Eastern African and Southern African blocs, respectively and are considered to have only a thin presence of law enforcement officers and poor border control in general (Drug Enforcement Commission (DEC) 2017;2015:). Official reports are consistent with the responses obtained from interviewees indicating that porous border points like Nakonde and Chirundu (bordering Zimbabwe) are major supply routes for illicit drugs entering into the country. The Eastern Africa coastal route from the Indian Ocean through Tanzania to Southern Africa came out as the leading route for drug trafficking that targets particularly the Nakonde border while the Chirundu border with Zimbabwe came out as another

preferred route for drug traffickers as it links South Africa with other regional countries and has an outlet to the Indian Ocean. The data confirms the findings of a study by Simone Haysom, Peter Gastrow and Mark Shaw (2018) as shown in figure 3 whose focus was on heroin trade routes in Southern and Eastern African Countries.

The following map (Figure 3) illustrates the principal known routes for trafficking into and through the country. The study also revealed the increased use of unauthorised crossing points between Zambia and neighbouring countries. Some of these include unmanned bush paths and waterways. With respect to the later, fishermen and fish mongers were said to serve as key agents or distributors of drugs. Through fisheries on water bodies like Lake Tanganyika which borders Tanzania and Burundi, Lake Kariba which borders Zimbabwe and the Zambezi and Luangwa Rivers' confluence which borders Zimbabwe and Mozambique, fishermen from different countries were able to interact and exchange drugs. According to the Global Organised Crime Index for Zambia produced by the Global Initiative Against Transnational Organised Crime (GIATOC); 2021, heroin is also imported using the land routes from Tanzania and Mozambique to heroin markets within Southern Africa and West Africa.

7.5 Figure 3: Indicative overview of sea and land-based heroin routes across the Southern and Eastern Africa coastal states



Source: Haysom, S. Gastrow P. and Shaw M, 2018:8

In sum, the interviewees confirmed that there is a growing problem of drug trafficking, into, through and within Zambia and that this is facilitated by growing collusion between political individuals, state officials and a wide network of other agents, all of whom are incentivised to extract rent or profit from the trade in the face of wider economic problems. The growing transnational nature of this trade was related to developments which can be understood within the context of the opening of borders associated with economic liberalisation and globalisation, and the institutions of the state which are meant to regulate

or prohibit TOC are too weak to do so, continually being undermined by the directives of political elites and the economic incentivisation of minor officials to collude and collaborate.

### **7.6 Insecurity at the borders: neo-patrimonialism and the fostering of chaos**

In describing the predatory character of the African state, Chabal and Daloz (1999) argue that the objective of neo-patrimonial behaviours is to perpetuate bureaucratic or administrative inefficiencies to serve the interests of the clients. This inefficiency extends not only to the provision of public security, law and order but also to processes and instruments of economic development. They refer to these inefficiencies as 'chaos', as the state is governed without rule but rather with personalised power and vertical solution-finding to problems, all the time facilitating the looting of state resources under the guise of confusion and uncertainty. Indeed, according to them a predatory state is disinterested in infrastructure development or public service delivery: if the wider population is busy grappling with the implications of absent security and poor development provision, they will hardly notice state officials and their clients carrying on with their own illicit activities and advancing their own economic interests. The research conducted at border crossings for this thesis amply illustrated the key components of this: the manifestations of low state capacity illustrative of a weak state resulting in poor security, the perpetuation by neo-patrimonial elites of unequal economic development which prioritises some populations or communities at the expense of others for essentially political purposes, and the overall confusion and chaos which results.

The poor security arrangements at the entry and exit points of Zambia's borders provide a good illustration of the combination of weak state capacity and neo patrimonial behaviour. Weak state capacity is evident in the poor policing of borders and the low priority given by political elites to enhancing border security.

Throughout his fieldwork, the researcher observed an absence of law enforcement officers at entry and exit points (with the DEC having no offices in key locations such as Luangwa (also known as Feira), Victoria Falls and the Chanida border crossing despite these being at the epicentres of illicit activities) and only very few law enforcement personnel from Zambia police, customs, wildlife and immigration being present at most borders (Interviews with Senior Immigration Officers, Nakonde and Chanida borders, Feira and Nakonde, 10<sup>th</sup> March 2022). At all crossings there was a complete absence of the equipment one might expect to counter drug trafficking: for example, the country has no scanners at major air and marine borders like Mpulungu harbour and KKIA in Lusaka. In general security checks

are infrequent and cursory (By observation of border crossings and interviews by the researcher, March 2022).

In Mpulungu, for example, boats are required to dock at the harbour to observe security protocols before they are allowed to offload the bales of fish at a local market on the shores of Lake Tanganyika. The market is a few kilometres from the harbour. As can be seen from the picture below, the security checks at Lake Tanganyika harbour only involve punching small holes in the boxes containing dry fish while the boxes are still on the boat. When a fish is seen through a small hole, that is deemed sufficient, and the cargo is cleared. According to an interview with a hawker at the market, the bales of fish usually contain small boxes of cocaine and heroin, and the harbour does not have scanners to detect the drugs. The bales of dry fish come mainly from Tanzania, and from DRC and Burundi via water transport. Simply put, the drug trade is riding on the fish trade. An interview with senior customs officers further confirmed that the harbour does not have any scanners to detect drugs (Interview with a customs officer, Mpulungu harbour 12<sup>th</sup> March 2022).

**7.7 Figure 4: Bales of dry fish punched with small holes to check for illicit drugs**



**Source:** Picture taken by the researcher during field work on 12<sup>th</sup> March 2022 at Lake Tanganyika in Mpulungu Northern Province.

After these limited physical checks at the harbour, the boats move to the market where they offload the boxes on to waiting trucks for onward delivery to different parts of the country. Carefully selected boxes remain and are opened for local trade and resale, as seen in the pictures below. The markets are crowded and unsupervised, despite the products having arrived from neighbouring Tanzania, and there was no evidence of security personnel checking the opened boxes for contraband.

**7.8 Figure 5: Boxes of dry fish offloaded from the boat shown in the picture**



**Source:** Picture taken by the researcher during field work on 12<sup>th</sup> March 2022 at Lake Tanganyika in Mpulungu, Northern Province.

**7.9 Figure 6: Local fish traders and a truck laden with dry fish on the shores of Lake Tanganyika**



**Source:** Picture taken by the researcher during field work on 12<sup>th</sup> March 2022 at Lake Tanganyika in Mpulungu Northern Province.

The same absence of appropriate equipment was evident at the country's major airport KK international airport in Lusaka. Interviews with representatives of Zambia Revenue Authority (ZRA), a government agency, indicated that there are simply no scanners at the country's main air border KKIA to scan goods that arrive via passenger or cargo planes, despite evidence that the majority of drugs are imported to the country via these routes (Interview with customs officer 1 from ZRA cargo Section, 11<sup>th</sup> May 2021; interviews with custom officer passenger section ZRA, 29<sup>th</sup> April 2021).

Inspection of passenger-imported goods depends heavily on the combination of a selectivity system and passenger self-declarations:

'Inspection of each and every parcel is impossible. Right now, it is 10% of the imports which are physically inspected. 90% of the declared goods are not inspected. There is a selectivity criterion which we use. It is system based. It has no human intervention. When we register an entry, selectivity is triggered. The yellow

colour means documentary check by examiners. Red colour means physical inspection and green colour means no inspection, just pay and get your goods. We face two major problems. (i) Lack of scanning equipment and (ii) selectivity system- a system where not all the imported goods are physically inspected. Low risk goods go to green, for example educational materials. So, importers and exporters just declare their goods and pay the duty. So, traffickers are taking advantage of this system to import drugs.' (Interview with customs officer from ZRA cargo section, 11<sup>th</sup> May 2021).

Another interviewee (custom officer passenger section ZRA, 29<sup>th</sup> April 2021) revealed that physical inspection of goods sometimes entails relying on information supplied by the passenger which may not be factual. When customs officers are still suspicious, they call in DEC officers for further investigations.

There is similarly a lack of scanners for goods which arrive at the KKIA through cargo planes, despite this being a known hive of illicit activities. When goods arrive, ZRA customs officers transfer them to transit sheds where importers come to collect the goods from their various agents. Some of these transit sheds also do not have scanners to scan the imports. A customs officer from ZRA cargo section revealed that at:

'KKIA, there are two cargo handlers namely Zambia Export Growers Association (ZEGA) and NAC 2000. When cargo planes arrive, cargo is offloaded and transferred to transit sheds belonging to ZEGA and NAC 2000 and manned by customs personnel from ZRA called resident officers. ZEGA and NAC 2000 then transfer cargo to various transit sheds which are more than 100 in total that are also manned by resident officers from ZRA. Some of them are MANICA, FEDEX, DHL, H&D, CUSTOMISED and MERCURY. Importers who will then go and claim for their goods from the clearing agent they used to import the goods. I personally feel that a lot of drugs pass us unnoticed because we have no scanners in the transit sheds of some of the regulatory institutions involved in importing and exporting cargo. They have no sniffer dogs. Imported machinery which may have been inserted with drugs is not opened but just checked from outside. So, they depend on where the machine came from if at all they did a thorough check before exporting the machinery,' (Interview with customs officer from ZRA cargo section, 11<sup>th</sup> May 2021).

Even when there is equipment for detecting drugs, it is poorly maintained and often non-functional. Equipment is also of poor quality and unable to make accurate interpretations of images contained in the luggage or goods, leaving border guards to make decisions based on guess work. The broader infrastructure provided for drug enforcement officers is lamentable. At one border point the researcher observed a small office space which is shared by ten officers, eight operatives and two secretaries or support staff. The Assistant Investigations Officer from one of the security wings at one of the border crossings complained that the overcrowding was negatively affecting their work performance (Interview with Assistant Investigations Officer 24<sup>th</sup> March 2022). Another example of the continuing weak state capacity to ensure security at the borders is the insufficiency of boats to patrol waters which are known transport routes for drugs. Indeed, interviewees indicated that some boats and ships effectively act with impunity on the Zambezi and Luangwa rivers and on Lake Tanganyika. On Lake Tanganyika for example, prior to reaching the harbour where they are supposed to undergo security protocols, an interview with a hawker who is also working as a security guard within Mpulungu revealed that:

The vessels dock on the Zambian marine border with Tanzania and offload the cocaine and heroin packed in 15 kilograms to 20 kilograms to small boats on the Tanzanian side for onward inland transportation. The contraband mainly comes from DRC and Burundi. The canoes will transport them to a safe place through the waters where they will pass on the drugs to Tanzanian traffickers waiting for the contraband on the shores of the lake with motor bicycles. In the early hours of the morning around 01:00 am or 02:00 am, the bags of heroin and cocaine are transported through land on motor bicycles by Tanzanian traffickers to the Zambian side in the bush where they meet Zambian traffickers who are with either motor bicycles or small cars but mainly with small cars to transport the contraband further inland in Zambia. The sacks of contraband are wrapped with brown Sellotape such that the bag cannot be seen. The number of drug bags carried in a vessel are usually four or so (Interview with a hawker/security guard, Mpulungu, 11<sup>th</sup> March, 2022).

The lack of security at borders is not simply a matter of the limited capacities of a weak state. Rather it can be the result of specific political decisions made by political elites to foster specific (and unequal) forms of economic development in specific places for their own purposes. Neo patrimonial leaders foster economic development in strongholds of ethnic or other support for themselves or their political parties as rewards for loyalty, or they may do so to tempt supporters away from opposition parties

(a phenomenon known as *'the bandwagon logic'*) (Brinkerhoff, D. and Goldsmith, A. 2002) Equally they may deprive a region of resources for economic development as a punishment for opposition. Hence, the lack of security infrastructure in some states in Africa can be seen as a form of reward to supporters or clientele (voters), including criminal collaborators involved in drug trafficking and other forms of organised crime. Criminal accomplices give them illicit money to bankroll their election campaigns and sustain the neo patrimonial machinery of resource distribution. In return voters who vote for them during elections are given infrastructure development. So, the state has an obligation to meet the needs of both voters and criminals, both groups of whom ultimately gain from the state deliberately fostering an insecure environment. This is the chaos referred to by Chabal and Dalos (1999) and is clearly an environment in which the drug trade can flourish.

The active engagement of political elites in facilitating this erosion of border security was evident in the field research. An interview with senior security personnel revealed the role of the state in aiding certain family business owners who are well known drug traffickers to enter and leave the country without undergoing any customs checks (Interview with a very senior security officer, 12<sup>th</sup> March 2021, Lusaka).

'They are known to have evolved from being small scale traders owning restaurants and small fabric shops in the Central Business District (CBD) to becoming owners of shopping malls. When arriving or exiting Zambia, they are given Very Important Person (VIP) treatment and access VIP facilities at the airport on account that they are the president's visitors and funders of the ruling party Patriotic Front (PF). When airport border guards request that their luggage be searched, Intelligence Officers from the Ministry of Foreign Affairs and State House stationed in the VIP facilities quickly intervene to block the search stating that they were the president's visitors. This is how drugs can be brought in the country through political interference in the work of airport security personnel' (Interview with a very senior security officer, 12<sup>th</sup> March 2021, Lusaka).

An important dimension of this politically motivated absence of security is the recruitment of public officials and security personnel into the clientelist behaviour. In order for the chaos to itself operate effectively, state security officers who are appointed on the basis of ethnic, and political relationships with the appointing authority, or who can simply be economically incentivised, must also derive personal benefit from organised crime using the offices they occupy. The absence or weakness of the state can

manifest itself in the presence of state officers at official state entry and exit points who nonetheless decide 'not to see' the drug trafficking, who effectively turn a blind eye.

An interview with a cross border transporter of goods within the Southern African region and a local transporter of passengers revealed that huge quantities of drugs pass through officials borders in trucks where there is a strong state security presence, especially at Nakonde border between Tanzania and Zambia, with the help of border guards themselves (Interview with a cross border transporter of goods, Chirundu 21<sup>st</sup> June 2021; interview with a local bus transporter of passengers, Nakonde, 11<sup>th</sup> March 2022). The cross border transporter of goods related a popular story about events which reportedly occurred at Nakonde border.

A South African national was intercepted with a truck laden with drugs.

When his efforts to reason with security officers and be released failed, he made just one phone call to a politician who called officers at the border to have him released. Officers were leaving the man one by one in the order they were receiving calls from the politician until he was left alone. He then started his truck and left (Interview with a cross border transporter of goods, Chirundu 21<sup>st</sup> June 2021).

#### **7.10 The rise of intra-regional trade**

The increase in transnational trade of illicit drugs has mirrored the increase in legal trade across Zambia's borders. Many entry and exit points are busy with relatively small-scale intra-regional trading. Mpulungu in Northern province is situated on the banks of Lake Tanganyika which constitutes a marine border linking Zambia to the Great Lakes Region (GLR) (which includes DRC, Tanzania, Rwanda, Burundi and Uganda). The lake links countries in Southern Africa to the East African trading bloc. Vessels come with imports such as pineapples when they are in season from Burundi and Tanzania. From DRC comes cloth materials, locally known as chitenge, which women wrap around their waists as a symbol of African culture. The pineapples and cloth material are brought in small quantities by vessel crew members either as gifts or for selling to the local people in Mpulungu. A vessel can have ten to fifteen crew members depending on its size. When, they have not carried pineapples or chitenge materials, the vessels will arrive as empty vessels at the harbour to observe security protocols and load exports.

Dried fish and kapenta are also imported by boat from Tanzania, but a reported 95% of the goods handled at the harbour are exports of steel, cement and clinker (all from a single firm owned by a Nigerian businessman who is one of the richest men in Africa). Clinker is an unfinished product of cement which is exported to Burundi to be processed into cement. In addition to the exports from Zambia, the harbour sits

on a transit route for South African, Zimbabwean and Namibian exports to DRC and Burundi. South Africa and Namibia export beer and wines through Zambia, which are loaded onto the vessels in Mpulungu for the DRC and Burundi markets. Zimbabwe exports sugar for the same markets. Also from South Africa are cars which are later driven by road to Mpulungu, from where they are transported by ship to Burundi and DRC. The thick rain forest in DRC makes it difficult to move cars imported directly from Japan and other major industrial countries across the country so deliveries often depend on being transported via the Zambian port (Interviewee with senior customs officer, 12<sup>th</sup> March, 2022). Presented below is a picture of vessels from different countries DRC, Rwanda and Burundi which are used to transport exports from Southern African countries to East Africa.

**7.11 Figure 7: Ships from DRC, Rwanda and Burundi docked on the shores of Lake Tanganyika**



**Source:** Picture taken by the researcher during field work on 12<sup>th</sup> March 2022 at Lake Tanganyika in Mpulungu Northern Province.

But this perfectly legal trade is well-known to act as a cover for shadier business: my interviews revealed that prior to reaching the Zambian harbour, the ships dock on the Tanzania shore to offload sacks of cocaine and heroin for further inland transportation within the country and to other neighbouring countries.

Feira, or Luangwa is another marine border. The water body is shared between Zambia, Zimbabwe and Mozambique. The town has become a known hotspot for illicit trade, much of it under 'cover' of legal trade in packed fish. The fish, which is imported from Mozambique, is in high demand in the DRC because it is a vital source of vitamin A which the Congolese population is lacking. When the fish is imported from Mozambique it is transported to Kitwe and Kasumbalesa, a border town between Zambia and the DRC. Packing the dry fish for transport beyond Zambia provides important job opportunities for young people in a country where youth unemployment poses a major challenge. (According to the International Labour Organisation (ILO) youth unemployment stood at 22.63% in 2020, with young people who had not completed formal education mostly affected). When the fish traders arrive at the Luangwa harbour from Mozambique, the fish packers are ready to offer a service of packing it in huge sacks or '*falus*' and loading it on to the waiting trucks for shipment to the DRC, (Mengo, V. 2022). But the packing process is also used to camouflage the illicit transportation of drugs transiting the country. Interviews with key informants revealed that the dry fish is co-mingled with drugs at the point of packing the fish in '*falus*'. Although cannabis especially from Mozambique was identified as the most common drug which is transported in this manner, the respondents acknowledged that the possibility that other hardcore drugs like cocaine and heroin can also be transported in a similar fashion. The picture below shows one of the methods of concealing drugs especially cannabis in big boxes of dry fish in Feira-Luangwa. Interview data also suggested that some youths are deriving illicit financial benefits for packing the fish, making them integrated parts of the criminal drug trafficking networks.

**7.12 Figure 8: Packing fish for a living in Luangwa district. Packed fish is later transported to DRC.**



**Source:** Mengo, V. 2022

As well as drug trafficking (especially of cannabis from Mozambique), Feira is in fact known for a range of illicit trading activities including poaching, human trafficking especially of Somalians and Ethiopians to South Africa and Zimbabwe, ivory and minerals such as diamonds and the smuggling of alcohol from South Africa. This last activity was more rampant before 2000 and for a part of the 2000s. It took the political will of the presidents of Zambia and Zimbabwe (Levy Mwanawasa and Robert Mugabe respectively) to curb the illegal smuggling of alcohol which was depriving the much-needed revenue for the country. In that case, political will to curb the illicit trade was sufficient to over-ride the benefits to the political elites of allowing the border to remain porous, suggesting that weak state capacity is not in itself the problem! But when it comes to the other illicit trading activities, the government has insufficient incentive to secure the border. The DEC, the statutory body charged with fighting drug trafficking, has no offices in Feira despite the border being an epicentre of illicit activities. Only law enforcement personnel from Zambia police, customs, wildlife and immigration are present at the border (Interviews with a Senior Wild Life Officer, Feira, March 2022 and Senior Immigration Officer, Nakonde, 10<sup>th</sup> March 2022). When official discussions are to be held regarding illicit activities, they take place in a council guest house within

the border area according to information from my interviews (Interview with a Senior Wild Life Officer, Feira, March 2022).

The absence of a substantive effort to secure the borders at Feira is all the more surprising given its historic role in illicit trade. An interview conducted with a senior wildlife ranger in Feira revealed that.

‘Feira’ is a Portuguese name meaning a market for slaves. It was on the route for trade in slaves and ivory dating back to between 1800 and 1865, even until the slave trade which was abolished by the then president of the United States of America (USA) Abraham Lincoln. The border area has a graveyard for slaves who could not make it to the Indian Ocean and on to the West Indies. So, from time immemorial, the senior officer revealed that Feira has been a transit point for illicit activities. The same routes crafted during the era of the slave trade continue to be used today as routes for various illicit activities in ivory and drugs. He bemoaned the low presence of law enforcement officers at the border, and he has never seen an officer from DEC or their office in the border area despite the border being a sensitive one (interview with a senior officer from the Department of National Parks and Wildlife, 1<sup>st</sup> March 2022).

### **7.13 Human transborder movement**

As the unfortunate case of Feira’s historic slave trade showed, borders are not just crossing points for goods, but also for people. As more people traverse the borders in the era of globalisation and economic opening, so too they carry with them or facilitate the carriage of illicit drugs.

The Chanida border in Eastern Province was also revealed during the field research as an important route for human trafficking of nationals from Venezuela, Chile, Kenya, Somalia and Ethiopia. Somalians comprise a particularly interesting group. Those with Somali passports but resident in Mozambique and holding Mozambique visas can cross into Zambia to access services at the Somali embassy since there is no Somali embassy in Mozambique. The other nearest place they could access services at the Somali embassy is in South Africa. After they have crossed into Zambia, they reportedly often don’t go back to Mozambique. A good number of them remain in Zambia and change to refugee status while some go to Kenya (Interview with senior immigration officer, Chanida border 28<sup>th</sup> February 2022). It was reported that once they settle in any one of the countries they often serve as easy targets for criminal recruitment by organised crime networks, facilitating and shielding cross-border drug trafficking. In early 2022 the Chief Immigration Officer of the Immigration Department and the Minister of

Home Affairs and Internal Security Jack Mwiimbu expressed concern about the influx of foreign nationals especially Somalis and Ethiopians through Chanida border as posing a threat to national peace and security (Times of Zambia Newspaper, 2022).

There is nothing surprising in this. Research around the world has shown that the increase in illegal migration in the form of human trafficking between countries has led to the growth of ethnic networks that transcend national borders and has proven to be particularly useful to the operations of criminal organisations involved in drug trafficking (Akyeampong, 2005). Indeed, most international drug dealers tend to be of foreign origin. In countries such as South Africa individuals heading criminal networks are often from Central Africa and West Africa, including Congolese, Nigerian, Senegalese and Guinea-Bissau nationals (Shaw,2001;2005). In West Africa, drug dealers hail from Latin America, especially from Colombia, Peru and Bolivia. But also, drug networks tend to rely on migrant populations, most of whom are poor, marginalised and illegal migrants. Studies have shown that illegal migrant populations are an important source of recruitment for international drug networks (Shaw 2001; Akyeampong, 2005: 429-430; Findlay, 1999:30). In the United States, diaspora-based ethnic communities are an important resource for transnational criminal networks. According to Williams (2001b: 109) they provide recruitment opportunities, cover and support to drug networks. This transnational drug-trafficking network population can pose its own problems for the researcher:

'The difficulties of conducting research into criminal networks are significant. The nature and extent of the problem is difficult to ascertain for the law enforcement community with its higher levels of resourcing, and thus even more for academic researchers. The dynamic nature of West African criminal networks, their close association with tight ethnic and clan groups- the use of language that few outside particular communities in West Africa know- for instance, is a significant disadvantage to interception of communications- and the multiple activities in which they are engaged make an overall understanding difficult (Shaw 2001:76)

A second human dimension of globalisation is the growing enthusiasm for international tourism and the associated revenues which countries seek to generate. Legitimate tourism requires border crossing processes to be easy and speedy, both of which make the task of detecting illicit drugs more difficult.

In study, most customs officers interviewed revealed that as they discharge their duties, they endeavour to strike a balance between trade facilitation and security checks at the border with security

checks compromised because economic development is given priority. Therefore, the chances of intercepting drugs are reduced. An interview with a senior customs officer at Chanida border post revealed that in the interest of trade facilitation, the World Customs Organisation (WCO) and the local revenue authority, the ZRA are working to reduce time that travellers and goods spend at the border. In the interest of meeting the requirements of the WCO and the local revenue authority, custom officers reduce the risk of profiling of travellers and goods, therefore the chances of catching travellers with drugs are reduced (Interview with a senior customs officer at Chanida border and Victoria falls border, 28<sup>th</sup> February 2022 and 22<sup>nd</sup> March 2022, respectively).

Key informants revealed that tourists, small cars, vehicles belonging to associations that govern tourism, big trucks, and the cross-border free movement of people enable drugs to enter the country more freely. In particular small vehicles for foreign visitors from South Africa are not searched to promote tourism in the country. An Interview with a senior customs officer revealed that:

‘When we apply strict security checks on these visitors, the following day we are reported to our superiors for harassment saying as if they don’t know us. We have been warned and cautioned against searching our visitors by our superiors. In the end we don’t look at them with suspicion, we look at them as people who bring money into the country. When I see a truck, I look at it with a customs eye, that, it is carrying undeclared goods. But our superiors don’t want us to do that to a private vehicle. So, when we see a private vehicle, we shift attention to start thinking they are visitors who have just come to visit. So, tourists can be a channel through which drugs can be coming in the country. Us workers are reported to big people within the institution ZRA to instil fear in the workers so that they can continue with their illegalities’ (Interview with a senior customs officer at Victoria falls border, Livingstone, 22<sup>nd</sup> March 2022).

The Interviewee also disclosed that the association that governs tourism has engaged an entire fleet of vehicles to transport tourists on both side of the Zambian-Zimbabwe border. The occupants of these vehicles were often treated as if they were diplomatic passport holders who cannot be considered as potential participants in illicit activities. Just like government vehicles, they are not subjected to the custom formalities that other clients would ordinarily be subjected to.

“Even in customs we have the Customs Accredited Clients Programme (CACP).

Under this programme are compliant companies who do not pose a risk to revenue

collection. When they declare what they have, the assumption is that their declaration is accurate or compliant with customs policies and procedures. Trucks and their drivers who are considered to qualify under the CACP belong to well-established and respected companies that are tax compliant and are given preferential treatment at entry and exit border similar to the treatment that a diplomat with a diplomatic passport may have. Conversely, when a truck driver is not subjected to a strict security check, this is an opportunity to bring in drugs. A knowledgeable person who knows how this works can use CACP to traffic in drugs. Even though the official importer may be compliant, the driver being a human being may not be compliant and can be used by traffickers, (An interview with the senior customs officer at Victoria Falls Bridge, 22 March 2022).

It is not only traders, migrants and tourists who cross Zambia's borders. In Africa, the movement of people across borders is not only a recent result of globalisation or regional integration processes. It has been a part of everyday life for those living along the borders. Since the demarcation of Africa by artificial boundaries at a conference in Berlin in 1884, Africans who considered themselves as one were cut off from each other and began to exist in different states but did not cut off their feelings and family bonds that they were still one people.

People who live along the border areas have continued to maintain socio-economic relations dating back to pre-colonial days. Ethnic, familial and other community ties have been fostered by continued daily traversing of the borders (via official or unofficial routes) and the formal boundaries can mean little in terms of daily lived experiences. Not surprisingly, key informants identified these everyday crossings by border-living communities as super-spreaders of drugs.

For example, law enforcement officers at Chanida border allow Mozambican's people to pass with or without passes to buy groceries and access entertainment facilities such as bars in Zambia since there is no electricity on the Mozambican side. Law enforcement officers are aware of the socio-economic and traditional issues involved in these crossings and consider that to impose strict security checks every time would be contrary to the culture of the people who have lived like this for generations. It could even potentially damage interstate relations between Zambia and Mozambique. Traditionally, the paramount chief of the Chewa speaking people of Eastern province in Zambia lives on the Zambian side of the border in Katete district. His subordinate chiefs live on the Mozambican side, and they consider Zambia to be their home. If officials sought to restrict movement of the people by means of searches for drugs, the chief

in Mozambique would complain that his subjects are being harassed in Zambia. Their big annual traditional ceremony of the Chewa speaking people, the 'Nc'wala' is held in Zambia. During the recent ceremony in February 2022, motor vehicles from Mozambique came into the country without proper documentation and were not searched (Interview with a Senior Customs Officer, Chanida border, 2022). Prior to travel, there was a letter from Mozambique to Zambia written in Portuguese that there would be a fleet of vehicles from Mozambique bringing the Chewa people of Mozambique to attend the Nc'wala ceremony in Zambia. According to the key informant, this annual event is a challenge for border control and can provide an avenue for trafficking in drugs (Interview with a Senior Customs Officer, Chanida border, 2022).

Low level cross border trade also takes place. Zambians go to buy flour, rice, spaghetti, macaroni and other groceries from Cassacatiza border on the Mozambique side because it is cheaper there. Cassacatiza Market which is about five kilometres from the Zambian border into Mozambique and Mozambiquans also come there to buy groceries like soap as well as fruiticana, super shake, maheu, and ginger drinks called kombucha from Zambia. An interview with a key informant from the department of immigration revealed that the people from both countries are not routinely searched for drugs as they traverse the border, but only if there is a suspicion. The institution, which is supposed to be searching people for drugs, the DEC, is not present at Chanida border. Instead, they are based in the provincial capital of Chipata town. This poses a significant challenge for DEC: by not being present at the front-line of illicit activities where they are needed the most, they have little oversight or control. Interestingly the senior immigration officer at Chanida border complained that the role of the immigration department is not to search for drugs on people but to ensure that people are carrying their passports and make sure that people are following regulations spelt out in the immigration Act (Interview with senior immigration officer, Chanida border, 28<sup>th</sup> February 2022).

Of course, this is not a straightforward issue. Where one ethnic group is bisected by a border, control of that border is beyond Zambia's determination. Rather it is an international issue involving both Zambia and Mozambique and the security issue is less one of the Zambian government delivering security from transnational crime for its own population than one of peace and security between nation-states. The people across the border speak the same language and share the same culture and the Zambian state cannot use force in its dealings with the transborder population but must rely instead on negotiations with its neighbour and diplomatic decorum in law enforcement. So, these things take place at the fringes of the state and cannot be viewed to translate simply into state weakness in enforcing the law of the state.

Even so, the porous border and the limited border governance arrangements and security enforcement provide opportunities for transnational crime networks and the local customs and immigration officials who might benefit from facilitating drug trafficking.

The Chanida border is interesting for another reason. It is known for the heavy-duty trucks which transport goods imported from Beira port on the Indian ocean in Mozambique. The cargo arrives by ship from China and the Middle East. There is no legitimate cargo that originates from Mozambique itself - Mozambique is just a transit route for fuel to DRC and Zambia and manufactured products from China. But Mozambique is also a well-known transit country for illicit drugs. It is known to receive bulk consignments of heroin and cocaine which arrive via the Indian ocean, and which are passed inland to African countries including Zambia (Simone, Gastrow and Shaw 2018). This fact has also been revealed by most respondents and also reported in the DEC annual reports where the DEC reports having intercepted cocaine and heroin at the Chanida border coming from Mozambique. While most of the trade comes into Zambia on the heavy goods trucks, there is also some smaller-scale transit via small private vehicles and cross border movement of people (due to the fact the route between Zambia and Mozambique there is no bus passenger transport due to the poor state of the roads in both countries). One interviewee suggested that a few personal private vehicles would cross the border and still fewer taxis (as less than ten of them operate within the Zambian side). (An interview with the senior immigration officer, Chanida border, 28<sup>th</sup> February 2022).

Among those individuals making the cross daily are a number of Mozambican civil servants. The roads to the local government offices on the Mozambique side of the border are in poor condition and often unpassable, so Mozambiquan civil servants travel from their own homes via a route which travels through Zambian territory. They are not subjected to drug searches by Zambian security forces as this would hardly resonate well with the long-standing good relationship between the two countries. To subject them to searches would invite reciprocal actions and could escalate uncomfortably so searches are only carried out when they are carrying exceptionally large luggage items. Meantime, smaller and hand luggage is immune from searches and yet provides ample opportunity for civil servants to earn a little extra by carrying drugs across the border.

### **7.14 Conclusion**

This chapter has primarily relied on field data to illustrate and analyse the everyday processes through which TOC facilitates and manifests drug trafficking in Zambia in an era of the opening of borders associated with globalisation (and the increased movement of goods and people across borders).

It has shown how the growth of a free trade system, especially through regional economic groupings such as Economic Community of West African States (ECOWAS), East African Community (EAC), Southern Africa Development Community (SADC) and Common Market for Eastern and Southern African States (COMESA), has made it easy to embed illegal trade within legal trade as new and growing flows of imports and exports cross national borders whilst security infrastructures remain weak, understaffed, underequipped and vulnerable to political interference. Long borders provide ample space for unofficial crossing points which are easily used by small scale drug dealers with small quantities of cocaine or heroin using bicycles or just walking across on foot. The large number of possible entrances and exit points along the country's long borders mean they are often without any state officers to inspect people and goods crossing from one country to another. Even when entry and exit points are manned, the specialist drug enforcement agency is rarely in situ: it may have offices in a relatively distant provincial capital but without staff on the ground there is little momentum for rigorous inspections. Those security staff (including police and customs officials) who are in situ, are poorly and inadequately equipped, and the evidence of political support for and intervention on behalf of drug traffickers invites similar behaviours of turning a blind eye or even actively collaborating to supplement incomes and avoid confrontations with senior staff. In the meantime, local economies benefit from the simultaneous licit and illicit trade. Young men find work such as packing cocaine into fish bundles, local boat owners can top up their incomes from legitimate cargo handling, and communities which live across borders and who ease the frictions of what is available locally and at what price, can earn additional incomes by carrying small packages of drugs with them. The chaos surrounding the limited and uneven government delivery of border 'security' appears to work for everyone, in the process reinforcing the legitimacy of neo-patrimonialist distribution networks and reproducing clientelism at the level of low-level officials and other individuals. Permeability of the borders or the inability to control borders is indeed a key feature of a weak state but it also is indicative of the way in which political elite behaviours sustain and exacerbate illicit trade economies and the networks which run them. The less the state delivers on its obligations to the people, the more insecure and unequal the economic environment, and the more informal clientelist networks become necessary interlocutors for wealth distribution, the more pervasive their hold on everyday life and the more important the political-criminal nexus becomes in the functioning of the state itself.

## **8.1 CHAPTER EIGHT: ECONOMIC AND POLITICAL LIBERALISATION, DRUG TRAFFICKING AND THE ZAMBIAN ECONOMY**

### **8.2 Introduction**

So far, this thesis has argued that a political-crime nexus has evolved which sees political elites and transnational organised crime (TOC) networks collaborating to take advantage of, even exacerbate, the weakness of state institutions for the purposes of their own self-enrichment and, in the case of political elites, to maintain their own political leverage via the neo-patrimonial and clientelist distribution of resources.

Chapter Eight examines a number of key areas of Zambia's political economy to illustrate how, as a result of this political-crime nexus, it has evolved to become intimately entwined with, even to service, the transnational drug trade. The chapter begins by establishing the scale of the financial consequences of TOC: with ever more illicit drugs trade-generated profits needing to be processed. If the last chapter showed how the opening of borders associated with globalisation facilitated this growth, this chapter shows how the deregulation of the country's financial system in the wake of the structural adjustment programmes (SAPs) provided opportunities for this money to be laundered via the formal legal economy. The chapter discusses how the boundaries between legal business activity, corruption and money laundering – between the formal and informal economies - have become increasingly blurred. It further points to the growing evidence that this blurred money market is now providing opportunities for the funding of terrorist organisations to also be 'washed' through the economy as one element of TOC provides pathways for the entry of others.

The chapter then continues to consider how the decline of the public sector as a result of the SAP has also substantially impacted employment, especially in rural areas and how the drugs trade has come to fill some of the employment gaps, integrating more and more Zambians into the drugs trade, both as producers, traders and ultimately consumers.

But it is not just the economy which is permeated by drug profits: the chapter continues to consider the scale and impacts of drug money being used to support the financing of political parties, in the process subordinating legitimate political agents to the drug economy. The political liberalisation which established party competition was connected to the economic liberalisation which stopped the public funding of political parties, making political parties dependent on funding from other sources of finance. Under the one-party system, government funded the ruling party. It is important to be clear that during the first

multiparty system in Zambia (1964-1972), government did not fund political parties. The funding of a ruling party was a function of a one-party state, as it was the party and its government (PIG).

The illegal corruption of individual elite political figures, which may be seen as informal incorporation into the politics-crime nexus, thus becomes formalised as drug-derived finances come to finance and shape the formal political system, ultimately sustaining and amplifying the penetration of TOC into the country's political economy. The chapter demonstrates that the Zambian economy has come to serve the needs of the drug trafficking industry and private interests of some sections of the political establishment rather than the needs and interests of citizens, that large parts of the wider population have been recruited into the processes of producing, trafficking and consuming drugs that generate these profits, and that political elites are not only complicit but are increasing dependent on these very processes to retain their hold on the state itself. TOC is becoming not just an actor within, or even a partner of, but the *raison d'être* of the Zambian political economy.

As well as introducing data from numerous interviews, this chapter also draws on a survey of newspaper reports from the period 2015-2023. During this period there has been extensive investigative journalism which has tried to draw attention to issues of corruption and money-laundering in Zambia and which provides a rich source of detail which cannot be found elsewhere regarding this illicit economic activity. The researcher surveyed four newspapers for this period: two publicly owned newspapers (The Times of Zambia and the Zambian Daily Mail) and two privately-owned newspapers (News diggers Newspaper and The Mast Newspaper).

### **8.3 Growing profits from drug trafficking**

The growing drugs trade in Zambia, as elsewhere, generates enormous profits which ultimately need to be 'processed' through legal financial channels and which in turn impact the national economy. In West African countries such as Guinea Bissau and Gambia for example, it has been reported that illicit incomes from drug trafficking are recirculated through legitimate means using legitimate businesses as fronts. This has allowed entry for huge amounts of proceeds of crime from drug trafficking into the legal economy which in turn has had significant macroeconomic effects such as changes in currency values and increases in national budgets and foreign exchange reserves. In Guinea-Bissau, for instance, foreign exchange reserves rose from \$33 million in 2003 to \$174 million in 2008 and in the Gambia, the value of the currency (dalasi) increased very rapidly with no clear change in capital inflows (United Nations Office on Drugs and Crime (UNODC) World Report 2016).

The contribution of laundered drug money to the Zambian economy is massive in part because of the relatively high prices drugs fetch on the Zambian market. This is especially the case for cocaine and heroin. As of January 2019, a Zambian government letter to International Criminal Police Organisation (INTERPOL) National Bureau in Mexico dated 31<sup>st</sup> January 2019 indicate that cocaine was the most expensive drug on the Zambia market, followed by heroin. Table 8 below shows the market prices of some major drugs on the Zambia market. These high prices are the result of Zambia's geographic location. As a state security official reported in an interview:

'Cocaine comes from South American countries such as Colombia, Peru, Brazil and Mexico. Southern Africa is targeted because as you move from South America to Southern Africa, the value of cocaine increases. It is transported by water to West Africa where the value price of cocaine increases, to East Africa and Southern Africa where the value increases even more. So, as you drift from production areas value increases - when you get closer to the production areas value reduces.....In Colombia, a kilogram of cocaine is roughly \$1,500, and \$4,000 per kg in Brazil. In West Africa, the price per kg of cocaine is roughly \$12,500 and between \$20,000 and \$25,000 in East Africa. In Zambia, the price per kg of cocaine is between \$40,000 and \$50,000. In South Africa, the price reduces to \$25,000 and \$30,000 because of the big population and traffickers buy at order price, repackage, and sell at a profit. The bulk dealers just offload and leave it to reduce the risk of being caught. It is other traffickers who break down the bulk (Interview with Senior security officer, Lusaka, 23<sup>rd</sup> January 2022).

**8.4 Table 9: Market prices of major drugs on Zambian market in 2019**

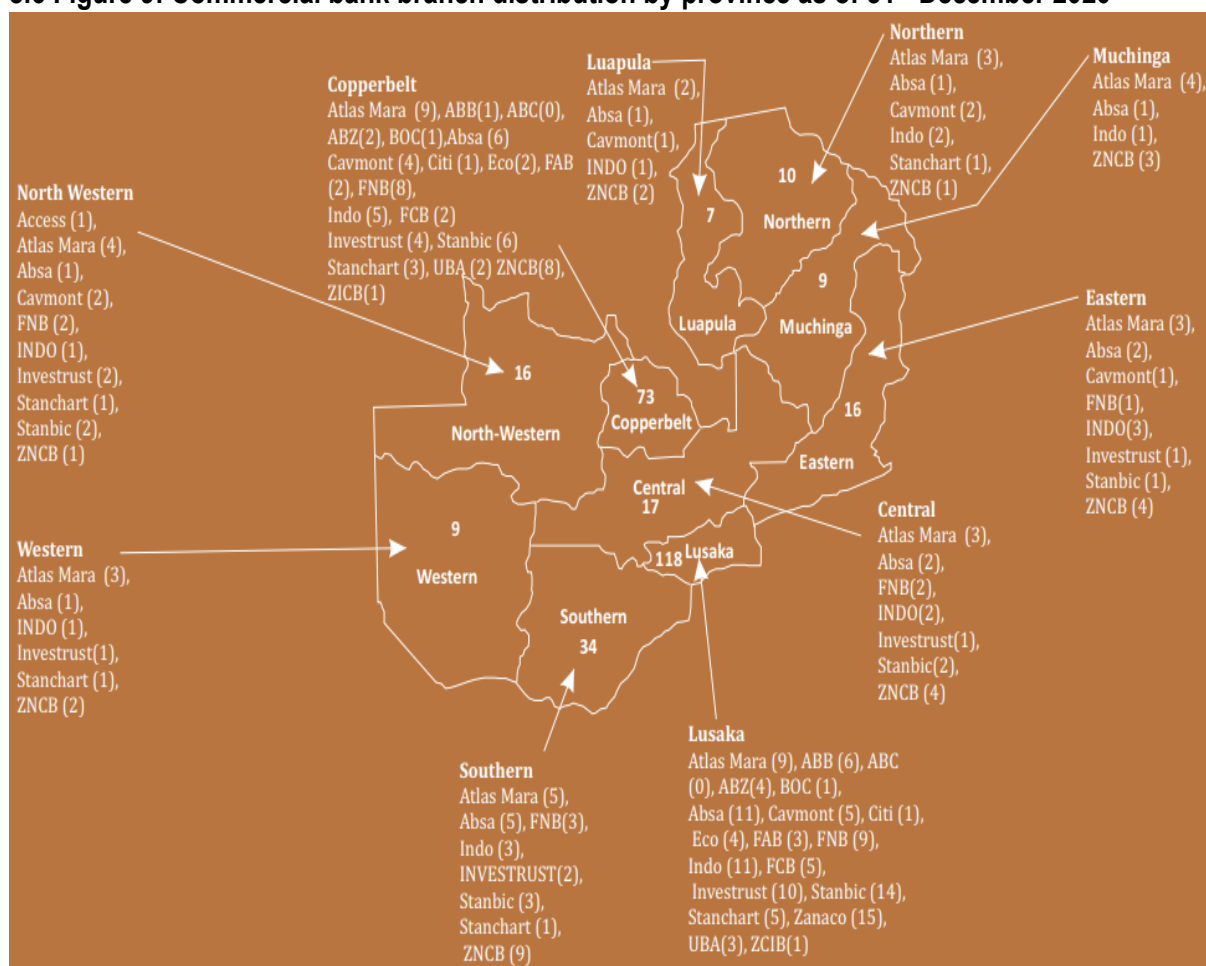
No.	Drug	Market Price/Kilogram		Market Price/Gram	
1.	Cocaine	K500,000	US\$42,195	K500	US\$41.66
2.	Heroin	K250,000	US\$20,833	K250	US\$20.83
3.	Marijuana	K 380	US\$ 833	K 38	US\$ 3.168
4.	Hashish	K 45,000	US\$ 3,798	K 45	US\$ 3.76
5.	Methamphetamine	K120,000	US\$10,127	K120	US\$10.127

**Source:** Zambian government letter to INTERPOL National Bureau in Mexico dated 31<sup>st</sup> January 2019

## **8.5 Financial deregulation and money laundering**

The laundering of the profits from the drugs trade has been made possible not least because the Zambian financial sector has been substantially deregulated since the early 1990s in an effort to increase competition and efficiency within the sector. Previously, and under the one-party state, the sector was heavily regulated, with just three privately owned commercial banks (Standard Chartered Bank, Barclays Bank which were originally British, and ANZ Grindlays Bank originally from South Africa). Deregulation was a condition of the SAPs so when the Movement for Multi-Party Democracy (MMD) formed a government in 1991 it reduced the requirements for obtaining a banking licence, hoping to encourage foreign investors into the country. These 1992 reforms subsequently led to an increase in the number of commercial banks, as well as the emergence of a range of non-banking financial institutions, new financial instruments and services. As shown in map 9 below, the total number of commercial banks in the country today is 309. All 10 provinces of the country have commercial banks. The highest is Lusaka with 118 commercial banks and the lowest is Luapula province with seven commercial banks. In addition, the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) report (2020) reports that the financial sector in Zambia is also comprised of 'non-banking financial institutions (122 institutions consisting of 8 leasing and finance institutions, 4 building societies, 73 bureaux de change, one savings and credit institution, 34 microfinance institutions, one development bank, and one credit reference bureau). The other sectors that form part of the financial sector in Zambia include insurance, pensions and capital markets. The financial sector provides a wide variety of financial instruments and constitutes the formal financial services, while informal financial services exist in the form of money lenders and savings groups (ESAAMLG 2020:155-156).

**8.6 Figure 9: Commercial bank branch distribution by province as of 31<sup>st</sup> December 2020**



**Source:** Bank of Zambia Financial and Other Statistics Booklet 2020: 3

Further reforms in 2002 based on assessments of the sector by the International Monetary Fund (IMF) and World Bank were followed in 2017 by a National Financial Sector Inclusion Policy. However, the control and monitoring of these reforms has become correspondingly more complicated, and the IMF has noted that ‘Zambia has fallen increasingly behind international regulatory and accounting standards and good practices’ (IMF, 2017: 21). Their report in 2017 noted that the main regulatory body, the Bank of Zambia, is substantially understaffed, that the legal framework for regulation is cumbersome, that the Bank of Zambia is not fully independent of political decision-makers, and that there is no means of consolidated supervision of financial services. More directly relevant to this study, the report also noted the conclusions of a 2007 assessment of its anti-money laundering (AML) and Combating the Financing of Terrorism (CFT) frameworks as having significant shortcomings.

Given the increasing number of money laundering cases recorded by Drug Enforcement Commission (DEC) and Financial Intelligence Centre (FIC), it appears that a large amount of illicit funds,

including from drug trafficking, pass through the country's financial system. In one of the largest seizures of laundered money in the country's history in 1998 alone the DEC confiscated about US\$3 million from just one bank involved in money laundering in Zambia (Institute for Security Studies ISS:30). A United States of America (USA) Department of State Money Laundering Assessment found:

Zambia is not a major financial centre. The proceeds of narcotics transactions, bribery, and public corruption are the main sources of laundered funds. Wildlife trafficking, human trafficking, and the timber trade also are problems. Banks, real estate agents, insurance companies, casinos, and law firms are the institutions most commonly used to launder money. Criminals in Zambia have used structuring, currency exchanges, monetary instruments, gaming, under-valuing assets, procurement fraud, and front companies to launder illicit proceeds. Other devices include securities, debit and credit cards, bulk cash smuggling, wire transfers, false currency declarations, and trade-based money laundering (TBML) via the purchase of luxury goods, such as vehicles and real estate, and abusive trade mis-invoicing of general trade goods [Zambia – KnowYourCountry](#), accessed 26.June 2023

While some of the illicit funds remain in the country to be laundered into high value properties such as land, real estate and expensive vehicles and investment into farms, gas stations and hardware motor vehicle shops, some of the 'cleansed' monies leave the country through the banks or legally registered companies for a range of purposes including, as will be shown, terrorist financing operations. Kalima Nkonde has written that:

Zambians need to be made aware that the debt that the country has accumulated, is in a large measure, due to the fact that billions of US dollars disappear each year without a trace and end up in tax havens and/or absorbed into Western economies and now China, forcing government to accumulate excessive debt to fill the gap created in order to carry out development projects (How Zambia Loses Billions of Dollars in Illicit Outflows, New Business Ethiopia.com, [How Zambia loses billions of dollars in illicit outflows – New Business Ethiopia](#), 2019, accessed 26.6.2023).

No one can be sure of the exact scale of the problem although Global Financial Integrity has estimated that Zambia lost as much as \$8.8 billion in illicit outflows between 2001 and 2010 (compared to total government revenues of \$4.3 billion) (Clark Gasgoigne, Global Financial Integrity, 13.12.2012).

## 8.7 Money-laundering and corruption

The involvement of corrupt public officials and political elites in facilitating this money laundering has become a feature of Zambian public life, and again this is made possible by weak institutions and poor regulation. As CiFAR has pointed out:

Zambia lacks adequate regulations on facilitation payments and freedom of information. There is currently no law to regulate facilitation payments and the maximum allowable value of gifts or hospitality.<sup>6</sup> Zambian public officials are not subject to financial disclosure laws. Citizens are also limited on how far they can hold the government to account, as there is currently no law guaranteeing access to information.<sup>7</sup> Zambia's Public Interest Disclosure Act is supposed to provide legal protection for civil servants or private sector employees reporting cases of corruption, but the law does not adequately protect them. Section 13(3) of the act imposes criminal liability on a person who makes a public interest disclosure,<sup>8</sup> that is malicious, frivolous, vexatious or made in bad faith or where the disclosure was made for pecuniary gain. This discourages whistleblowers as the penalty can be a payment of a fine or even imprisonment (<https://cifar.eu/country-profiles/ambia-2021/>, accessed 26 June 2023).

Zambia has subsequently fallen down the international corruption ranking index to rank at just 117<sup>th</sup> out of 180 countries according to Transparency International's Corruption Perception Index in 2021. While it is difficult to establish the exact and clear proportion of illicit drugs contribution to the economy, a link between drug trafficking, corruption and money laundering by state officials or agents, and a recognition of Zambia's money laundering record may provide entry points to a study of the illicit economy's contribution to the legal economy. Zambia scored 38 points out of 100 in 2013, 37 points in 2017, dropping to 33 in 2021 on the Global Corruption Index of Transparency International. Although the problem appears to be getting worse, perhaps the worst performance of the country was during the reign of Frederick Chiluba (1991-2001), who was prosecuted for corruption and found to have embezzled several million dollars according to a British court (van Donge, 2009: 69-75). While junior government officials have been convicted of money laundering charges for misappropriating or embezzlement of public funds, many senior government officials acquire their wealth and property from bribes and payments from criminal activities, including drug trafficking.

More recently, the scale of corruption was evident when, according to a Terrorist Financing and Money Laundering (TFML) report in 2021 (202:18-21)

'A total of 55 bank accounts held with eight (8) commercial banks were frozen by the financial intelligence centre to allow for further verification and analysis. The amounts frozen were worth a total of US\$ 30.3 million, ZMW 292.9 million and Euro 1,685.31. The majority of the accounts were frozen on grounds of suspected theft, corrupt activities, tax evasion and money laundering. It was noted that a number of high value properties were purchased by Politically Influential Persons (PIPs) and their associates using cash or transfers. The funds were suspected to be proceeds of corrupt activities. The use of proceeds of crime to acquire property were so high as to have led to price distortions in the property market especially in relation to undeveloped land. In one of the cases handled in the period under review, an individual made a cash part payment in excess of ZMW 7,000,000 towards acquisition of a property with a purchase consideration in excess of ZMW11,000,000. Upon further verification it was established that the money was kept at the home of the purchaser'.

Storing cash at home has become one of the most reported features of contemporary corruption by political figures in Zambia. Technically it is not illegal in and of itself. The Bank of Zambia Act and the Financial Services Act are silent on whether individuals can keep large amounts of any money in their home. But it becomes a concern when those who do so are generally not ordinary citizens but people who have held public office and fall under the category of PIPs or Politically Exposed Persons (PEPs). The United Nations Convention Against Corruption (UNCAC) in Article 52 defines PEPs as

'Individuals who are, or have been, entrusted with public functions and their family members and close associates, and includes both domestic and foreign Politically Exposed Persons' (Mofya, M. 2023).

The Zambia Financial Intelligence Centre (FIC) Act (Amendment) No. 16 of 2020:263-264 defines a PIP or PEP as

(a) an individual who is or has, been entrusted with a prominent public function by a State or an international or local body or organisation but is not of middle or junior ranking and includes—

(i) a head of State or of Government; (ii) a minister; (iii) a member of an executive organ of a political party; (iv) a magistrate, judge and other senior officials of quasi-judicial bodies; (v) a senior military official; (vi) a senior government official; and (vii) a member of the board or an official in senior management of an administrative or supervisory body, or a state-owned enterprise or statutory body;

(b) an immediate family member of an individual under paragraph (a) and includes— (i) a spouse; (ii) a sibling; (iii) children and their spouses; and (iv) parents; and

(c) a known close associate of an individual under paragraph (a) and includes— (i) any individual who is known to have joint beneficial ownership or control of a legal entity or legal arrangement, or any other close business relationship, with an individual referred to in paragraph (a); (ii) any individual who has sole beneficial ownership or control of a legal entity or legal arrangement which is known to have been set up for the benefit of an individual referred to in subparagraph (a); and (iii) any individual who is closely connected to an individual referred to under paragraph(a), either socially or professionally (Zambia Financial Intelligence Centre (FIC) Act (Amendment) [No. 16 of 2020 263]).

To avoid detection and prosecution, criminals in Zambia register their properties in the names of relatives or friends and keep huge sums of money in multiple currencies in their homes or home of relatives and close associates. Several individuals who have held public office have acquired high value properties they cannot account for. Others, however, have transferred their unaccounted-for assets out of the country and both phenomena have come under greater scrutiny in recent years as the government of President Hakainde Hichilema, whose centre-right party United Party for National Development (UPND) came to power in 2021, has sought to address the problems of corruption and money laundering. President Hichilema made the fight against corruption a centrepiece of his election campaign and since coming to office has led a number of important initiatives, media coverage of which has offered new insights into the scale and mechanisms of corruption and money laundering. One important aspect was the role of the previous governing party, the Patriotic Front (PF). Party cadres had acted as a mafia, operating extortion, and bribery rackets through their control of municipal markets and city administrations while government officials had inflated government procurement prices and stole funds from various infrastructure funds worth hundreds of millions of dollars (Mwareya, 2022: 2).

President Hichilema has taken an unusual approach to addressing this corruption as well as the proceeds of money laundering. Rather than pursuing costly arrests and prosecutions, during which the proceeds of crime are used to fund the defences of the accused, he has pursued an asset recovery approach.

On 16<sup>th</sup> May 2023, the new DEC Director General Nason Banda said that asset recovery is the new approach in drug-law enforcement. It will not only target those who have acquired their money from drug trafficking but will be broader to include those who have acquired assets from corruption. The purpose of asset recovery is to ensure that the drug criminals or any other criminals are hit hard in their pockets, while the forfeited assets can be handed back to the Zambian people who have suffered from the corruption. Mr. Banda said the anti-drug commission has two ways of fighting money laundering and drug trafficking in Zambia:

First, 'The actual criminal route where you intend having the person prosecuted, convicted or whatever happens in the court process.

Second, non-conviction-based forfeiture. This one mean that we now prosecute the property and not necessarily the person. It is very easy for you to get something from somewhere still and then put it in the name of your aunt, your uncle or somebody. Then we see that aunt and uncle of yours is the one we see to have property they cannot account for. If plan A seems to be not very good, you go for plan B. So, if you know, you notice that the criminal route might not be very safe for us for whatever reasons we go to plan B where we prosecute the property. What we want is that we cripple the criminal. That is the point, and we recover the money and recover whatever they stole. If you don't hit the criminal at the proceeds, then you have not done anything. He will walk in prison, stay there for seven months, come out and continue enjoying the loot that he got from the people of Zambia' (Kalonda, F. 2023:1-2).

However, while the UNCAC recognises the non-conviction-based asset forfeiture, the convention cautions countries to take this route under the following circumstances: '(i) death (ii) flight (iii) absence (iv) unknown (v) missing (vi) immune from prosecution and (vii) in cases where the statutes of limitations prevent prosecutions. Where the criminal route can be taken against known property owners, it follows that it seems unusual to take non-conviction-based asset forfeiture. Non-conviction-based forfeiture is always available to the state at the successful conclusion of the criminal case. Article 54 of the UNCAC

guides that the default position is to resort to criminal prosecution route of suspects identified in the commission of an offence in relation to the property. When criminal guilty is proved, the following advantages are achieved: (i) the confiscation of the proceeds of crime (ii) the punishment of the perpetrators and (iii) a clear demonstration that no one is above the full force of the law. A non-conviction-based asset forfeiture acts as an effective route in situations where it is not possible to obtain a criminal conviction. The current drug law enforcement policy is regulated by an Act of parliament; the Forfeiture of Proceeds of Crime Act of 2010 which provides for the confiscation of the proceeds of crime, the deprivation of any person of any proceeds, benefit or property derived from a commission of any serious offence and facilitates the tracing of proceeds, benefits and property derived from the commission of any serious offence. The Forfeiture of Proceeds of Crime Act of 2010 domesticates the provisions of the UNCAC' (Shalubala, C.2023:3).

While the UNCAC provides for the criminal route, non-conviction-based forfeiture offers several advantages according to Gretta Fenner, the Managing Director of the United Kingdom (UK's) Basel Institute.

'Asset recovery is about two more things which are important. (i) it is about prevention, because if you do manage to show those criminals that you will catch them and not only them but the money too, it will make them think twice before committing that crime, so it's got the strong prevention aspect and also (ii) or most importantly it builds stronger public institutions, it builds the rule of law and therefore it builds stronger governments, and in this country, and I think we need to remember that even the smallest sum recovered contributes a lot to Zambia. So, it's a long-term gain and the expectations to bring back millions will be huge, she said' (Nakaonga, N. 2023:2).

The Director General's comments regarding prosecuting property follow the establishment of the Economic and Financial Crimes Court. During his inaugural opening of the National Assembly in September 2021, President Hichilema said the government would introduce a mechanism for the fast-track recovery of stolen assets and prosecution of corruption cases. The court checks for illicitly acquired wealth without hurting the core values of current capitalism-private accumulation of properties. The terms of reference of the court are to hear and determine matters relating to economic and financial crimes, and

to hear cases of people who have held public office and have accumulated properties beyond their official income.

In line with the presidential directive, Chief Justice Mumba Malila signed a statutory instrument (SI) for creating an Economic and Financial Crimes Court. Speaking during the ceremonial opening of the High Court criminal session for 2022, on 10<sup>th</sup> January 2022, Justice Malila announced the creation of an Economic and Financial Crimes Court at the level of Subordinate Court.

'Pursuant to the power entrusted in me by Article 133 (3) of the Constitution and Section 3 (3) of the High Court Act, I signed a statutory instrument that will establish the Economic and Financial Crimes Division of the High Court for purposes of handling appeals from its Subordinate Court sibling' (Musika, C.2022).

The scale of the reported crimes being investigated by the Court, and the extent to which they implicate the former president himself, his family and friends, is extraordinary.

Among several cases of PIP or PEP before the Economic and Financial Crimes Court is the case of a former president's alleged proxy who owns real estate properties and that of his wife, who is being investigated by police for allegedly being found with \$400,000 (equivalent to 7.1 million Zambian currency) which she took to her niece for safe keeping in Lusaka. The News Diggers Newspaper (May 12<sup>th</sup>, 2023) reported that an arresting officer informed the Lusaka Magistrates 'Court that the former president's alleged proxy owns properties in Lusaka. The arresting and investigations officer from the ACC, informed the court how a construction company, in which the former president's proxy is a shareholder was awarded four different contracts by the Ministry of Local Government for the rehabilitation and construction of selected feeder roads in central province between 2018 and 2021. The arresting officer appeared before court to testify in a matter in which the proxy is jointly charged with his son and three others, all of whom are directors and shareholders of a construction company, and a company representative. All the accused face twenty-four counts of possession of property reasonably suspected to be proceeds of crime, false statements by officials of a company, obtaining pecuniary advantage by false pretences among others. As a result of the contracts fraudulently awarded by the Ministry of Local Government to a construction company, its directors and shareholders amassed wealth in form of real property. One of the directors had some properties registered in the name of his son and the president's proxy (Chisola, E. 2023:1-4).

In the case involving the former president's wife, it was reported that.

'Police recorded a statement from the accused and interviewed her niece in a matter where the LEA is investigating the theft a motor vehicle and certificate of title for a

property in Lusaka's Libala South. the complainants had complained to the police that the accused grabbed their motor vehicles. The accused is also alleged to have grabbed a certificate of title for a stand located within Lusaka, in the incidents that occurred between August 8, 2022, and August 9, 2022, in Lusaka.

The complainant is alleged to have been detained at a police station and later driven to the residence of the accused where she was together with her daughter, made to surrender the properties to the former accused. Police instituted investigations and managed to locate the properties at the accused's residence where a vehicle was recovered. The Executive Director of a civil society organisation (CSO) said it did not show accountability for the wife former of the former president to be in possession of \$400,000 which she gave to her niece who also gave it to a third person (Kunda J. and J. Banda, 2023:1-2).

In the meantime, it was reported in the media both public and privately owned newspapers on Wednesday 21<sup>st</sup> June 2023 that the state had seized properties linked to a former president, his wife and their children including their child who was a councillor and member of parliament (MP). The Director of Public Prosecutions (DPP) had applied to the court to have all the seized properties forfeited to the state. Among the properties which are suspected to be the proceeds of crime are 15 double storey flats, a farm belonging to one of the daughters, one high-cost house, three flats and four chicken runs belonging to another daughter among other properties. According to the anti-drug commission investigation, the former president's wife constructed the 15 double-storey flats and other associated facilities at a cost of K24, 256, 434.55 against her known income of K3, 104,487.14. The anti-drug commission investigation also revealed that their daughter constructed facilities, including fishponds at her farm at a cost of K8,840,098.69 against her known income of K685,700.08. The accused claimed to own properties worth K6,130,505.58 in her asset declaration form ahead of the 2021 elections in which she was elected as MP, when she had only earned K200,000 between 2016 and 2021 when she served as a councillor. The investigation also revealed that another daughter of the former president had known income of K2,143,184.41 against two real estate properties valued at K9,375, 438.62 and a lodge valued at K9,069,699.87. The anti-drug commission investigation extended to an individual who is purported to be the owner of the land where the Lodge is built in Lusaka, and it was revealed that he had no known income to justify the estimated value of the property.

The DPP Gilbert Phiri subsequently applied to the Economic and Financial Crimes Court High Court Division for a non-conviction-based forfeiture order of the tainted properties belonging to the family of the former First Family.

In another case involving PIP or PEP, and which demonstrates the way political elites had become used to storing large amounts of cash in their houses, the former Information and Broadcasting Minister, and Foreign Affairs Minister in the PF government dragged his domestic workers and his daughter's friend to court for stealing \$160,000 from his bedroom. The News Diggers Newspaper reported that.

'The former Minister's five domestic workers and a student have been dragged to the Lusaka Magistrates' Court for allegedly stealing US \$160,000 cash. The five workers: A man, a 47-year-old house boy; A lady, a 29-year-old maid; A man, a driver, aged 49; A man, a 35-year-old security guard and another man, a 54-year-old gardener are all charged with theft (Mbewe, Z. 2021:1).

An interesting case is where one conviction was secured where an unknown PF government official had US\$1.2 million stolen from his/her home. It was reported that the thief, a female friend of the PF government official was secretly prosecuted in the courts of law without the knowledge of the media or the public in order to hide the identity of the government official she stole from, and she served a five-year jail sentence for the offence of theft. This case which only came to public knowledge on 3<sup>rd</sup> July 2023 suggests that there is a higher likelihood that a lot of former PF leaders had their dollars stolen from their homes especially by their girlfriends but did not report to police for fear that the cases would turn against them as they would be charged with the offence of being in possession of US dollar cash suspected be proceeds of crime. But this particular complainant who was described as a well-known public figure took the matter to court knowing that they had the state machinery at their disposal and would get away with the offence of being in possession of US dollars cash suspected to be proceeds of crime (Chisalu, P. 2023: 1-4).

Another example involving one of the former presidents saw a former journalist reported to have been in a relationship with him, deprived of a palatial mansion, \$58,000 and 65m Kwacha in cash discovered when her house was raided (Mwayeya, 2022; News Diggers Newspaper, 2022). The cash was concealed packed in travelling suitcases and carton boxes in multiple currencies. In June 2022, the FIC published the trends analysis report entitled the 'Cash Bonanza'. According to the FIC report 2022, the year 2021 was characterised by people being found with a lot of money which was sitting outside the

established financial systems in the country. There was also a trail of cash purchases of high value properties such as real estate, motor vehicles etc without any proper trail of how the items were acquired and where the money came from.

The drive to reclaim stolen assets extends to those assets which were transferred overseas by corrupt officials. When the PF lost political power on 12<sup>th</sup> August 2021, some PEPs or PIPs had attempted to make last minute illicit transfers of funds including a former president's associate, and drug accused businessman. The Times of Zambia newspaper (September 2, 2022) reported people were still trying to make last minute movements of funds which were unauthorised, and which were not theirs. Speaking during an interview with the British Broadcasting Corporation (BBC) on Wednesday 1<sup>st</sup> September 2021, the new President Hichilema 'said that his government would show zero tolerance to corruption and would get to the bottom of what he called the 'illicit movement of funds'. He said he did not want to pre-empt things but that what they were picking up was horrifying. He said that one would think that no one can do such a thing, but it was being done. People have done it and they are still trying to do things now. He added that horrifying amounts of money had been stolen from Zambia's treasury reiterating that he had inherited empty confers' (Namusa, K.2021:1).

The Zambia Daily Mail Newspaper (3<sup>rd</sup> September 2021) had already reported that the FIC had over 1,500 suspicious transactions cases being investigated and assured the nation of curbing any illicit transactions. The then FIC Director General Mary Chirwa said there have been reports of suspicious transactions with prominent businessmen among them the drug trafficking accused businessman who had his accounts recently frozen, (Chipepo, D. 2021:1).

Asset recovery will include retrieval of assets hidden overseas. The state-owned Times of Zambia newspaper (13<sup>th</sup> June 2023) reported that the anti-drug commission Director General Nason Banda had revealed that the commission had identified concealed stolen money, properties and assets worth millions of dollars overseas in Europe which are linked to PEPs or PIPs and other individuals who are suspects currently under investigations for various crimes committed in Zambia. He said the properties which had been previously difficult to seize and recover, would now be seized with the help of foreign agencies using the Mutual Legal Assistance (MLA) framework. He said that the country had lost so much, and it was sad to see properties of targeted individuals lined up in Europe and other countries. Speaking during the official opening of LEAs workshop on MLA and Offshore Structures held in Lusaka on 12<sup>th</sup> June 2023 he said.

'Recently, I was out of the country for a while, and I had the chance to look at property belonging to our targets here in Zambia lined up abroad in Europe. Just lined up like that and there was no way we can get them. I can't mention the properties that I saw in fear of jeopardising the investigations. That is why I didn't mention the countries or the nature of the properties. But we have all the information we need, he said. He said the most important fact now was that the net had been spread wider than before to ensure that more suspects and properties were captured. We have spread the net wider; borders are no longer a limitation. Wherever the criminals go we shall follow. With arrangements like the MLA, we will be able to get these properties that they have hidden, he said'.

Slightly over a month after taking power, President Hichilema said some of the assets allegedly stolen from government during the PF regime were far away overseas and his government would require global assistance to recover them. Addressing a press conference at State House in Lusaka on 30<sup>th</sup> September 2021, he said the beauty about it was that the new government knew where some of the pieces of property acquired through corruption had been taken. 'We need global cooperation to return some of the property. They were taken to very far countries' (Banda, J. 2021:1). In fact, international cooperation has been at the heart of the new asset recovery strategy. The Director General of DEC, Mr Banda said that the MLA is strongly spelt out in the international instruments such as the UNCAC and other regional agreements. He said that among the many key issues the MLA provided a legal framework for conducting cross-border investigations and enabling authorities in one country to seek assistance from another country in gathering evidence, conducting interviews, freezing assets and executing search warrants. Through cooperation, countries could share information on bank accounts, ownership records, and suspicious transactions, aiding in the identification and freezing of illicit funds. He further said MLA promoted the harmonisation of laws, procedures and practices related to financial crimes among participating countries. It encouraged countries to establish compatible legal framework, including extradition treaties, asset forfeiture laws, and mechanism for sharing financial intelligence. International Centre for Asset Recovery (ICAR) Head of Training Phyllis, Atkinson, similarly called for working together with other national agencies and coming up with a collective approach in getting positive results. She said there was need for countries to collaborate when it came to dealing with financial crimes (Kinke, F. 2023:1-2).

This new approach was consolidated in June 2023 with what is known as 'Operation Cripple the Criminals' and the signing of the Inter Agency Coordination Framework to facilitate the retrieval of assets hidden both within the country and abroad. There have been some notable and highly publicised successes in this approach.

In the picture below DPP Gilbert Phiri (left) and Anti-Drug Commission Director General Nason Banda (right) witness the arrival from Zimbabwe of a seized Helicopter Bell 206 Jet Ranger on Saturday 17<sup>th</sup> June 2023 at Zambia Airforce city airport.

**8.8 Figure 10: Director of Public Prosecutions Gilbert Phiri (left) and Anti-Drug Commission Director General Nason Banda (right) witness the arrival from Zimbabwe of seized Helicopter Bell 206 Jet Ranger last week Saturday 17<sup>th</sup> June 2023 at Zambia Airforce city airport**



**Source:** Times of Zambia Newspaper, Sunday, 18<sup>th</sup> June 2023

The state-owned newspaper (18<sup>th</sup> June 2023) confirmed the arrival of the jet ranger helicopter which had been seized from a former Minister of Foreign Affairs. The chopper was bought for \$700,000 and is believed to be a proceed of crime. The anti-drug commission Director General was quick to say that the case involving the helicopter was before the Economic and Financial Crimes Court, praising the inter-

agency coordination in Zambia and South Africa for having been behind its recovery. Mr. Banda revealed that the NPA worked in conjunction with the anti-drug commission and coordinating with their counterpart organisations in South Africa to ensure that we get requisite orders to seize two helicopters, one of which is still in South Africa. The Bell 206 jet ranger is being used as evidence in the Economic and Financial Crimes Court in a case involving the owner, a former Minister of Foreign Affairs and a former secretary to the treasury. The case sheds light on the wider scale of the corruption and money laundering processes among the former political elites: A witness testified before court as follows:

'A former Zambian diplomat to Turkey has testified that an embassy accountant allegedly withdrew US\$4.6 million from a bank in Ankara and delivered it to a presidential jet used by former Foreign Affairs Minister. A former diplomat to Turkey told the Lusaka Magistrate Court on Friday 9<sup>th</sup> June 2023, that the cash was packed in two brief cases and put on the Zambian presidential jet, which was scheduled to fly the former Minister, who was visiting Turkey, back to Zambia. He told the magistrate that after the money was withdrawn from the bank, the accountant picked up the former Minister with the late ambassador from a hotel and went to the airport where the money was loaded into the plane which the former Minister boarded.

The former diplomat said he was also informed by the defence attaché that an officer was instructed not to subject them to normal airport procedures but to take them straight to the aircraft as the former Minister was running out of time. 'I was told that the two bags which were in the driver's vehicle were loaded on the presidential jet and handed over to the crew on the presidential jet', he said.

He said investigations into the purchase of property at the Zambian embassy revealed that the US\$4.6 million was part of the US\$7.1 million sent to the mission from the Ministry of Finance to purchase 12 properties. He said the US\$1.1 million was used to purchase the Chancery building which he claimed was not worth the amount because it was in a dilapidated state. He said the US\$7.1 million was sent to the Zambian mission in December 2020 in five instalments by the Ministry of Finance.

This was in a case in which former secretary to the Treasury and former Minister were charged with two counts of wilful failure to comply with laid down procedures.

The former Minister also faces eight counts of being in possession of property suspected to be proceeds of crime' (Sichikwenkwe, 2023:1).

Meanwhile, the News Diggers Newspaper (23<sup>rd</sup> June 2023) reported that the Inter Agency Cooperation on Asset Recovery had disclosed that a second very luxurious helicopter costing \$1.4 million and suspected to be proceeds of crime has been traced in South Africa and is expected to be repatriated back to Zambia soon. The name of the owner of the second helicopter has not yet been disclosed to the public. Speaking during the signing ceremony of the Inter Agency Coordination Framework Document in Lusaka, on Thursday 22<sup>nd</sup> June 2023, the DPP Gilbert Phiri said the other helicopter was very luxurious.

'Through the task force, we have undertaken joint exercises with our equivalent cross border and international counterparts. I am elated to report that recently, working jointly with our sister agencies in Zimbabwe and South Africa, we recovered a helicopter which we reasonably suspect was acquired from illicit activities. Under the framework auspices, the National Prosecution Authority (NPA) and DEC travelled to Nelspruit, South Africa where they traced a bigger luxurious helicopter, Bell 430 which was bought at a cost of \$1.4 million. Working in conjunction with the South African counterparts, they made a non-conviction-based forfeiture application in the South African courts to have the suspected proceed of crime repatriated to Zambia. As I speak, we are waiting for the final order in that matter. We are currently working on the recovery of similar assets that have crossed borders.

The asset recovery strategy can be understood in several ways. Stephen Chan, a UK-based academic, has argued that it 'basically follows the principles of forgiveness promulgated by Zambia's founding president, Kenneth Kaunda' in so far as criminals who voluntarily surrender the illicit monies will be publicly shamed but not brought to trial. It is a form of conditional forgiveness in line with Kaunda's 'African humanism'. (Mwareva, 2022). Others suggest it is a more effective strategy than pursuing lengthy prosecutions and trials which often stall in underfunded and corrupt courts as happens in Zimbabwe in so called 'catch and release' cases. Even when criminals are rigorously pursued as in South Africa's huge anti-corruption drive against the repurposing of state-owned enterprises for private gain, high-level officials are rarely convicted. For example, Jacob Zuma, former South African president, had survived 18 charges of corruption and fraud since the 1990s. But he is currently facing in South African High Court for those same cases. See 'Jacob Zuma: South Africa's Ex-President Pleads Not Guilty for Multi-Billion Dollar Arms Deal' BBC, 2021. So, the focus on asset recovery may be a pragmatic solution which returns much-needed money into the legal economy. However, whilst the strategy does provide some strengthening of state institutions via the requirements of international collaboration and the demonstrated efficacy of the

court, it should also be acknowledged that it remains dependent on the personal commitment of the new President and does nothing to address the root causes of either TOC, corruption or money laundering. The fundamental weaknesses of Zambian institutions remain, and they are unable to protect the economy from the predations of TOC. If current political elites lose the willingness to promote and support the strategy, or if the amount of assets recovered are insufficient to justify their support, there is little to sustain the campaign other than the possibility that fear of having their assets retrieved will deter others from engaging in crime and corrupt behaviour.

Meanwhile, the UNODC on 3<sup>rd</sup> July 2024 hailed Zambia on asset recoveries. Government owned Zambia Daily Mail Newspaper dated 4<sup>th</sup> July 2024 reported that 'the UNODC says Zambia's asset recovery is commendable and exemplary, judging by the volume and types of property recovered such as planes and apartment buildings. Speaking at an asset management workshop organised by the UNODC, UNODC Global Programme Against Money Laundering national project officer, Liya Tembo noted however that the seized and forfeited assets have presented challenges in terms of management. She commended Zambia for the work that has gone into the amendment of the Criminal Asset Recovery and Management Act to strengthen its capacity to manage seized and confiscated assets. The workshop demonstrated that Zambia's partners against crime were not only domestic but international. Speaking at the same workshop Attorney Genery Mulilo Kabesha said Zambia had realised that the legal framework relating to asset management was inadequate and required reforms. The objective of legal reforms is to align laws on asset management with international best practices that include among others UNCAC guidelines on asset management. And acting secretary to the treasury Nsandi Manza said best international practices demand that countries should have a framework for managing or overseeing the management of frozen, seized and confiscated property' (Mutinta, C. 2024:3).

In 2023 alone, the News Diggers Newspapers dated 12<sup>th</sup> July 2024 reported that 'The Southern Africa Development Community (SADC) member states recovered over \$286 Million from illicit assets. Speaking on 11<sup>th</sup> July 2024, at the SADC Meeting of the Ministerial Committee of the Organ on Politics, Defence and Security Cooperation, SADC Executive Secretary Elias Magosi, said the fight against corruption has continued among the member states as they investigate and prosecute cases of corrupt practices and recover assets gained through proceeds of crime. He said that it was of great concern to note that the Southern African region is being used as a conduit for illicit drugs destined for international markets. Illicit drug trafficking generates significant financial gains and wealth, thus encouraging cross border criminals and organisations to penetrate, contaminate and corrupt society at all levels. This

situation afflicts our member states especially as illicit drug trafficking and substance abuse largely affects the youths. Therefore, there is need for all member states to intensify efforts to combat and eventually eliminate drug trafficking, money laundering and the abuse of drugs especially through the implementation of the SADC Protocol on Combating Illicit Drug Trafficking' (Chisalu. P. 2024:5).

It is worth noting here that one interesting feature of the evolution of the country's money laundering and drug trafficking is the absence of clear kingpins which makes tracing illicitly created and held wealth much harder. But in a centralised system, like that of Zambia, the president may be the main kingpin. While clearly identifiable kingpins dominated and controlled the illicit drug trade in the 1980s in the era of the one-party state, and for some time afterwards in the 1990s, the same cannot be said today. This points to new sophistication, perhaps, with regard to how the illicit drug networks conduct their trade. Under the former state-controlled socialist economy of Kenneth Kaunda where private ownership of capital and other means of production were closely watched by the state security apparatus, individuals who accumulated wealth over and above their income were easily noticed, investigated, and prosecuted. However, the new liberal economy since 1991 means that individuals can own property disproportionate to their income with little or no concern from state authorities or other members of society. Only the 'big figures', the high-profile PEP come to the attention of the Court, the FIC and the anti-Drugs agency, some of the would-be drug kingpins are now only identified as successful businesspeople. In part this shows the extent of diffusion of drug money into the formal economy of the Zambian society. This phenomenon is well illustrated by one of my key informants who stated thus:

'The current manifestation of the drug business and money laundering in Zambia unlike in the 1980s and 1990s is one where the once known kingpins have taken their feet off the peddle, have laundered the drug money and have become successful businesspeople. While some are still in the country, others have relocated to nearby South Africa where the anti-drug laws are not stiff and are remotely controlling the drug business in Zambia while managing their various legal businesses including dealing in motor vehicles, the businesses they established using drug money. Chaba Zeko (not real name) a resident in South Africa has a home in Zambia where he has some boys not well known to the public. He exports drugs through a named freight company based at Kenneth Kaunda International Airport (KKIA) to the UK where they make more money. The Zeko family have lived off drugs. Mr. Zeko, the father of Chaba and Mrs Tom was a fish trader who used to

export drugs stuffed in the fish with drugs to the UK. This family has laundered drug money, but they now have milling companies, trucking companies etc (Interview with a Senior State Security Officer Operations, Lusaka, 23<sup>rd</sup> January 2022).

### **8.9 Terrorist finance**

One area of growing international concern is the apparent growing integration of Zambia's money-laundering business and the cleaning of terrorism finance. I have already argued in this thesis that one of the conditions of SAP which Zambia adopted in the mid-1980s and which was implemented by the MMD government through the privatisation Act No. 21 of 1992, was that the government would create a favourable environment for trade and investment through the process of deregulation and the removal of trade barriers and bottlenecks to doing business. The rationale included quickening the process of business registration and operationalisation, meaning from the time you apply for a business license to the time it is granted only a very little time should have passed. Competition for direct foreign investment and a degree of desperation, meant there was reduced scrutiny of applicants, with the emphasis being laid by government on how many businesses were registered in a day, one month or one year rather than on the quality and legal status of the applicant. As a result, licenses were awarded to international criminals and legal firms which were nonetheless connected with crime and terrorism networks.

Of course, this phenomenon preceded economic liberalisation to some extent. During the rule by President Kenneth Kaunda, the private sector was relatively marginal to an economy dominated by the state sector. Regulation and supervision of economic activities including business registration and obtaining business licenses was strong. Any business which grew 'too big' was censured and faced hostile takeover by the state. Despite these strong controls by the state, however, there were individuals both foreign and local who managed to evade the controls and set-up private businesses. . Ultimately, most of them were caught and publicly denounced. But the problem has been escalating ever since the economy was liberalised in 1991.

There are now some known registered companies operating in Zambia with links to terrorist organisations based in the Middle East. These businesses are in construction, transport, retail, real estate, and manufacturing industries and some have also been reported to be financing some political parties in the country. In early 2021 during field work, when a very senior security officer was asked which categories of people were involved in drug trafficking in Zambia, he revealed the following.

'That the people involved were 'businesses with links to terrorist organisations like Alshabab, Hezbollah and Hamas which have an affiliation with the Islamic state.

These terrorist organisations have fundraising activities which include human trafficking, gun running and drug trafficking. What they do is for example when drugs are produced in Afghanistan, the drugs are transported via the Middle East and sold in a lucrative market like USA market. The proceeds from these illicit activities like human trafficking, gun running, and drug trafficking are channelled to countries like Zambia where business activities like mining, manufacturing of steel products, trading in petroleum products, for example aviation fuel, petrol and diesel are used as fronts for illicit activities. Gas station E is from a named country in North Africa with links to extreme groups and gas station X owned by certain nationalities from east Africa just obtained franchise from parent company of gas station X. More T gas stations are run by east Africans because of laxity of franchise than are for X. Steel companies run by some nationalities from Middle East within the country and trucking businesses are fronts for illicit activities. What they do is they go to a person with a credible company a Zambian company and attach their fleet to that company. They become a silent partner. They go into acquiring mining rights. They go into acquiring mining rights following the right procedures and start the mines from the scratch. Whatever money is made from these activities is over declared profits knowing that money is from drugs, and they do not mind paying taxes here as long as the money passes through the banks or legitimate financial system. There are also named cement making companies in Lusaka and Ndola on the Copperbelt where strategic positions are held by Indian nationals to facilitate money laundering when there are Zambians who are competent to hold the same positions.

Zambian politicians are not coopted directly, but drug traffickers use them to create companies for example by aiding traffickers to acquire mining rights, trading licenses and in this way, politicians are used knowingly or unknowingly to participate in creating front companies for money laundering activities. Drug traffickers dangle a carrot before them (politicians) by giving them money (bribes) as inducement. Zambia is mainly a base for money laundering activities' (Interview with a very senior security officer, 12<sup>th</sup> March 2021, Lusaka).

The above revelation was verified by a government letter which leaked on social media later in 2022. The authenticity of the leaked document was confirmed by one of the government security wings and reported in state owned newspaper.

The state-owned Times of Zambia News Paper (4<sup>th</sup> February 2022) confirmed that a document on alleged investigations of militant group Hezbollah's link with two Zambian construction firms, had leaked on social media.

'The Ministry of Home Affairs and Internal Security has indirectly confirmed a confidential document on alleged investigations of militant group Hezbollah's link with two Zambian firms, which trended on social media outlets. The Ministry's former public relations officer said a document meant for investigations had been leaked on social media despite being a confidential document. The former spokesperson said this in response to a Press query. It is regrettable that a document meant for investigation purposes between a security wing under the Ministry of Home Affairs and Internal Security and the recipient had been leaked on social media despite being a confidential document' (Sichone, C. 2022:1).

In relation to the above confirmation by the Zambian Government through the Ministry of Home Affairs and Internal security, the Zambian Watchdog and Zambian Digest online sources published on 22<sup>nd</sup> January 2022 and 24<sup>th</sup> January 2022 respectively a confirmation that the USA had raised a red alert on Zambia and reported as follows.

'The US Treasury Department announced another set of sanctions on Hezbollah financiers this week, designating on Friday a funding network based in Zambia and Lebanon. Two Lebanese have been accused of helping fund Hezbollah's operations through 10 companies reportedly in their network and financing "corrupt patronage" in Lebanon as a way of navigating the country's economic crisis. Today's action exposes and targets Hezbollah's misuse of the international financial system to raise and launder funds for its destabilising activities as the Lebanese people suffer during an unprecedented economic crisis," said Brian Nelson, under-secretary of the Treasury for terrorism and financial intelligence. The two Lebanese have been accused of "having materially assisted, sponsored or provided financial, material or technological support for, or goods or services" to Hezbollah. Their sons, were also designated.

Two of the companies named in the sanctions, are based in Zambia and have been reportedly used to funnel financial and technological support to the accused. (Zambian Watchdog and Zambian Digest, 2022).

Based on the information provided by the American Government, the Zambian government - through the Zambia National Anti-Terrorism Centre (ZNATC) - wrote a letter dated 26<sup>th</sup> January 2022 to the companies banning the two companies from operating in Zambia as follows:

On 21<sup>st</sup> January 2022, the United States of America Department of the Treasury's Office of Foreign Assets Control (OFAC) on its website ([sanctionssearch.ofac.treas.gov](https://sanctionssearch.ofac.treas.gov)) published its designation (blacklisting) of two (2) Zambian based companies (named) based in Lusaka. Further, four (4) individuals (named) with interests in the named two (2) companies were also placed on the 'Specially Designated Nationals and Blocked Persons List' According to the OFAC, the designations were related to their having materially assisted, sponsored or provided financial, material or technological support for, or goods or services to or in support of Hezbollah, a US designated Foreign Terrorist Organisation. In view of this, ZNATC has instituted investigations into the activities of the following concerned companies and their directors (named): -

In addition to the website publication, ZNATC has since received official notification from the Ministry of Foreign Affairs and International Co-operation on the matter. Therefore, this notice is intended to alert the recipient to this development and to advise that the necessary precautions should be taken when dealing with the above stated entities and individuals until further notice.

The truth of the letter which leaked on social media was confirmed by key interviewees from the state security system during field work.

### **8.10 Economic liberalisation, the job market and the drug economy**

Other conditions of the SAP included the downsizing or 'right sizing' of the work force in the public sector and the removal of subsidies on agricultural inputs, both of which have impacted the capacity of the drugs trade to infiltrate the broader economy.

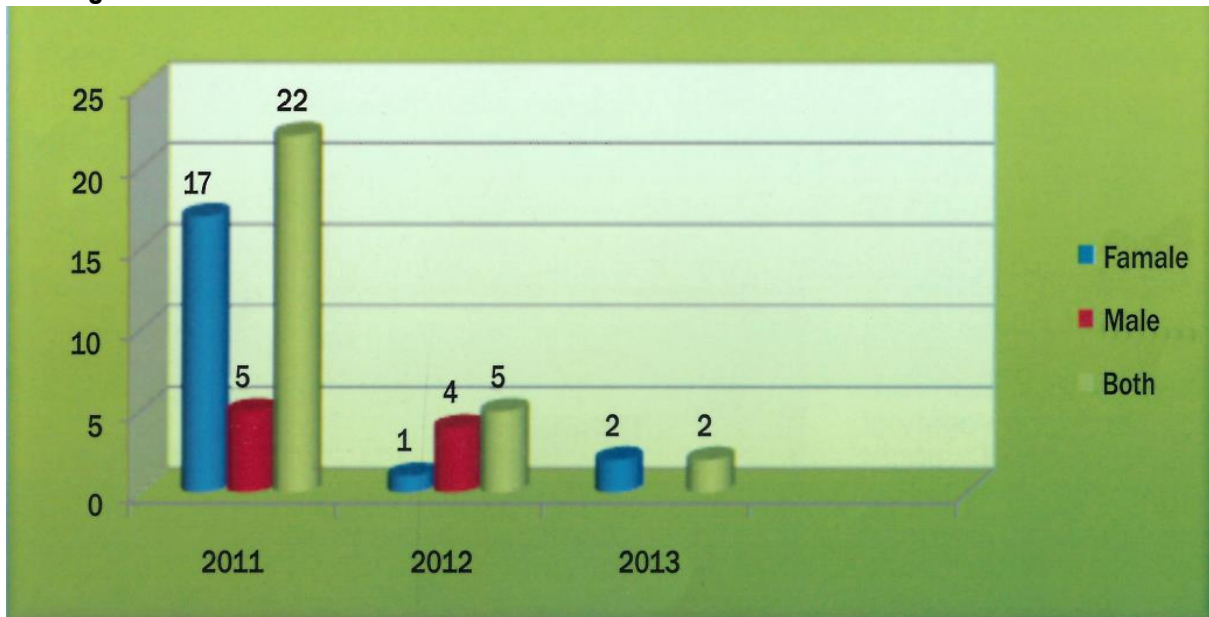
Right sizing aimed at improving the economy and efficiency of the public sector had the negative consequence of sizeable job losses. Jobs were also lost due to the sale of state-owned enterprises through the privatisation programme spearheaded by the MMD government in 1991. The removal of

subsidies meant that the cost of production in agriculture rose beyond the capacity of many farmers especially the small-scale farmers residing in rural areas, again leading to the loss of agricultural jobs. As unemployment spread through the formal economy, the drugs trade became an appealing substitute. It could be argued that drug trafficking has taken over the responsibilities of a guardian looking after orphans left behind by the state, taking care of them through providing jobs which the state is unable to offer due to the implementation of neo liberal policies and the failure of the private sector to fill the gap. Regular economic policies of the IMF and World Bank of wage and employment freeze means that fresh graduates from colleges and universities are unable to be employed in the public service. A prolonged wage freeze means that workers' salaries which are already low remain stagnant for some time thereby exposing public service workers to be vulnerable to corruption by drug traffickers. Unemployment is a 'capacity gap' which leads to 'function holes' to be filled in by drug trafficking according to Williams (2022) thereby filling in the gaps left by the state.

This is made worse as the social amenities for young people that had been provided by the state under the Kaunda rule were sold off as building plots and people have built houses on them. So, the young people for lack of entertainment facilities and jobs have resorted to drug abuse to pass the time while their parents are struggling to provide their everyday needs. Due to lack of employment opportunities from the state, young citizens especially girls have become couriers of cocaine and heroin on behalf of the drug traffickers.

It is reported that the most affected by the poor economy and most recruited by the criminal economy are women than men. This is depicted by a high number of Zambian women arrested locally and abroad for drug trafficking as shown in figure 11 below.

**8.11 Figure 11: Zambians arrested abroad 2011-2013**



**Source:** Drug Enforcement Commission Annual Report 2013:8

From the graph above, we can see that two (2) females were arrested abroad in India for drug trafficking while no arrests were made for males abroad. 2011 recorded a total number of twenty-two (22) Zambians arrested abroad, the majority (17) of them were females and five males. In 2012, there was a reduction in the number of Zambians arrested abroad one (1) female and four (4) males. A recent investigation by DEC (2013) in women involvement in drug trafficking suggests that 'on average seven (7) women were arrested for drug trafficking abroad annually between 2008 and 2012. Further the study revealed that women's roles in illicit drugs were mostly that of courier (including as mules) and seller. According to the study, the main drivers for women's involvement in drug trafficking was poverty (68.9%) arising out of unemployment. Other drivers included the desire to get quick money and have a good life, low perceived risk of drug trafficking, easy accessibility of drugs such as marijuana (cannabis) and spouse influence, (DEC annual report 2013:8-9). The former Commissioner of DEC late Mukutulu Sinyani speaking at a conference bemoaned the huge number of females involved in drug trafficking as couriers and money laundering associated with drugs as a big problem the country is faced with. He reported to the audience that eighty percent (80%) of Zambians arrested overseas in 1996 and seventy five percent (75%) of those arrested in 1997 were females.

As a source of income to alleviate poverty, but in minority instances, Zambian women living in the countryside have been reported to be involved in the cultivation of marijuana according to the Global Organised Crime Index for Zambia (2021:4) published by the Global Initiative Against Transnational

Organised Crime (GIATOC). An increase in the cultivation of cannabis in the country has also been attributed to the increase in the cost of agricultural inputs following the removal of subsidies by government on agricultural inputs such as seed and fertiliser. An increase in the cultivation of cannabis following the global economic downturn of the 1970s was also reported in West and East African countries such as Senegal and Kenya respectively. Research in Ghana and Senegal by Emmanuel Akyeampong (2005:35) shows that cannabis as a source of income was rated 50:1 against ground nut production in Senegal and 300:1 against cocoa production in Ivory Coast. Studies show that in Southern Africa, Zambia, Mozambique, Malawi and South Africa are the major production areas of cannabis for exports to North America and Europe due to economic hardships.

While cannabis still remains, a common illicit drug cultivated in Zambia, an interview with a senior DEC officer revealed that cocaine and heroin have arrived in the rural areas for consumption and as a source of income to alleviate rural poverty in Zambia.

'In the past cocaine and heroin were considered to be drugs for rich people in urban areas because they were expensive. But now even the rural poor people are consuming them. Not only is cocaine and heroin consumed in rural areas, but it has also become a major source of income for the rural population here in Kazungula district of Southern province. It is sold by older people between the ages of 45 and 50 years and consumed by the young people. The price of one sachet is K20 or K30 here in Makalanguzu but can cost as much as K50 in urban areas. Sometime in 2021, one of the rural suppliers was caught with cannabis which is common in rural areas. When a further search was conducted on him, 11 sachets of heroin weighing 1.8 grams were also found on the suspect. This happened around 2021. An ordinary scale could not read the weight of just one sachet because its weight is so negligible. So, the DEC officers weighed the confiscated heroin sachets from a local resident in bulk. The confiscated heroin had to be weighed as a group to arrive at the 1.8 grams. Cocaine and heroin are sourced from places in the tourist capital Livingstone called Malota and Sawmills and transported to here in Kazungula where it is in high demand. The other source of the cocaine and heroin for Makalanguzu rural slum is

Namibia, being imported along the Mambova<sup>5</sup> river where traffickers cross into Zambia's Kazungula district. Traffickers avoid the Kazungula border because of the presence of sniffer dogs (Interview with senior security officers, Kazungula border post, 23<sup>rd</sup> March 2022).

Images of confiscated heroin by law enforcement officers from a local rural resident of Kazungula district are shown in figure 12 below. Kazungula is a place in Southern Province bordering Zambia, Zimbabwe, Botswana, and Namibia.

Exotic drugs can be afforded by the rural dwellers due to differential pricing evolving with consumption patterns. Whereas cocaine and heroin are expensive in urban areas, they become less expensive in rural areas. Price adjustments by traffickers are meant to make the drugs affordable to poor rural consumers. Although these drugs have permeated the rural areas, cannabis is still dominant in the rural areas in Zambia. The possible explanation is the thin presence or complete absence of law enforcement officers from the anti-drug commission. The predominant law enforcement agency is the police presence who are traditional and mainly concentrate on checking cannabis fields. New drugs elude the police because the new drugs are easy to hide, they don't have a smell like cannabis, are transported in small quantities which enhance high portability and have high potency. To get high with cannabis, consumers have to smoke a lot of it whereas with the new drugs they just sniff a little and they are high. Zambia Police, the predominant law enforcement agency in rural areas, has no competence to handle these new drugs. The absence of DEC is a factor in permeation so consumers in rural areas are safer than urban consumers. When rural farmers come to sell livestock in Lusaka's Chibolya area which is the epicentre of the drugs, they interact with traffickers who target them knowing them that they have just sold livestock and they have money.

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<sup>5</sup> Mambova is an ancient international trade centre and human crossing point of historic significance. It also attracts a sizeable number of tourists.

### 8.12 Figure 12: Images of confiscated heroin by law enforcement officers at one of the border points



11 Sachets of Heroin weighing 1.8 grams



A sachet of Heroin unwrapped

**Source:** Photographs of confiscated heroin by law enforcement officers at one of the border points taken by the researcher on 23<sup>rd</sup> March 2022 at 17:00 hours during field work.

The samples were shown to the researcher by senior law enforcement officers during the course of the interview as part of their response and as evidence that they did indeed confiscate drugs. The researcher was only allowed to photograph them under strict conditions, and was not allowed to touch them, move with them or draw very close to them. He was only allowed to photograph the samples in the presence of the security officers. These drug samples were shown to the researcher unsolicited by senior security officials during interviews. The samples were confiscated by law enforcement wings from one trafficker who was at the time of the interview awaiting sentencing.

Low level drug traffickers, including the female couriers and other impoverished citizenry in both urban and rural areas who are discussed here, are what are referred to as victims of globalisation by James H. Mittelman and Robert Johnston (1999). They are forced to work in the illegal trade due to the economic situation which ensues from the country's integration into the global economy and can be considered the '*foot soldiers*' of the criminal economy, operating outside the formal economy and below the level of the state. This parallel economy offers incentives to impoverished citizenry in the form of jobs which the state and the private sector are unable to provide.

### 8.13 Political party financing and drug trafficking in Zambia

The Patrick Mvunga constitution in 1991 focused on operationalisation of a multiparty constitution buttressed on political competition and establishment of democratic institutions consistent with a multiparty system. This introduced a cutthroat competition for political power even as the separation of party and government meant that the ruling party was no longer funded from state coffers. Under the

socialist United National Independence Party (UNIP) government, the party had been part of government and fully funded by government. UNIP party officials were government officials and were on the government payroll. For example, the party Secretary General was a government officer and considered a de facto vice president of the republic. Apart from UNIP officials' salaries being paid from the national treasury, the ruling party also drew its resources for campaigns from parastatal companies which were also compelled to publicly campaign for the then ruling UNIP party as evidenced by the advert by one of the state-owned parastatals. The advert states that "For continued peace and progress, we stand with the nation to give his Excellency the President Dr Kenneth David Kaunda a massive yes vote in the fourth coming 1983 Presidential and General Elections". The government following privatisation had no legal access to companies' resources.

Major political parties, including the ruling party, now started to look for new sources of funding, locally or internationally, in the process becoming vulnerable to 'dirty' financing. Their costs were significant, including staffing and campaigning but the legitimate sources of funding – including party membership fees, contributions from Members of Parliament (MPs) and ministers as loyalty fees, were not sufficient for a party to compete effectively in a democratic dispensation. So, they looked out for alternative sources including from organised crime activities. In 1991, former DEC Commissioner accused MMD of receiving US\$6 million of its campaign funds from known drug traffickers (see Bivan Saluseki 'Kamoyo Mwale Accuses MMD of Receiving \$6million Drug Money in 1991' The Post Newspaper, 20<sup>th</sup> November 1991).

But already elsewhere in Africa, there was evidence that drug trafficking and corruption were seeping into the political system, influencing politicians and political parties, first in West Africa and then in Southern Africa as they developed their roles as important routes for traffickers. It was not long before the same was to be seen there. In 2005 the then opposition PF politician, was arrested O.R. Tambo International Airport in Johannesburg, South Africa and reported to have had \$27, 000 confiscated from him by South African authorities. The arrest was received with mixed feelings from different stakeholders. For example, in a leading editorial one leading private newspaper stated that:

"The South African authorities' confiscation of US \$27,000 from the then opposition politician has exposed the weaknesses in our approach to fighting corruption. In Zambia, there is no way the accused could have been arrested for carrying US \$27,000 in a bag. Ours is a country where the president used to boast that things were so free, and people were allowed to move with their dollars at the airport or

anywhere without looking over their shoulders. This was Frederick Chiluba's approach to such issues. And the accused was for ten years a minister in Chiluba's government." (The Post, 21<sup>st</sup> December 2005)

The US\$27, 000 was a matter of political debate as other politicians argued that the accused was in possession of such a huge amount of money as he had promised his donors to give them a lucrative mineral rich piece of land in the Luapula province of Zambia upon winning the 2006 tripartite elections (The accused's \$27, 000 was for Land, Times of Zambia, 3rd April 2010). This accusation levelled against the politician by his former Secretary-General, but the accused denied that the money was for land. He accused his former secretary general of peddling lies and stated that the money was his and that there was no need for him to start explaining his own money. This notwithstanding, in 2011 the accused was elected to the office of president, his manifesto included an anti-corruption policy, suggesting that Zambian politics was already deeply permeated by corruption related to party financing.

Under the new multi-party system, political parties were not initially allowed to draw on government resources. Concerns mounted however as it became clear that the larger parties were spending increasing amounts of money on campaigns, the sources of which were unclear at best and criminal at worst. Moreover, small parties and female candidates were clearly disadvantaged. Under pressure from civil society, a new Political Parties Bill was introduced in 2016. which determined the creation of a state-supported Political Parties Fund. The Bill is yet to be enacted into law.

Part IV of the Bill proposed the establishment of the fund (The Political Parties Bill, 2017:34). Article 36 (The Political Parties Bill, 2017:34) Subsection (2) giving an idea of how it would be constituted:

36. (1) There is established a Political Parties' Fund for purposes of providing financial support to political parties with seats in the National Assembly. (2) The fund consists of- (a) such monies as may be appropriated by Parliament for the purpose of the Fund; 34 (b) such monies as may be paid to the Fund by way of loans, grants, or donations; (c) interest arising out of any investment of the Fund; and (d) such other monies as may vest in or accrue to the Fund. Distribution of the Fund 37. (1) The Fund shall be distributed as follows: (a) ninety-five per cent of the Fund proportionately by reference to the total number of votes secured by each political party with seats in the National Assembly in the preceding general election; and (b) five percent for the administration expenses of the Fund. (2) Despite paragraph (a)

of subsection (1), an independent candidate is not entitled to receive funding under the provisions of this Act. (The Political Parties Bill, 2017, Government of Zambia).

Article 37 (The Political Parties Bill, 2017:35) gives further clarity on how the fund would be distributed:

1) The Fund shall be distributed as follows:

(a) ninety-five per cent of the Fund proportionately by reference to the total number of votes secured by each political party with seats in the National Assembly in the preceding general election; and

(b) five percent for the administration expenses of the Fund.

(2) Despite paragraph (a) of subsection (1), an independent candidate is not entitled to receive funding under the provisions of this Act.

The fund will strictly be for political parties and not independent candidates. The more seats a party has the more resource allocation that will be given to that particular political party. However, the party may have to do more in terms of fundraising for the administration expenses as the fund does not provide for extensive support for administration purposes. In this particular regard it may still encourage political parties to engage into activities that may make them susceptible to illicit economies in particular drug trafficking cartels.

Article 38 (The Political Parties Bill, 2017:37) stipulates the purpose of the fund as being:

(1) Monies allocated to a registered political party from the Fund shall be used for purposes compatible with democracy including (a) promoting the representation in Parliament of women and youths.

(b) promoting active participation by individual citizens in political life.

(c) covering the election expenses of the political party and the broadcasting of the policies of the political party.

(d) the organisation by the political party of civic education in democracy and other electoral processes.

(e) bringing the political party's influence to bear on the shaping of public opinion; and

(f) administrative and staff expenses of the political party which shall not be more than thirty per cent of the monies allocated to the political party, except that not less than thirty per cent of the monies allocated to a political party under section 37 shall be used for the purposes referred to in subsection (1)(a) under this section.

(2) The monies allocated to a political party shall not be used for purposes other than those specified in this Act.

(3) Monies allocated to a political party from the Fund shall not be used

(a) for paying directly or indirectly remuneration, fees, rewards, allowances or any other benefit to a member or supporter of the political party, other than a member of staff.

(b) to finance or as a contribution to any matter, cause, event or occasion directly or indirectly in contravention of any code of ethics binding on public officers.

(c) directly or indirectly for the purposes of establishing any business or acquiring or maintaining any right or financial interest whatsoever in any business or in any immovable property; or

(d) for any other purpose incompatible with the promotion of a multiparty democracy and the electoral processes, or with the Constitution.

(4) A political party shall ensure accountability and transparency in its procurement processes.

(5) A person who contravenes the provisions of this section commits an offence.

One of the biggest purposes of the fund would be for election campaigns of political parties and other electoral related matters such as the civic and voter education which political parties require in order to educate the electorate. However, the fund also has a number of limitations which may require them to source monies elsewhere. Such examples include restrictions on remunerations, rewards and allowances.

In fact, the Bill was never actually enacted as the then ruling PF Party had little interest in cutting itself off from its informally derived funds or subjecting itself to scrutiny. The rules about from where and how parties be funded have remained under-developed.

Campaign finance in Zambia remains de facto unregulated and there is no state financing of political parties. The 2016 amended constitution provides provisions for both state-funding of parties, declaration of funding, and a campaign spending cap. However, none of these provisions were in effect during the 2021 election. The Political Parties Bill, intended to implement the constitution's campaign regulation, has still not been enacted (Siwale and Momba 2020). As a consequence, there is no independent oversight of campaign finance or enforcement of limitations stated in the constitution.

While candidates are officially obliged to submit a statement of assets and liabilities to Electoral Commission of Zambia (ECZ), such statements are not made available for public information or audit (Wahman, 2023: 5).

The PF government attempted to water down the provisions of Article 60 through the Constitution of Zambia (Amendment) Bill no.10 of 2019, by proposing to strike out article 60 (4) that provided for the establishment of the Political Parties Fund. However, the Bill was defeated as it failed to garner two-thirds majority in the National Assembly, as the then opposition UPND boycotted the vote (Controversial Constitution Bill 10 Fails By 6 Votes in Parliament, Lusaka Times, October 29, 2020).

In the run-up to the 2021 election, the PF Party was widely believed to be taking campaign finance from businesses:

‘So that is surprising to them? They don’t know that the PF government has got business friends who are doing that on behalf of the party. They think that PF has spent that money? The owners of those companies, some of them are supporting the PF, we have businessmen, and they are coming up to support the party. It doesn’t mean those billboards, the PF has spent money, no! We have friends in the business community who have come on board to help the party. They want to mislead the country that the K4.4 million that was spent on the billboards is the money being spent by the Party, so this is corruption. Who told them that that money was spent by the PF? We have colleagues in the business sector, and they are helping in the party. So, it doesn’t mean when they value the billboards across the country and say they have spent K4.4 million, that money is coming from government, no!’ (Nkomesha, U, 2021:1-3).

According to a very senior security officer interviewed on 12<sup>th</sup> March 2021 at one of the air borders many of these businesses were involved in drug trafficking, some with links to terrorist organisations. Such business owners were reportedly given Very Important Person (VIP) treatment at the airport when leaving or arriving from abroad, making opportunities for smuggling more common. Between 2015 and 2021, some known drug smugglers fraternised the PF political elite and made financial pledges at fund-raising events and some of these individuals were regularly seen in the company of the head of state at public functions and on official trips abroad (Interview with very senior security officer 12<sup>th</sup> March 2021, Lusaka).

There was also a general perception that the then opposition MMD had their election campaigns financed by drug money. This was partly because some of the senior MMD leaders were among the twenty-five prominent Zambians that were arrested for drug-trafficking, but also because they too fraternised with known West African drug smugglers. (This was not surprising in that in the 1996 general elections, prominent MMD leaders had financial contributions for their party's election campaigns from prominent drug traffickers).

The reason traffickers target political parties for funding is to create obligations for new government members. Among the obligations is to create a safe environment for the drug trade to flourish. All the elections outcomes have been petitioned on allegations and counter allegations of electoral malpractices and corruption among political parties. This means that when a government in waiting takes over, corruption is taken a step further at state level and the deals between the government and their funders continue.

The use of illicit money in election campaigns is what Bayart et. al., (1999: 25-32) referred to as 'criminalisation of politics.' It is found in most African states in the form of, for example, illegal award of tenders to financial associates, facilitating government commissions for contracts, and enabling the money laundering of proceeds of crime (including drug trafficking) through legitimate businesses. Fraudulent awards of licenses and contracts in return for political financing is reportedly common practice in Zambia: it has been reported in the media and through field work interviews that the PF party was a huge beneficiary of kickbacks through the road construction contracts it corruptly awarded to Chinese contractors (Interview with an academician, Lusaka, 17<sup>th</sup> May 2023). More sinister, perhaps, it was suggested by interviewees that the legalisation of cannabis in Zambia could have been as a result of the influence of PF political party funders (Interview with Executive Director of a CSO, Lusaka, 25<sup>th</sup> July 2021). It is clear then that opaque party funding structures encourage corruption among political elites and open the way for drug traffickers to trade and launder their profits, an incentive in turn for drug traffickers and TOC to become active in funding political campaigns.

'Observers of Zambian politics have long voiced concerns about the extent to which parliamentary elections are characterised by lavish spending and high levels of clientelism' (Arriola et al. 2021; Burnell 2001; Bwalya 2017). 'Expensive campaigns have the potential to skew political competition in favour of political parties with access to state resources, reduce female representation, and distort political representation to the detriment of pro-poor policies. Moreover, expensive

campaigns, especially if such campaigns are privately financed, also have the potential to increase levels of corruption' (Wahman, 2023: 1).

Illicit funds and the relationships between TOC networks and politics are seen as fundamentally destabilising for the region. The drug trade is believed to have had a corrupting effect on the well-known stable democracies in Africa (Ohman 2014:48). In early 2022, the President of Guinea Bissau accused drug traffickers of interfering in the internal politics of Guinea Bissau through sponsoring a failed coup. On Thursday, 3<sup>rd</sup> February 2022 it was reported in the media that, President Umaro Sissoco Embaló has survived an attempted coup on Tuesday 1<sup>st</sup> February 2022 and members of the security forces had been killed repelling an attack on democracy that may have been linked to drug trafficking. The events in the former Portuguese colony on the West African coast came just over a week after the military in Burkina Faso deposed the president there. President Embaló said the coup was well prepared, organised, and coordinated and could be related to people involved in drug trafficking. Mali, and Chad also experienced coups in recent years with anecdotal links to the drug trade (Reuters, February 3, 2022:10). Incidentally, Chad and Equatorial Guinea are among the six African countries that have not yet signed the UNCAC which is meant to control the use of drug money in elections.

As it seems that drug traffickers leave a trail of destruction along the routes where they pass. there is growing international and regional concern about the role of illicit money in national politics across Africa. The United Nations (UN), African Union (AU) and the Southern Africa Development Community (SADC) are all concerned about the use of drug money in politics and are committed to preventing the criminalisation of politics. Consequently, they have come up with legal provisions to regulate political party funding. Instruments include:

(i) UNCAC at global level which states that:

'All countries should take appropriate legislative and administrative measures to enhance transparency in the funding of candidatures for elected public office and where applicable, the funding of political parties' (Ohman 2014:41).

It is reported that all African states save for Chad, Equatorial Guinea, Eritrea, Gambia, Somalia and South Sudan signed the 2005 UNCAC.

(ii) Legislation available at African continental level is the African Union Convention on Preventing and Combating Corruption (AUCPCC) which states in Article 10 that:

'Each state party shall adopt legislative and other measures to: (a) Proscribe the use of funds acquired through illegal and corrupt practices to finance political

parties; and (b) Incorporate the principle of transparency into funding of political parties' (Ohman 2014:41).

(iii) In Southern Africa, the SADC gives guidance that:

'Electoral Management Bodies (EMBs) should be 'legally empowered to prohibit certain types of expenditures so as to limit the undue impact of money on the democratic process and the outcome of an election. The Electoral Commission Forum of the Southern African Development Community (ECF-SADC) developed the 'Principles for Election Management, Monitoring, and Observation in the SADC Region' in 2003. This document states that the use of public assets and funds for party political purposes should be regulated in order to level the playing field for political competition ... Political parties and candidates should account to the EMB for the use of such resources. As is the case in most regions except for Europe, Africa has only limited regional guidance documents regarding political finance regulations, (Ohman 2014:41).

Stake holders in Zambia's electoral process are equally concerned and have highlighted the dangers associated with the increasing use of illicit funds during elections. Transparency International Zambia (TIZ) programme Director Raymond Mutale said:

'Unregulated political party and campaign financing can lead to the capture of political parties and ultimately state capture. He was speaking during the civil society, media and academia training workshop on legislative and regulatory frameworks of political party and campaign financing. He said political party financing can be a conduit for illicit financial flows, hence the need to check who finances political parties. If we do not check, we run a risk of (i) political party financing can be a conduit for illicit financial flows where dirty money finds its way in the country and dirty decisions emanate from it and (ii) unregulated political party financing and campaign financing can lead to the capture of political parties. A situation where financiers start determining what decisions political parties should make and starts determining who stands for elections. This ultimately can lead to state capture where our legal processes, policy reform processes and institutional reform processes are actually determined by the financiers of this political party. He said that no political party, not even the ruling party is willing to tell us where they

get the money, there is a black veil covering who finances these political parties’ (Nkomeshya U,2022:7).

The 2017 Political Parties Bill, if enacted, would have placed the responsibilities on the government of Zambia to make money available to political parties. The rationale was to reduce the temptation of political parties having to look for funds elsewhere including from organised crime sources to support their campaigns. However, in the 2021 elections in Zambia there was an influx of illicit cash in the run up to the elections which the electoral management body ECZ failed to regulate despite the country being party to the ECF- SADC countries which developed the Principles for Election Management, Monitoring, and Observation in the SADC Region in 2003. Given that the PF Party, in power in the period leading to the election, was itself taking campaign finance from dubious sources, it had little commitment to implement the regional agreements regarding the use of money in elections. Instead, PF party cadres took pictures of themselves and posted them on social media, including Facebook, showcasing their newly acquired wealth to the public. The 7<sup>th</sup> TFML report 2021 produced by the FIC reported that in the period preceding the 2021 General Elections indicated that party cadres wearing PF party regalia and with close links to PIPs were seen showing off cash in public as shown in the images below.

**8.14 Figure 13: A PF cadre wearing a PF party regalia standing on the cash.**



**Source:** The 2021 7<sup>th</sup>Terrorist Financing and Money Laundering Report Zambia 2021:19

8.15 Figure 14: Bundles of cash belonging to PF political cadres during the August 2021 elections in Zambia.



Source: The 2021 7<sup>th</sup> Terrorist Financing and Money Laundering Report Zambia 2021:20

**8.16 Figure 15: Bundles of cash in suitcase cases belonging to PF political cadres during the August 2021 elections in Zambia.**



**Source:** The 2021 7<sup>th</sup> Terrorist Financing and Money Laundering Report Zambia

Apart from unprecedented cash displays in the electoral process sector by political party cadres, the 7<sup>th</sup> TFML report 2021 reports that there was unusual increase in cash transaction in other sectors of the economy such as banking, construction, real estate, agriculture, and in businesses such as legal services. 2021 also saw the use of cash by foreigners who had incorporated companies in the country using Zambian citizens as proxies. These foreigners would transact on the accounts with different banks and externalise the money in the name of importing goods in the country from abroad. In other instances, deposits would be made in different accounts by related parties and the money externalised abroad mainly to Asian countries.

There was a public perception that the former president himself had seemingly become rich overnight. When the ECZ failed to announce to the public the value of declared assets by aspiring presidential candidates in the 2021 elections, for the first time and in a significant violation of the law, concerned citizens called for justice to be done, requesting the electoral body to tell the nation how rich this particular former President was and protesting that the ECZ was protecting the president from public protest scrutiny.

'ECZ please tell us how rich the president is as of 2021 compared to K2.5 million in 2015 to K23.7 million in 2016. Zambians deserves to know if the president is living within his means or using suspected proceeds of crime. In 2015, the president

declared a paltry K2.5 million and could not afford to raise the ECZ presidential nomination fees forcing the late Minister of Finance to bail him out. In 2016, the president declared K23.7 million as his net worth, the official presidential salary was at that time estimated to have been around K37,296.58. This meant that after 18 months in office the president would have saved K671,338.44. We want to know how much worth he was in 2021 from K23.7 in 2016. We are still alive to the fact that he jumped from K2.5 million in 2015 to this figure (K23.7 million) in just 18 months. So how much rich did he get in five years from 2016 if he could be over K20 million in just a year and six months?’ (News Diggers Newspaper, 2021:1-4).

### **8.17 Conclusion**

This chapter has shown how the financial deregulation implemented as a result of the SAP process has combined with political liberalisation and the end of state financing of (the dominant) political party, to create opportunities for TOC to infiltrate both the economic and political systems in a very significant way. This has been possible because state institutions which might otherwise monitor and regulate the economy and political system are weak, including among others the Bank of Zambia, the FCA, and the Electoral Commission. Despite repeated promises to address corruption and money-laundering, political elites of all the main parties have no political will to strengthen the capacities of state institutions to prevent this infiltration. Indeed, they are themselves increasingly dependent on it to fund their own political survival. The money which they can make through corrupt practices which also serve the interests of TOC (including drug traffickers) supports their own campaign financing and allows them to distribute (illicit) resources and build their own extensive patronage networks. Political authority in Africa is based on the leader’s ability to distribute resources irrespective of the source. Recent efforts to seize assets may simply result in the transfer of these illicit resources from non-state political elites (like former presidents, ministers, and their friends) to state political elites for their own patrimonial purposes.

While political elites are able to fill their own pockets and promote their own and party interests, the role of political-criminal corruption is to ensure that a government which is user-friendly to drug trafficking cartels is put in place in order to protect the trade. When co-option has become difficult and government is serious with fighting corruption, the cartels can seek to replace it through a military coup (as has been the case in West Africa in Mali, Chad, Guinea Bissau and Burkina Faso) or through the ballot box by pumping in illicit money in the electoral process in support of their preferred political party.

Therefore, it follows that when the state is captured by criminal elements, the first point of resistance to reforms comes from the state itself or a ruling political party.

Weak financial sector oversight facilitates this but also it sustains African economies which are cash economies, meaning that huge amounts of money can be kept by individuals outside the banking system and used to make over the counter purchases of high value goods the funds for which are difficult to trade. Further, when illicit funds do pass through the banks and illicit transactions are reported, there is no action taken. Recently, Bankers Association of Zambia (BAZ) president Mizinga Melu complained at a conference that the financial sector was taken aback when no action was taken against certain individuals after they have been reported for suspicious financial transactions to relevant authorities.

'We are actually excited as banks that we are having this conference Mr. Chairperson because for us as banks, as a financial sector, this is something that we have over the years continued to comply with. But I think we are taken aback when nothing is done to individuals who we rightly know that something should be done obviously action should be taken. We know a lot as bankers and information comes to us first and we are always taken aback that I wonder why they are not doing anything about it. But as the law says, we are gagged so we watch and continue to pray something will happen. So as bankers we know a lot and we report. The regulation is that we must report, and we have been doing this for years and we have been extremely despondent that when we report, nothing happens! So, we are really happy that we are in this position where we are having this forum to say you must do something about it' (Chisalu P. 2022:6-7)

Even financial institutions know that there is no point in reporting suspected illicit transactions because political elites are unwilling to take action and are themselves invested in corrupt behaviours related to illicit money. As the state is less and less able to provide jobs and state services to the population, the temptation to engage in the illegal informal and drug-related economy becomes more and more widespread. This chapter has argued that the drugs trade provides more and more jobs in Zambia, and that more people are dependent on the drug economy for their living. The dependence of political elites on illicit money means that this process goes unchecked, and the informal drugs economy is becoming more interwoven with the formal legal economy. In turn, the state has less and less incentive to contain the drugs economy since it is itself increasingly dependent on it, both to provide jobs and incomes and to support the political careers of the state elites.

## **9.1 CHAPTER NINE: STATE CAPTURE AND DRUG TRAFFICKING IN ZAMBIA: THE FUSION OF STATE INSTITUTIONS WITH CRIME FROM 24<sup>TH</sup> OCTOBER 1964- 24<sup>TH</sup> AUGUST 2021**

### **9.2 Introduction**

This chapter examines the capture of Zambia's state institutions by criminal interests. It sets the scene by examining the loss of public trust in state institutions and the associated rise in organised crime.

It then provides illustrations of how the criminalisation of the state has been evident in the three main branches of government, the executive, the legislature and the judiciary as they have been described in the Zambian news media and by interviewees for this research. Inevitably there are difficulties in providing more 'hard' and systematic evidence of this phenomenon due to the secret nature of organised crime. After all, the individuals who facilitate it also use the instruments of the state to avoid prosecution and accountability which would allow the researcher to verify the information. But there is a widespread public perception that the state has been so thoroughly penetrated by Transnational Organised Crime (TOC), and the evidence provided by investigative journalists, are sufficient to show that the state has lost credibility as an independent set of institutions which serve the needs of the citizens – their security and well-being. In other words, that demonstrates the weakness of the Zambian state today.

### **9.3 Institutions, public trust and rising crime**

When assessing the impact of TOC on the state, we must consider the interaction between criminal actors and officials in state institutions, and how these affect the state's ability to perform its traditional functions, including security and law enforcement, and promoting the health and well-being of its citizens. We are, however, faced with a dilemma regarding causation. Is it the nature and type of state that facilitates organised crime or organised crime that harms and weakens the state's capacity to perform its function? Our theoretical framework suggests that there is a reciprocity here: that a weak African state is permissive of TOC but also that TOC then penetrates or corrupts the state itself and subordinates it to its own purposes.

In the case of Zambia, the data presented so far suggests a number of things are happening. Firstly, the rising scale and influence of the drug trade is eroding the legitimacy of the state, as demonstrated by the latter's declining relative influence. In this instance, external actors associated with TOC have the greater influence - on the actions and behaviour of state officials over the responsibilities of their office. The drug trade influences them either to comply or otherwise to react by way of enforcing the rules positively or negatively. The influence is exercised through inducements or bribes such that the

institution does not act the way it is supposed to act in enforcing the security of the Zambian state or promoting the well-being of its citizens.

According to many of the respondents across all the categories, the most compromised institution of the state in Zambia is the executive, but other institutions including the legislature, judiciary, security, policing, immigration and civil services are also implicated. The perception that these institutions are heavily influenced by TOC leads to widespread mistrust in institutions of the state more widely.

Mistrust matters. It does not only reduce the legitimacy of the state in the eyes of the citizens, but also encourages them to copy elite behaviours and advance their own interests through engagement with illicit activities. When the institutions do not act the way, they are supposed to and do not enforce the law, and when state leaders do not follow what they prescribe through the laws of Zambia by criminalising the illicit drug trade, then citizens feel they are not obliged themselves to obey anti-drug laws. They in turn engage in the illicit drug business and the fear of arrest is reduced, because state leaders are also involved. Loss of state legitimacy explains, as much as economic necessity, why there is an increase in the number of Zambian citizens involved in drug trafficking within the country and abroad. For example, during a raid in Chibolya compound in search of drugs, residents hurled insults at the police and told the police to go and tell state leaders to stop the importation of heroin and cocaine if the problem is to be resolved in the country because it is they who allow it (TV News, 2020). The Chibolya case depicts a situation where public access to a community within the state has been curtailed by drug traffickers. The Chibolya scenario is a situation where citizens are challenging the authority of the Zambian state to enforce the law throughout the country in the Weberian sense. Chibolya has now become a secluded place within the country and a no-go area for law enforcers or anyone trying to disrupt the drug business where cocaine and heroin are sold and consumed publicly (Interview with a local Lusaka resident, 2021). The state either has no capacity nor willingness to fight drug trafficking. In this sense, it can be argued that organised crime perpetuates the weak state in Zambia because it has affected the ability of the Zambian state institutions to effectively enforce laws and security. Max Weber presupposes that the state is a dominant organisational force, which stands above society as disinterested and neutral arbiter in competing interests of various social groups in society (Dusza, 1989). However, the inability to bring order to Chibolya slum could even be a deliberate move by the state (or elements within it) to perpetuate the drug trade, an illustration of the argument made in the academic literature on organised crime that the state is neither a neutral nor disinterested actor in society, but an active participant with a particular interest or allied to the interests of specific social groups or classes including organised crime groups dealing in

illicit drug business (Menz, 2017; Lenin, 1970). This came out in the interviews with respondents. For example, one source revealed that the Patriotic Front (PF) regime was uninterested in helping to control the problem of drug trafficking and abuse because some cabinet ministers were deriving a lot of money from the trade and were either directly or indirectly involved in drug trafficking using their positions in government to protect and secure it (Interview with an official of the Drug Enforcement Commission DEC, 2<sup>nd</sup> March 2022).

The spread of the drugs economy is synonymous with the rise of crime within society as a whole. Georgina Smith (2011) provides a tragic illustration of this phenomenon when she tells the story of a 23-year-old heroin addict, Simon Banda, and his criminal activities through which he funds his addiction. She recounted how Simon spends anything from US\$31 to US\$200 a day on heroin. To raise these funds, he commits crimes such as stealing radios and phones. A good phone normally worth US\$630 would be sold on as cheaply as US\$ 42 for quick cash. Simon also stated that he takes heroin to ease his frustrations and pain over not being able to find a job and a regular income in Zambia (Smith 2011).

Interviews with respondents also confirm the reports by Cusack (2020) and Smith (2011) that drugs have fuelled the formation of criminal gangs in compounds, spreading crime and violence across the country. Some residents of high-density residential areas like Kalingalinga and Ng'ombe in the capital city Lusaka that I interviewed, revealed that the criminal gangs are composed of very young people called 'Junkies' who are terrorising residents in the night especially those who walk home either from work or socialising in the neighbourhood. They beat the unsuspecting residents and take away cash and mobile phones from the victims. The attackers are young boys and girls who have run away from their homes, dropped out of school, and are living together in unfinished buildings taking cocaine and heroin. These are now found nearly in all residential areas in Lusaka. When the police approach them, some are arrested, and others run to other compounds where they meet other 'Junkies'. Some spend their nights at funerals where they steal from mourners when they fall asleep. Others are found in bars and when a customer leaves the bar to go home, these 'Junkies' follow behind and attack him or her. Some sleep-in makeshift stalls called '*tuntemba*' in local Zambian language along the streets. During the day *tuntemba* become shops where people go to buy items such as sweets and groceries and become bedrooms at night for the Junkies when the owners of the stalls go home after work (Interviews with some Kalingalinga and Ng'ombe residents in Lusaka, September 2021). Through phenomenon such as these, the crime of drug-trafficking seeps into the wider population and corrodes the trust in, and legitimacy of, the state.

## 9.4 The Executive

This thesis has already described how the most senior members of the executive arm of the government, including the presidents themselves, have been explicitly implicated in the drug trade, mixing openly with known traffickers, facilitating their unregulated movement into and out of the country and taking money from them to support their personal and political campaign needs. This reached its peak during the PF government's term in office. According to a Senior Investigations Officer from the security system:

'In the PF government there were known relationship between politicians and traffickers. For example, a prominent Lusaka businessman [a known drug trafficking kingpin] was moving with a former president and the president was not searched. Traffickers fund the campaigns so that when they return to power traffickers would also continue to traffic and get protection from the government. The former president was receiving money from the prominent businessman or traffickers for election purposes before the 2021 elections. Pictures in the media offer enough evidence. A former Minister of Home Affairs used to call for the release of drug traffickers.....The executive was in control: for example, the police would not arrest traffickers because the politicians would speak for them.' (Interview with Senior Investigations Officer, Lusaka, 2<sup>nd</sup> March 2022).

Not only did former PF cabinet ministers offer protection to the traffickers, but some were also directly involved in the importation of the drugs, either themselves or through their immediate family. In an Interview with another senior intelligence officer, he revealed that:

'A certain former president's child, Bupe, (not real name) was sent out of school for addiction and trafficking in cocaine and heroin. Chilufya Monde, (not real name) the former president's other child, deals in cocaine. A former cabinet minister, Mwazona Zakeyo, (not real name) used to receive drugs from Mexico through the Nakonde border, both cocaine and heroin. He uses youth couriers' who swallow pellets in Tanzania to South Africa via Zambia. The drugs arrive via air from Mexico to Dar es Salaam to Tunduma to Nakonde to Lusaka, through Zimbabwe to Johannesburg and on to the United States of America (USA). From Dar es Salaam, they move by road to Tunduma in small quantities in form of pellets, tablets and in loose form powder. They now use the youths because they [the former cabinet

ministers] are now not in government with diplomatic passports. Mwazona Zakeyo, (not real name) with Lazo Pensulo, (not real name) were initiated to the trade when they were in government.

Chilufya (not real name) facilitates cocaine and heroin which go to Chibolya. She gets the drugs from Dar es Salaam by using youths, just like in the Mwazona Zakeyo operation. For Chilufya Monde, Chibolya is the final destination supplying Lusaka and other provinces. It is understood that cocaine and heroin have reached every province soon they will reach every district. One courier was arrested with 2.6 kilograms of heroin in 2018 and disclosed that the heroin was for Chilufya Monde, the former president's child. Lazo Pensulo also gets the drugs from Dar es Salaam to Tunduma and from Tunduma to Nakonde; then to Emmasdale and Northmead in Lusaka as final destinations. They start supplying within Lusaka. A Bank Manager from a named commercial bank was taken for rehabilitation in Kenya. When he came back, he disclosed that the source of the drugs was Lazo Pensulo.

Interestingly, the senior intelligence officer confirmed that there is a process at work: politicians are initially recruited into the drugs business by traffickers who seek to take advantage of their diplomatic immunity and ability to carry illicit goods across borders unhindered. But politicians then become recruiters themselves as they capitalise on their knowledge of the market even after they leave office.

'Politicians are only used by traffickers for their personal interests and gain that is why they cannot account for their wealth. Traffickers use politicians because of the immunity they enjoy; that is senior politicians often carry diplomatic passports, which means that they can't be searched and this facilitates the movement of drugs, through land and air borders . In the long run they start their own drug business since they already know the market. They would carry 2-5 kilograms. Mwazona Zakeyo and Lazo Pensulo are now using the youths so that when they are caught, it is not them but the youths. Chilufya Monde pays between \$200-\$300 to deliver 2 kilograms and above from Dar es Salaam to Lusaka'(Interview with a senior intelligence officer, 11<sup>th</sup> March 2022).

Some of those involved in the drugs trade are councillors and members of parliament, which suggest that not only is the drugs trade supporting politicians during election campaigns, but also that drug trafficking may be influencing policy debates in council chambers and even the National Assembly.

Interviewees also pointed to the overlap between party cadres serving the president, cabinet ministers and their relations on the one hand, and the personnel staffing the drug trafficking and distribution within the country. For example, one interviewee said that drug traffickers masquerading as PF supporters had taken over inter-city and Kulima Tower bus stations in the Central Business District (CBD) with the knowledge and endorsement of members of the executive. The politicians would ensure that law enforcement officers could not intervene to clear out the drug traffickers and 'retake' the bus stations:

'These areas were no go areas for law enforcement officers. DEC officers were being beaten when they went for intelligence gathering or just to go there and arrest a suspect. Kulima Tower law enforcement officers would not do anything to help them because the criminals were considered to be the former Minister of Home Affairs' people. The DEC officers would not use force themselves in responding to the people attacking them for fear that if the person was injured, the case would be turned against the officer, and he would be accused of assault. The callboys would prevent the officers from arresting anyone, and if you injured one, the same call boys would report the officer to the police (Interview with senior DEC official, Lusaka, 2<sup>nd</sup> March 2022).

The youths found in bus stations were members of drug trafficking and consumption cartels, operating under names such as 'commander', and raising flags of the ruling PF party in bus stations and markets to prevent or intimidate law enforcement officers from arresting them or checking on what they were doing. Each bus station had a commander who was recognised by the ruling party structure. The youths were also used for political mobilisation, were easily available to leaders of the ruling party to be mobilised for a political demonstration or even to escort prominent political figures such as the president himself. They were also allowed to wear military attire with impunity and would beat up police officers without any consequences on their part (Zambia National Broadcasting Corporation (ZNBC) Television Documentary, May 2024).

With the support of the executive arm of the government, the PF became supreme over state institutions, including- the police and the local authority. A meeting which was called at State House in 2014 to help the council take over the running of markets and bus stations did not yield any positive results. Appearing before the Economic and Financial Crime Court, former Lusaka City Council (LCC) Town Clerk Alex Mwansa testified how the PF entrenched itself with impunity in the bus stations and markets. He remarked thus:

PF had branches at Intercity bus station and some markets surrounding Lusaka...there was a dual system of managing markets and bus stations...One was formal as established by the LCC and the other was informal which was being administered by the PF cadres... The council was collecting revenue as a local authority and the PF branch was collecting using their own established system... Those who could not pay revenue to the PF branch, the PF branch used to discipline them through their unorthodox system like evictions and instant justice, beatings and floggings...The three commanders were in charge of security at Intercity bus station apart from the council security... the PF branch had more powers and overwhelmed the state police... In terms of employees, the council would be availed with a list of recommended staff to be employed from the PF party. The list would be transmitted to the Town Clerk's office (Sichikwenkwe P. 2023; Zambia National Broadcasting Corporation (ZNBC) Television Documentary, May 2024).

Of course, with the support of the former ruling party politicians, the PF cadres had also taken over a public facility; a Community-Based vocational training centre in Lusaka and turned it into a '*torture centre*' known as 'KAMUGODI' among traders. The KAMUGODI is where the PF youths took marketeers who stood in the way of their illicit activities in markets and bus stations for discipline. The facility known formerly as the Kanyama Youth Programme Centre (KYPC), was set up under the ministry of local government as a centre where youths could learn skills in hotel and catering, automotive mechanics, automotive electrical and tailoring and design, but then converted into a PF police station. The takeover of the building diverted it from its core mandate and the youths set up a huge gym, causing staff to desert the building. What was surprising was the KAMUGODI was located near a police station. The state fell short of its mandate of providing security to every citizen but decided to align itself with criminal elements within itself to protect and perpetuate the illicit market. The youths instigated violence and torture at KAMUGODI were meant to instil fear in members of the public and shield themselves from public criticism of their illicit activities, as violence is among the strategies of organised crime groups.

**9.5 Figure 16: Minister of Local Government and Rural Development Garry Nkombo (second from right) visiting the Kanyama Youth Programme Centre, a government building which was converted into a PF torture chamber for marketeers defying PF orders**



**Source:** Times of Zambia Newspaper, 10<sup>th</sup> September 2021:1

The case of the PF rule of terror shows that while all regimes in Zambia had political party cadres, they have evolved from mere enforcement of party rules and beating people who disobeyed Kaunda to capital accumulation or economic aggrandisement. Some of United National Independence Party (UNIP) cadres called the vigilantes are still alive but are very poor people and the Movement for Multiparty Democracy (MMD) cadres did not accumulate as much wealth as the PF cadres did in ten (10) years of PF rule despite that UNIP ruled for twenty-seven (27) years and MMD for twenty (20) years. PF cadres are very rich cadres. This may explain the heightened political tension for the first time in the country between 2011 and 2021 fighting over the state as an instrument of accumulation to acquire illicit wealth.

Another way in which members of the executive are able to use their positions to facilitate and even engage in drug trafficking is through their direct interference with state institutions. According to the Zambian constitution, all institutions wholly or partly owned by government are part of the executive wing of government. Thus, the executive has control over them, including those institutions whose role is to fight organised crime. One such institution is the Kenneth Kaunda International Airport (KKIA) which falls under Zambia Airports Corporation (ZAC) and is mandated constitutionally to fight organised crime, including drug trafficking in the country. The particular organisational and procedural structures of the KKIA make it an exceptionally useful institution for government politicians with interests in the drugs trade. Zambian civil aviation is regulated by the Zambia Civil Aviation Authority (ZCAA), which also provides operator licenses to ZAC and other regulatory agencies. These licenses require named individuals to be responsible for security in relevant organisations, for example proposing the precise screening equipment that might be needed, and the training programmes and certification of screeners. ZAC established under part III of the ZCAA Act of 2016 is given the responsibility by ZCAA to check and monitor the operations of licensed agencies but due to a shortage of manpower, ZAC does not carry out internal quality control of activities of agencies. As a result, there are over 100 regulated agencies at KKIA airport in Lusaka. These include courier companies which transport air cargo (for example DHL, FEDEX, Hill and Delamain (H&D) and Swift Flight). Others are catering companies, which prepare and carry food to the planes, cleaning companies, and companies engaged in forwarding activities with Zambia Revenue Authority (ZRA) on behalf of importers and exporters.

While ZAC is mandated to carry out its responsibility to monitor all these agencies throughout the airport, it is constrained not just by shortage of manpower, but also by political interference. For example, within the airport premises are the:

'General Aviation (Aircraft Owners). These are individuals and organisations who own aircrafts and have operation hangers, that is, a building where they park aircrafts. Again, ZAC is mandated by ZCAA to carry out internal quality control activities, but due to political pressure and presidential privileges ZAC is constrained in its operations. For example, the presidential jet- the challenger resides at one of the private hangers and the second one- the Gulf Stream reside at Zambia Air Force (ZAF) base. The challenger is used by the vice president and other senior government officials and resides at Executive Air, a company that was formed by the Zambia Security Intelligence Service (ZSIS) or the Office of the

President Special Division (OPSD). Executive Air operates the Challenger and two other presidential helicopters. Nina Juliet is another company which operates private charters where a private personal helicopter of former Minister of Foreign Affairs Joe Malanji resides. The ZAF operates the presidential plane-the Gulf Stream. PLO charter is a sister company of Proflight Zambia. It operates chartered flights domestic and international. Zambia Sky Ways is used for the maintenance of both private and commercial aircrafts. For example, Mahogany Air uses Sky Way engineers for the maintenance of its aircrafts. Therefore ZAC, although mandated to go and carry out quality controls at Executive Air which is under civil aviation authority it cannot because it is deemed that they have their own competencies. Quality control includes screening luggage and passengers. ZAF is a military wing, so ZAC does not even go there. This scenario is prone to political manipulation to courier of drugs especially when you have politicians of low integrity. For example, a prominent businessman, a personal friend of the former president, is alleged to be a well-established drug trafficker with known links to international drug syndicates. He is neither a PF party official nor government worker who habitually used to board the presidential plane- the Gulf Stream with the former President. It is alleged that he used to courier drugs on the presidential plane'. (Malunga, J. 2019; Interview with senior security officer 12th, April 2021).

It is not only politicians themselves who benefit from this limited and confused security monitoring environment. An interview with Zambia airport security personnel revealed the role of the executive arm of the government in aiding certain family business owners who are well known drug traffickers:

'They are known to have evolved from being small scale traders owning restaurants and small fabric shops in the CBD to becoming owners of shopping malls. When arriving or exiting Zambia, they are given VIP treatment and access VIP facilities at the airport on account that they are the president's visitors and funders of the ruling party. When airport border guards request that their luggage be searched, Intelligence Officers from the Ministry of Foreign Affairs and State House stationed in the VIP facilities quickly intervene to block the search stating that they were the president's visitors. This is how drugs can be brought in the country

through political interference in the work of airport security personnel' (Interview with senior security officer 12th, April 2021).

Of course, the police and security forces are not themselves immune from the temptations provided by drug traffickers. During the PF government era, drug traffickers were reportedly in the habit of making donations to institutions like the police in the form of motor vehicles for patrols, and renovations to police buildings. During election time, the Electoral Commission of Zambia (ECZ) was reportedly aware of motor vehicle donations to Zambia Police by drug traffickers but that no actions were taken due to political reasons (Interview with senior security officer DEC, Lusaka, 23<sup>rd</sup> January 2022).

When cabinet ministers and the president and his relations used their positions in government to protect and help trafficking activities, the state in Zambia became complicit in drug trafficking and therefore the state itself became criminalised and corrupted.

## **9.6 The Legislature**

Interviews with most respondents in this study asserted a direct link between drug traffickers and politicians in Zambia. However, most of the responses from public security officers from the DEC, Zambia Police, Interpol and Immigration reported that only indirect links between traffickers and politicians were proven. "Known traffickers are known to be friends of politicians. Politicians just hear that a named person has contributed to the party." (Interview with a very senior state security official, 23<sup>rd</sup> January 2022). Some of the respondents claimed knowledge of some individual politicians whose election campaigns were sponsored by drug traffickers, but lack of compelling hard evidence and fear of political reprisals made it difficult for the law enforcement agencies to act, for investigations to be completed and arrests and prosecutions made.

While interviews revealed that drug traffickers aligned themselves mostly with politically powerful people from the ruling party, lowly ranked officials of the ruling party were also targeted by drug traffickers in the streets and at bus stations and political connections with drug traffickers were not restricted to the ruling party. Interviews with some politicians revealed that while some known drug traffickers were sponsoring the ruling party, others were sponsoring opposition parties, and while interviews with Zambian security officers revealed just one case of a known drug trafficker actually contesting (and losing) a parliamentary election (although later having been arrested and acquitted) this lost one seat gives an indication that there could be a lot more MPs who were sponsored by drug money, who have won their parliamentary seats and who are now influencing policy debates in parliament.

Jerabos, on the Copperbelt involved in mining and also believed to be connected to drug trafficking and launder their money through the purchase of properties and motor vehicles. They were big donors to the former ruling party, the PF (Tristen Tylor, The gangster who made the president, *Sunday Times*, 16<sup>th</sup> August 2020). The kingpin of the trade is believed to be a young man who owns a small-scale mine in Chingola and is considered one of the richest men in Zambia, *Lusaka Times.com* 12<sup>th</sup> March 2020.

Interviews with an investigative journalist and head of a civil society organisation (CSO) revealed that the support by MPs for enactment of the two pieces of legislation to legalise cannabis could be due to the influence of drug trafficking cartels exerting influence on the national assembly through this corruption of MPs. Some interviews revealed that the campaign for the legalisation of *Marijuana* (Cannabis) by some named opposition figures, and indeed the recent legalisation of cannabis 'marijuana' by the National Assembly in 2021, could have been financed by drug traffickers. MPs may have been influenced by drug cartels to vote in a certain way to pass the law (interview with Executive Director of a CSO, Lusaka, 25<sup>th</sup> July 2021). In fact, the National Assembly passed two laws during the infamous PF rule, the Cannabis Act no.33 of 2021 and the Industrial Hemp Act 2021. Specifically, the Cannabis Act provides for the regulation, cultivation, manufacture, production, storage, distribution, import and export of cannabis for medicinal, scientific, or research purposes.

The passing of the two laws followed a 2019 cabinet decision to allow the production and export of marijuana for medical and export purposes but since the election of President Hakainde Hichilema in 2021 the PF's argument that the laws were necessary or appropriate has been challenged. Speaking at the International Day Against Drug Abuse and Illicit Trafficking Commemorations on 28<sup>th</sup> June 2022, President Hichilema said that drug trafficking and corruption in the country are worrying his government as the vice threatens political stability. On the new law, he said his government is taking a consultative process on the implications on the two pieces of legislation that legalised marijuana or cannabis for medical purposes. He said that the steps that his government will undertake are those to minimise, to mitigate the negative effects of legalising marijuana for medicinal purposes. While the government values the medicinal part, at the same time the government does not want to allow and encourage drug abuse and does not want the work of DEC to be undermined by the legalisation of marijuana/cannabis. He said the battle on drugs is closely linked with the new government's fight against corruption because drug trafficking and corruption are inter-linked and the two feed from each other (*Times of Zambia Newspaper* 29<sup>th</sup> June 2022).

All in all, the danger of implementing the two pieces of legislation in Zambia lies in oversight and corruption which are a defining feature of weak African states. Lack of transparency, accountability, proper scrutiny of applicants and corruption on the part of state institutions responsible for awarding trading licenses can provide opportunities to be exploited to the advantage of organised crime groups, including drug trafficking cartels, which can be awarded trading licences to grow and export the drug under the ambit of the new law. This is against the background that organised crime flourishes where there is state weakness which is measured through the prevalence of corruption, lack of transparency and accountability.

### **9.7 The Judiciary**

Some of the Zambian security officers interviewed had knowledge of drug traffickers who were quietly financing the political activities of certain politicians.

‘When such individuals are arrested, “they are given shockingly lenient sentences and even acquitted at times in spite of overwhelming evidence. They have penetrated the judiciary” (Interview with the criminal investigations officer and investigative journalist on 11<sup>th</sup> July 2021 and 21<sup>st</sup> July 2021 respectively).

Such individuals were said to launder their drug money by engaging in diversified business ventures, including selling of cars, provision of car hire services, ownership of real estate, lodges, hotels, farms, gas stations, casinos and supermarkets. Many of these legal businesses also serve as fronts for drug trafficking (Interview with a lawyer with experience in prosecuting drug related cases, Lusaka, 27<sup>th</sup> February 2021).

In February 2004, a leading Zambian businessman and the former chairman of Zambia Export Growers Association (ZEGA), Sydney Chileshe, together with his ten farm workers were arrested by the DEC after the discovery of a huge cannabis greenhouse at his farm. After being found guilty at a trial in the Magistrates Court, Chileshe was fined K5.1 million in default of 32 months imprisonment. However, after a public outcry regarding the leniency of the sentence delivered by Magistrate Victoria Mushibwe, the Lusaka High Court reviewed the ruling and instead sentenced him to two concurrent ten years and five years jail sentences (*The Post*, 2004; *Times of Zambia*, 2004; *The Post*, 2005). When the case came up for appeal in Supreme Court of Zambia, the Director of Public Prosecutions (DPP) submitted that the sentence slapped on Chileshe was rather too harsh (*The Post*, 2005), but the initial light sentence remained a source of suspicion.

Another instance when individual members of the judiciary came under scrutiny occurred in 2018, when three Zambian businessmen and seven Zambian court officers were arrested and charged with the offense of trafficking 80.11 grams and one kilogramme of cocaine. The arrest followed the picking up of a DEC labelled cocaine exhibits bag containing a pistol from the residence of a court interpreter in Lusaka's George Compound. Officers from the DEC were led by some individuals whom they had caught transacting in cocaine in a car at Lusaka's Golden Crest Mall (*Daily Nation*, 2018). One out of the three businessmen were discharged following instructions from the former DPP, that his case be discontinued. Under Zambian law, the DPP can discontinue a case which is before a court of law without having to give reasons Section 8 (2) (c) of the National Prosecution Authority Act No. 34 of (2010).

Perhaps one of the highest seizures in the history of the country involved 24kgs of cocaine with a market value of between \$1,008,000 and \$1,200,000 in 2014. This case offers evidence of infiltration of the Zambian criminal justice system, that is, the police, DEC and the judiciary by transnational drug trafficking cartels. An interview with a senior law enforcement officer at DEC revealed that cocaine originated from South America, the main centre of production passing through West African waters then East Africa to Southern Africa. The 24 kilogrammes of cocaine entered the country through the Northern border with Tanzania using the East African route. However, the disappearance of the evidence during the subsequent trial in 2018 led to the arrest of ten court officials among them court interpreters, marshals and clerks. Most of the time, when incriminating evidence goes missing, the courts discontinue the case and release the suspects. However, because of public attention that this case had attracted and having been widely publicized in the media-both print and electronic and on social media platforms such as Facebook, the case could not be terminated and the arrests were made with subsequent allegations that the disappearance of the drugs being the work of a big cocaine syndicate which involved the Judiciary, police, officers of the DEC, the accused and the drug traffickers from Tanzania. In something of a falling out among thieves, Judiciary and Allied Workers Union of Zambia (JAWUZ) President Peter Mwale opposed the arrest of the Judiciary staff stating that it was the DEC officers who should have been held responsible for the disappearance of the cocaine from the court premises. He threatened that the judiciary would have to stop hearing cases involving illicit drugs that were brought before the courts by DEC, alleging that one of the arrested court officials had been tortured by state security agencies and forced to mention that some magistrates had been involved in the disappearance of the evidence (Chipulu, P. Zambia Daily Mail Newspaper, 2018:3, Sichikwenkwe, P, 2019:2).

In an effort to recover the stolen cocaine, there were reported cases of confrontation between law enforcement officials and criminals. For example, some criminals, in the middle of the night besieged the home of a former Deputy Chief Justice allegedly in pursuit of the 24 kilogrammes of cocaine which went missing at the magistrate court. The criminals suspected that the contraband was being kept at the Judge's house since he was a very close friend of the magistrate handling the case. During the raid, one of the police officers guarding the former Deputy Chief Justice was wounded by gun shots and admitted to hospital (Zambian Watchdog). The incident reinforced suspicions that drugs confiscated from criminals by the DEC are sometimes recovered by the criminal owners with the help of law enforcement officers.

The demands from the union representing judicial workers about their alleged mistreatment served their purpose. Since the magistrates handling the case were also accused of participation in the disappearance of the cocaine, it was convenient for them to rule that the union allegations had been prejudicial to the outcome of the case and thus to acquit all judicial staff and thereby cleanse themselves from public accusations and perceptions that they were themselves among the thieves who had stolen the 24 kgs of cocaine. In the end, only two Zambians and a Tanzanian National were handed sentences of eight years and 10 months imprisonment. The disappearance of the cocaine remains a mystery. This confirms the extent to which organised crime cartels have infiltrated the judiciary through corruption.

Ultimately, it was believed that the cocaine shipment was part of a deal which would fund the corruption of a whole range of actors among the law enforcement bodies and the judiciary.

'We heard about a lot of money coming from Tanzania and Pakistan via South Africa for the corruption of prison and court officials and the executive and the judiciary would not say anything wrong about the judiciary. As a law enforcement agency (LEA) by the time, we tried to investigate they had already done what they wanted to do they are always ahead of us' (Interview with a senior Investigations Officer, 2<sup>nd</sup> March 2022).

The Zambian Watchdog Facebook page cited the story as follows:

'One wonders how this case has even reached this far. This is a big syndicate which involves the court, the accused, the defence and the drug barons from Tanzania, South Africa and Pakistan. The syndicate has some elements of the investigative wings involved which are the police and the DEC. The role of the police is limited if not dead by now but within the DEC the power struggle has been there as there is a division amongst them as others are strongly wanting justice to carry its course

while some have been trying to destroy the case from the first day. If it was not for this division the cartel would have had their way two years ago.

In 2017 efforts to have the people released increased, this is because the Tanzanian who is imprisoned in this case comes from a big family, and they have exerted pressure on the cartel in Tanzania to have their relative released or to face their wrath. This is despite the accused paying about K150,000 in legal fees to secure the services of a lawyer, a further agreement was entered to have one of the properties belonging to the bus worker given to the lawyer if he secures an acquittal (Zambian Watchdog/Facebook the 24kg cocaine syndicate and court officials accessed on 28<sup>th</sup> July 2023).

There has been a lot of money which has been exchanging hands over the case, the Pakistan cartel has been sending money to Tanzania and it finds its way to South Africa where the cartel led by a Nigerian channel it to Zambia. The money was being collected by the bus worker who is an accused person. The prison warders would be bribed to allow him meet people outside prison and collect money when it is sent. A man who used to operate an office at a shopping mall was one of the conduits for this illegal money and would meet one of the accused at his office at a shopping mall escorted by Prison warders who treated him like a prince. When the money has exchanged hands, the man wrapped up his business and left the shopping mall.

The first money which was meant to bribe the DEC officers was \$4000. This money was to make them testify wrongly in order to give advantage to the defence, but it could not work because the person they really wanted to buy off was unreachable. Another amount of \$6000 was further released towards the end of 2017, which was meant to buy off court officials and officers to make documents and other evidence disappear. It was difficult for the cartel to have these drugs and documents disappear from DEC because the DEC Commissioner had put measures in place to oversee the exhibits, so they waited for the exhibits to go to court. In December of 2017 after officers from DEC failed to steal the drugs and documents, the cartel found its way to court officials. They wanted an assurance that they should not leave the court with any doubt to have the accused set free.

They started with the drugs by stealing them with the help of the court officials. Money was further released in March of 2018 amounting to \$20,000 which was meant for the Magistrate to release the accused at the stage of ruling with no case to answer even if it was clear that the DEC had put in solid evidence to the case. This plan was, however, being frustrated by court adjournments .

The incorporation of the magistrate in the syndicate was after it was clear that the drugs which were the main exhibit were all exchanged. In March of 2018, the magistrate was met by a lawyer where he accepted the payment, and he was to deliberately put on record things to condemn the DEC in the case just to shield him so that whoever got the record would point at issues raised.

The agreement with Magistrate was in January of 2018 but money was not available so he could not act. In March 2018 he secretly wrote charge letters to court officials in his court for losing the exhibit but despite this being a serious crime he was not to report to any investigative wing (Zambian Watchdog/Facebook the 24kg cocaine syndicate and court officials accessed on 28<sup>th</sup> July 2023).

He was to keep the secret of the drugs missing and later pass judgement to acquit the accused and then order the clerk of court to quickly destroy the exhibits.

The Magistrate now under threat from the Tanzanian and South African Cartel to deliver an acquittal but this plan again suffered a setback when revelations were made public that drugs are now missing. The accused in the case were promised that they would be acquitted on the day of ruling, but he changed at the last minute. The Magistrate was about to be appointed high court judge soon and he assured the cartel that even if the matter got appealed, he would be at the high court and it would die a natural death. The judgement in this case was already made it was just a matter of time waiting for it to pass.

The happenings in the drug business and how powerful the cartels are today leaves one question hanging. Is the DEC capable of fighting these heavily funded cartels?

**Source:** Zambian Watchdog/Facebook the 24kg cocaine syndicate and court officials accessed on 28<sup>th</sup> July 2023

Apart from the police and DEC, the judiciary is an important actor in the country's criminal justice system in Zambia which is supposed to deter would be offenders from engaging in drug trafficking. When

state institutions such as the Judiciary are used to protect and help trafficking activities, the state in Zambia becomes an accomplice in drug trafficking and therefore the state in Zambia became criminalised and corrupted. The disappearance of the 24kgs of cocaine from the courts signifies the struggle for the control and partnership with drug traffickers among LEAs to benefit from the activities of drug trafficking and further weakened the solidarity among LEA which are supposed to work together to provide security for the state. The granting of bail for non-bailable offences of drug trafficking is the effect of corruption within the judiciary which further weakens the state and a clear demonstration of state capture in Zambia. An interview with a Senior Investigations Officer revealed that

'Traffickers bribe officials at the courts. Even for a straightforward case you find that they are released or given lenient sentences. When the law says the minimum sentence is one year, they would give them a sentence of six months suspended sentence (meaning serving time outside jail and they free to go anywhere they want) even if they were found with lots of grammes above 0.5 grammes qualifies for drug trafficking which is a non-bailable offence. Below 0.5 is just possession. But some would be found with 15,000 grammes, 6,000 grammes of cocaine, heroin or cannabis' (Interview with a Senior Investigations Officer, Lusaka, 2<sup>nd</sup> March 2022).

The above revelations by a senior officer were corroborated by other responses from two senior intelligence officers. One of the two officers complained that.

'In the judiciary some cases are compromised by National Prosecution Authority (NPA) prosecutors. Cases don't have outcomes as expected. Our law in Zambia doesn't allow bail for trafficking offenders but prosecutors agree with the magistrate to give bail to above 0.5 kilogramme offenders. When this officer complains to the court, the magistrate says we will recommend that you prosecute your own. The offenders fail to meet bail conditions of reporting on specific dates to the court and they would not appear and that is how cases have died a natural death' (Interview with a senior intelligence officer, 11<sup>th</sup> March 2022).

Further examples of the penetration of the judiciary by drug trafficking criminals were provided through the researcher's own interviews. An interview with the senior state security intelligence officer revealed that a named Lusaka trafficker - Abel- (not his real name):

'Accesses drugs from someone who brings it from Brazil. He sells the drugs at wholesale..... Unlike his elder brother and his cousin, Abel sells his drugs not to anyone else but to a certain high class of people such as coloureds and owners of a named upmarket popular night spot within Lusaka. Abel has been arrested several times, but we have been let down by the courts. At the court he is always treated as a first offender whose sentence is less than ten years in prison because the court has lost his record or file of previous similar cases. The sentence for the second offender with a similar offence is higher minimum is ten years in prison. Abel has always been given two, three months or suspended sentences by the courts.... He declined a job offer in government because there is more money in trafficking than working for government. The reason for offering him a government job was to help the state to get to his suppliers'. (Interview with senior state security intelligence officer, 23<sup>rd</sup> April 2023, Lusaka).

The same intelligence officer told another story of a Tanzanian trafficker who was arrested with 1.5 kgs of cocaine at Simon Mwansa Kapwepwe (SMK) international airport in Ndola Copperbelt province:

'The matter went to court and the following week she was suspiciously given a suspended sentence for an offence which carries many years in prison minimum ten years. Dissatisfied with the judgement, the anti-drug commission appealed against the sentence. While Abel and the Tanzanian trafficker who deal in hard drugs are given lenient sentences by the courts, many with less offences of trafficking in cannabis go to jail for many years and their cases taking long to be disposed of. Dealers in cocaine and heroin have a lot of money to bribe the magistrates and judges while cannabis dealers are poor people who lack money to bribe the court officials. There is a popular saying among drug dealers 'that it is better I buy a magistrate than a lawyer'.

The information obtained from this interview was verified by a media report which appeared in the state-owned Newspaper Zambia Daily Mail dated Saturday 11<sup>th</sup> March 2023. The newspaper reported that the anti-drug commission arrested a Tanzanian woman for drug trafficking after she was profiled at SMK International Airport in Ndola on the Copperbelt. A further interview with the senior state security officer from the anti-drug commission in Ndola, Copperbelt Province confirmed that.

'Yes. the accused was arrested on 5<sup>th</sup> March 2023. She took plea on 14<sup>th</sup> March 2023 and was sentenced on 15<sup>th</sup> March 2023. She was sentenced to twelve (12) months but suspended for twenty-four (24) months. First, she was given this sentence then we appealed to the High court and was imprisoned to twenty-four (24) months simple imprisonment. Right now, she is in prison at Ndola correctional service'. (Interview with senior state security officer, 10<sup>th</sup> May 2023, Ndola, Copperbelt Province).

Information from the above interviews suggests that the stage for a lenient sentence was set by the magistrate court in favour of the Tanzanian trafficker. The High Court slightly modified the sentence which was still a lenient sentence considering that the offence of trafficking in 1.5 kgs of cocaine carries a minimum of ten (10) years in prison with hard labour and a maximum of twenty-five (25) years in prison with hard labour. By contrast, the interviewee pointed to the case of an eighty-one-year-old man, Mr. Tie Mwape, who appeared in court after languishing in jail for two months (compared to the Tanzanian trafficker whose case was disposed of quickly within ten days).

The 81-year-old Tie Mwape was accused of trafficking just 68 grammes of cannabis, appearing before the Lusaka Magistrate Court for his sentence. Mr Mwape had admitted the charge and said he was using the drug for medication on his grand child who had an ear infection. Facebook was subsequently alive with comments indicating the public's awareness of the corruption of the judicial process and authorities:

We are wasting our time with the poor old man while the corrupt PF thieves who stole billions from our country are moving free. Shame on you DEC. We wonder what is wrong with our police, DEC and Anti-Corruption Commission (ACC). But they don't arrest the real drug traffickers most of them well known and working with DEC officers. The corrupt criminals who loot government resources are walking around freely then you go and arrest a man who obviously uses this stuff for his own medication.

For such cases DEC gets convictions, but for highly connected offenders involving colossal amounts of money, including graft, money laundering etc, cases enter plea bargains, confessions, and all that...prison in Zambia is for the poor.

Failed to convict big thieves, now have turned to a poor old man who does not have a private lawyer. We just read arrests every day for almost two years now from ACC and DEC.

He is an elderly person honestly even if you jail him, he is already old. You are failing to arrest the real drug dealers. In Chilenje junkies are everywhere selling drugs I wonder why they come out when the police and DEC get them, we see them moving freely even now they are here.

Yes, in fact that is the real use of those herbs not consumption or abuse. We are arresting innocent people while the culprits are roaming freely and making millions.

...do your job DEC the real culprits are out there not this old man shame.

(Diamond TV Zambia [diamondtvzambia.com](http://diamondtvzambia.com), Zambia Reports and Mwebantu Facebook last accessed on 12<sup>th</sup> December 2022 pages).

**9.8 Figure 17: Picture of 81 years old poor man Mr. Tie Mwape at the Magistrate court accused of trafficking in 68 grammes of cannabis and detained in prison for nearly two months**



**Source:** Diamond TV Zambia [diamondtvzambia.com](http://diamondtvzambia.com), Zambia Reports and Mwebantu Facebook pages; last accessed on 12<sup>th</sup> December 2022.

## **9.9 The evolution of state capture and drug trafficking in Zambia from 24<sup>th</sup> October 1964-24<sup>th</sup> August 2021**

### **9.10 Maldistribution of power**

The erosion of the legitimacy of the state associated with the influence of TOC can also be understood by considering the (mal)distribution of power among its institutions and by recognising that different actors operating within the state have different interests (sometimes political power rather than financial gain) and do exert their own influence in different ways at different points. Senior political figures such as the president or a local mayor may exert influence on the process to secure his position relative to other political figures or institutions, rather than out of a direct interest in the profits of the drugs trade. For example, the arrests of ministers and presidential advisors for certain crimes including drug trafficking have at times been resisted through the interventions of the executive and specifically the president, who have blocked the arrests or prosecution. For example, the late President Sata intervened when the then Minister of Justice was summoned by the ACC saying the Commission cannot summon a minister without his prior permission. Another former president did the same thing in the case of his former presidential spokesperson, (Interview with an academic member of staff, Lusaka, January 2022).

Constitutionally, then, the president is given such power over the law enforcement agencies that their capacity to fulfil their proper regulatory, oversight and law enforcement roles are compromised. The president, meantime is such an all-powerful person, a veritable 'leviathan', that he is able to personally intervene in all matters including issues of organised crime, weakening the other institutions of the state to the latter's benefit even if that is not his reason for doing so. Therefore, the constitutional configuration of the Zambian state can be said to perpetuate its own weakness and vulnerability to organised crime.

When the figures at the top of the state begin to block law enforcement, then junior officials can take advantage and benefit from drug trafficking. If this happens, then the state can be said to have lost its legitimacy or its moral existence because the custodians of the law are involved in organised crime. Since President Kenneth Kaunda's time, there has been no president that has enforced the leadership code such as that of the Kaunda days (although he was also accused of protecting some members of his ruling party UNIP who were involved in drug trafficking). Being involved in the drug trade does not mean selling drugs alone. It also involves facilitation and protection of the trade by people occupying state offices. They have that power to ensure that the institution under their control facilitates drug trafficking and yet they do not do so. Whether this is because they (senior political elites) are actively benefitting

from the drug trade themselves (corruption), actively engaged in it, or simply taking advantage of a maldistribution of political power to secure their own position in the politicking around drug trafficking, the result is the same: the state institutions become so penetrated by the participation of individuals at all levels in facilitating the trade that they are both unable to carry out their proper state functions and are themselves criminalised.

The DEC and other law enforcement agencies have made efforts to bring criminals and their corrupt political facilitators to justice, to make arrests and seize drug caches. But it may be argued that this can best be understood as a useful disruptive strategy on the part of the state (Malone M.F.T and C. B. Malone-Rowe, 2014:67). The same confiscated drugs are often recovered by the criminal owners who steal them back from the DEC and courts with the help of law enforcement officers. In the meantime, bribes pass hands, state officials are 'rewarded' for BOTH their action against criminals and their subsequent complicity in releasing the same criminals, effectively having their cake and eating it. Disruptive strategies by state officials are in effect designed to encourage corruption as a counterstrategy by TOC. (In one incident eight named court officials were arrested, appeared before a court but discharged due to interference by their labour union claimed noisily their members were being mistreated and scapegoated by other security agencies. These public demands by the union representing judicial workers were deemed by the magistrates to have predetermined the outcome of the court case in favour of their members. The same demands served well for the magistrates handling the case and who were also accused of participation in the disappearance of the cocaine. For the magistrates, it was an opportunity to acquit all judicial staff and cleanse themselves from public accusations and perceptions that they were part of the thieves who stole the 24 kgs of cocaine whose current market value is between \$1,008,000 and \$1,200,000. Only a few traffickers were sacrificed to serve the jail sentence to save the little reputation the judiciary had remained with.

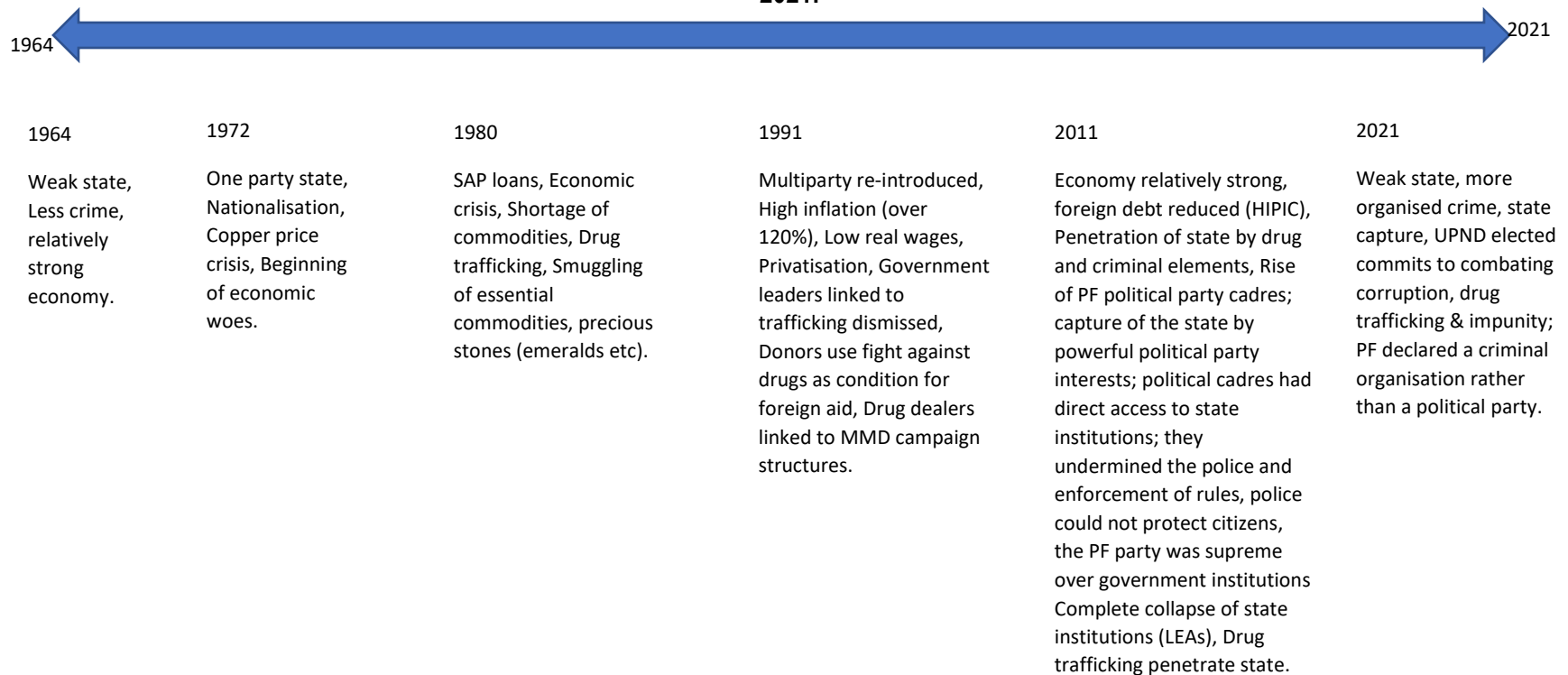
### **9.11 The stages of state capture in Zambia**

The examples provided above demonstrate that the Zambian state has been captured by transnational drug trafficking cartels.

In August 2021 the UPND party was elected. It was committed to combating corruption, drug trafficking and the impunity of government officials and political elites. In the aftermath of the 2021 elections, a prominent Lusaka constitutional lawyer John Sangwa described the PF party a criminal organisation rather than a political party. It is yet to be seen whether the subversion of the Zambian state by TOC can be reversed.

This story of the capture of the Zambian state by TOC has its roots in the weakness of the Zambian state. As the diagram below summarises, the weak African state which was the legacy of colonialism was only temporarily protected by post-independence economic growth and political legitimacy. It was quickly captured by authoritarian political elites who centralised and concentrated their own power, and who then side-stepped it with neo-patrimonial behaviours to maintain their own access to money (and the political support that could be bought with it) when the economy began to deteriorate. The reintroduction of multi-party competition, which could have provided greater legitimacy for the state, led these same political elites to build partnerships with TOC in order to maintain that access to personal and political wealth. Prolonged economic crisis and the inability of the state to fulfil its obligations to the wider population (both economic and security) has broadened part of the population depending on drug trafficking and TOC for their living, while political elites have weakened the state further by using its institutions to protect drug traffickers and criminals, to provide cover for them, and to enrich themselves. Meantime, economic liberalisation has provided more opportunities for both themselves and TOC, making the job of the weak state even harder and limiting its control over even its own borders more difficult. This can be understood as the state progressing along a weak-weak spectrum over the six decades since independence.

**9.12 Figure 18: Weak-Weak Continuum: The Evolution of State Capture and Drug Trafficking in Zambia, 24th October 1964 – 24th August 2021.**



Source: Author

The weak-weak spectrum demonstrates that the relationship between drug traffickers or organised criminal networks and the state has changed over time in as much as, while the state remains weak, the intensity of crime has moved from low to high. There was only low-level crime when the economy was relatively strong between 1964 and 1973/4, progressing to high level organised crime or state capture from 2011 to 2021 (by which time crime was almost the glue which held some state institutions together). In the early 1980s, when the one-party state presided over a relatively strong economy, involvement in drug trafficking by members of the political elite and government officials was often exposed, resulting in the arrest and detention of a number of the perpetrators. As the economy deteriorated, and despite reversion to multi-party competition, the penetration of politics, as well as state institutions by TOC, rose very substantially, even to the point of capturing the state. This suggests that the degree of collusion between state officials and organised crime is positively correlated with different political economy regimes.

### **9.13 Conclusion**

This chapter has considered the final component of the original thesis hypothesis: that the state capture through the infiltration of state institutions, the corruption or recruitment of state officials has taken place in Zambia. As state institutions and the officials within them are seen to be serving the interests of organised crime groups, they become less legitimate in the eyes of the public, who in turn become more unconstrained by the laws and rules of the state and more prepared to engage in crime themselves. This process supports the broader merging of the licit and illicit economies, allowing TOC to become a part of the formal economy. It also makes state institutions even weaker and ever less able to resist or combat TOC.

This thesis examined the relationship between the state and transnational organised crime (TOC), with a focus on drug trafficking in Zambia. It set to answer two related questions: (a) what explains the ineffectiveness of law enforcement and regulatory agencies in controlling and preventing drug trafficking in Zambia? And (b) what impact does TOC, especially drug trafficking, have on state's capacity to perform its traditional functions of regulation and law enforcement?

Most analyses of the contemporary African state have viewed it through the lens of state failure and state weakness. This conclusion is drawn from the authors such as Crawford Young on Africa's post-colonial state and Christopher Clapham's notion of state failure. Young (2004), for example, argues that the modern African state is inherently weak as it retains institutional structures inherited from the colonial state. While on the other hand, Clapham (2006) advances the idea that the African state is characterised by failure given the state's inability to control borders, guarantee security, deal with insurgents and organised crime and guarantee the steady supply of political goods. This study found both the concepts of state failure and state weakness inadequate in explaining the growth of organised crime, in certain contexts, such as Zambia. The literature on state failure suggests that a state fails when it loses its ability to fulfil fundamental security and development functions and lacking effective control over its territory and borders. State failure, according to Rotberg (2004) can best be understood as a condition where the state is rendered so ineffective as not been able to enforce its laws uniformly or provide basic goods and services to its citizens. My argument is that conditions of state failure do not exist in Zambia, (at least at the time of this study). Therefore, it may not be correct to attribute the growth of organised crime, such as drug trafficking, to a failed state.

Further, I argue that Zambia can be considered as a weak state, which exhibits most of the characteristics, that include the following: a certain measure of capacity to provide adequate security to its citizens, absence of armed insurgents who control certain parts of the territory, and provision of public goods, including crime prevention and competent adjudication of cases by the country's courts. However, the Zambian state as currently constituted is characterised by weak law enforcement and judicial institutions, generalised corruption, including money laundering which has undermined the control and prevention of drug trafficking. Specifically, my thesis is that weak and ineffective agencies, coupled with ineffective judiciary on one hand and collusion between government officials and organised criminal actors is responsible for the growth of drug trafficking in Zambia.

A weak state can be defined as one whose institutions are weak and lack the effectiveness to provide predictable, recognisable and systematised services, that include regulating and controlling crime and adjudication disputes. Such a state maintains a degree of control over its territorial borders and a

measure of security to its citizens. It is recognised as having juridical statehood, in the sense of international recognition and largely provides basic services, such as education and health. In other words, while there may be widespread corruption and crime, it has not reached levels of rendering the state as irrelevant, where war lords and organised criminals control some parts of the country or have taken over the provision of public services.

But while acknowledging the fact that Zambia could be characterised as a weak state, the concept of a weak state in itself does not sufficiently address the dynamic of collusion between state officials and organised crime. The weak state thesis tends to focus on the state as an institution, in the Weberian sense. That is to say the state is measured in terms of its capacity and performance to carry out its functions. However, in a weak state, the state continues to perform its functions only that it does so in an ineffective, and less predictable manner, thereby permitting certain crime to occur or tacitly supporting the commission of certain types of crimes, especially those related to organised crime, such as drug trafficking. Where the state or state officials are directly involved in promoting criminality, the concept of weak state is either inappropriate or inadequate. The situation in which the state is actively involved in criminality, has been referred to as the “criminalisation of the state’ This distinction between a weak state and criminal state is important as it suggests that, in the former state weakness is inherently institutional and can be redressed with reforms to the institutions. But in the later, criminalisation of the state implies that the corrupt behaviour of elites who control the state renders the state incapable to fulfilling some of its key functions.

But the concept of criminalisation has one important shortcoming. It aims to describe a range of behaviours and activities in which state officials are engaged in making the ‘state a vehicle for organised criminality’ The activities include the development of an economy of plunder, plunder of natural resources, growth of fraud and smuggling. Such an eclectic description is not helpful in explaining the relationship between the state and organised crime. It is against this background that I use the term state capture, as it captures both the capacity and performance of the state in performing key functions of providing security, which as Rotberg (2004:6) has rightly observed the state’s primary observation is ‘to the political good of security, which includes prevention of cross border invasions and infiltration and any loss of territory, to eliminate domestic and external threats on the nation’s border and prevent crime or any related dangers to domestic human security’.

The concept of state capture was selected for this study for two reasons. First, it does not only focus on the institution of the state but goes to the core of the problem of state incapacity or ineffectiveness, which is the capture of the regulatory framework by powerful and influential private

interests. Second, the concept of state capture recognises the symbiotic relations between powerful interests and government officials in the commission of crime, especially organised crime, such as drug trafficking, including corruption and illegal award of government contracts. As regards the relationship between the state and organised crime, the concept of state capture is more illuminating compared to the concept of state weakness, as it describes processes by which the state is rendered ineffective or as Tom Lodge (2008) has suggested, 'the state loses its social autonomy and is unable to function in such a way as to service broad social interests or to make decisions that might achieve long-term development'.

According to Tom Lodge (2018:14) 'state capture' refers to a 'situation in which an identifiable group of interests-leaders of a political party or members of a particular social group, businessmen, or organised criminal group-secures control over the government and the public administration in such a way that their predominance is secure and unlikely to be challenged (Edwards,2017). Importantly, the concept of state capture, used in this way, is not merely the subversion of public interest by persuading officials not to enforce the laws and regulations and abetting criminality, sometimes with impunity. This definition of state capture is a modification of a definition offered by Hellman et al. (2000), which focused mainly on large-scale political corruption. Using this conceptualisation, this study has shown the relationship between criminal actors and members of the state, in the form of officials of state agencies, such as immigration, the police, customs and the judiciary. The study has also shown that some elements of the Zambian state can be said to be 'captured' by organised criminal actors, especially at the level of the presidency and ruling party elites.

The discussion started with the review of literature on the state and TOC. It was recognised that there is no agreed definition of TOC, and also that there are some flaws in a number of other available definitions. The study adopted the definition, provided by the United Nations Office on Drugs and Crime (UNODC) which defines TOC as a:'form of criminal acts that are conducted within and beyond borders by one group of criminals and involves more than one country in both planning and execution'.

For this study, the operational definition of TOC was reformulated as follows: a form of criminal actions that are conducted within and beyond borders of the state by a group of criminals acting in concert with law enforcement agencies (LEAs) and state/government officials to obtain directly or indirectly a financial or material benefit from a set of activities that are either licit or illicit. This broad conceptualisation of TOC enabled the identification of four important factors to consider whether certain criminal activities qualify to be classified as TOC. These are: (a) type of actors (state or non-state, political or non-political

actors); (b) nature of goods and activities (licit or illicit, controlled, or unregulated); (c) scope of transactions (within and beyond borders); and (d) (motive).

## **10.2 Thesis structure**

In summary, the thesis was organised in ten chapters. The introductory chapter set out the background to the study, outlined the research objectives, research questions and the overarching hypothesis or research question. The chapter then outlined the theoretical framework that was to be used in the study after considering a few concepts of the state and organised crime.

Chapter Two provided a critical review of the relevant concepts of the African state and organised crime and adopted the concept of state capture. It should be made very clear that the concept of state capture used in this study was a modification of the original understanding of state capture as used by Hellman et al. (2000) and often applied to South Africa, which implied the state being completely overruled by organised criminality, as was the case with Jacob Zuma's South Africa during what came to be known as an era of state capture (Madonsela, 2018). By state capture, we meant a process where the state is in active collusion with organised crime thereby contributes to undermining its capacity to control and prevent drug trafficking.

Chapter Three developed the theoretical framework by critically reviewing the literature on the African state, the different conceptions of the state and various theories of organised crime. The chapter considered the theories of the post-colonial state, the failed/weak state, the predatory state, criminalisation of the state and that of state capture. It concluded by adopting state capture as the framework and this was a modification from the original formulation by Hellman et al. (2000). The framework was chosen as it has better explanatory power and applied to the Zambian case study and helped show the relationship between state actors and organised criminal actors (drug traffickers) was characterised as symbolic as they collude for mutual benefit, but in the process undermined the state's capacity to control and prevent drug trafficking.

Chapter Five provided an overview of the evolution of drug trafficking in Zambia and outlined the interface between Zambia's political economy and the drugs trade. The chapter showed that drug trafficking had a long footprint in Zambia and involved high-ranking government officials. In the mid-1980s, then President Kaunda arrested a number of prominent political and government leaders who were alleged to have been involved in drug trafficking and subsequently established a commission of enquiry led by Justice Mathew Chaila to investigate the trend of drug trafficking in the country, drug networks and the individuals involved. In its findings the Chaila Commission confirmed the existence of drug trafficking and involvement of high-ranking Zambian officials. Under the Chiluba regime, the study

also provided evidence of the link between state officials and drug traffickers, including the funding of the Movement for Multiparty Democracy (MMD) election campaigns.

Chapter Six provided a discussion of the drugs economy in the country and its structure. The chapter provided the empirical data of drug seizures and drug related arrests for the period 2009 to 2016 and showed trends in the growth of the drugs trade in the country. Further, the chapter confirmed the existence of collaboration between state officials and organised criminals involved in the drugs trade and described in detail the politics-crime nexus, which is that symbiotic relationships between state officials and criminal actors and how it works in practice.

Chapter Seven was concerned with the everyday manifestation of drug trafficking in Zambia and provided empirical evidence of human trafficking through Zambia's borders. The main finding reported in this chapter was that Zambian borders are porous (especially Nakonde and Chirundu) making it easy for drugs to be shipped in without much detection, but also the study found out that quite a substantial quantity of drugs may have entered through the borders by being facilitated by state officials and other government agencies. The chapter provided evidence of the manifestation of low state capacity in providing security, preventing the commission of cross border crime, drug trafficking and protecting citizens from the harmful effects of drug trafficking.

Chapter Eight provided empirical evidence based on the key findings from the field work on the functioning of illicit drug economy in Zambia and its links to state actors. It described in great details the proceeds of the drug economy and the involvement of the key members of the political elite. The chapter also discussed the funding of terrorism and political parties from the proceeds of the drugs trade. The association of some senior government officials with known drug dealers was revealed and the impact of money laundering and corruption on the state's ability to perform its juridical functions was elaborated. Further, the chapter discussed in detail the United Nations (UN) and African Union (AU) 's responses to TOC in Africa. The Zambian state's response to TOC, especially drug trafficking was also elaborated. The Zambian state's response to drug trafficking asset recovery which is a new approach in drug-law enforcement was elaborated. The new anti-drug law policy is enforced vigorously since the election of President Hakainde Hichilema of the United Party for National Development (UPND) in the August 2021 general elections and is supported by the international community including the United Kingdom (UK) government, United Nations Office on Drugs and Crime (UNODC), the Southern African Development Community (SADC)'s Organ on Politics, Defence and Security and the Basel Institute on Governance.

Chapter Nine discussed the interface between the state and TOC, (drug trafficking). Through selected case studies of the executive, legislature, judiciary, and some LEAs evidence was presented on

the involvement of state officials in the drug trade. It summarised the state capture of key state structures by organised crime, but also showed the active collaboration of state actors in the drugs trade. The involvement of the former president through his close collaboration with an alleged know drug trafficker was discussed, while the collusion of the judiciary in ensuring those arrested for drug trafficking are either released, receive light sentences, or have the confiscated drugs disappear was also discussed in great detail. By and large, the chapter implicated the state in playing an active role in undermining the capacities of law enforcement to prevent and control drug trafficking in Zambia. Further, the former ruling party Patriotic Front (PF)'s conduct as a mafia, operating extortion, torture and bribery and capture of state structures such as municipal markets and a government building was revealed in the chapter. The PF conduct is revealed in the literature on organised crime as a strategy used by criminal organisations involved in TOC.

The study adopted a modified version of Hellman et al. (2000) theory of state capture. The theoretical framework took account of the failed state and criminalisation of the state theories by Crawford Young (1992) and Bayart et al. (1999), respectively. The theoretical chapter (Chapter Three) considered the various conceptions of the African state and laid a foundation for the theoretical framework of state capture, which incorporates conceptions of state weakness/failure with those of a predatory state that have been brilliantly articulated by Bayart et al. (1999). By state capture we mean a process by which the state exhibits weakness and failure to perform its key functions, that include law enforcement, occasioned by the collusion of state actors/officials with organised criminal actors. There are several aspects of state capture of relevance to this study, include the following:

- (h) State-business relations rooted in the market for influence; (Market for influence or corrupt relationships between private business and state actors).
- (i) Transactional relationship between criminal actors and state actors, which is symbiotic and beneficial to both actors in illicit transactions.
- (j) Focus on the input or process side to making laws, policies, regulations and decrees.
- (k) Captors are typically private sector individuals or entities, such as business persons, oligarchs, criminal groups, and occasionally public officials;
- (l) Main targets of capture are formal state institutions, such as the legislature, executive, judiciary, regulatory agencies, high ranking public officials and politicians who play key roles in the formulation and enforcement of laws, policies and regulations;

While the failed state and criminalisation of the state thesis focus on the state and its capacities or lack of, the state capture theory focuses on the processes by which criminal actors interact with state actors to undermine state capacities to enforce laws and regulations and in turn create conditions by

which the 'state is held under siege' (Kirschke, 2008). This thesis adopted the state capture theory as it has better explanatory power as it explains the dynamics of the relationships between drug trafficking and state actors in facilitating and undermining the ability of LEAs to control and prevent organised crime generally and drug trafficking in particular.

The study demonstrated that the idea of state capture was not new in the Zambian political economy. Since the introduction of the Third Republic in 1991, there is evidence of collusion between state actors and criminal individuals to the extent that the state became a resource in itself, but also the collusion involved state actors working with criminal elements, drug traffickers, to enrich themselves or make for the loss of revenue due to the economic crisis (Szeftel, 2000). As Chipkins (2016:1) opined, a conception of the state that has taken hold on the African continent is that increasingly 'the state is becoming a vehicle for politicians and their cronies to get hold of the instruments and resources of the state and use them for their own purposes (see also Szeftel, 2000).

The application of the state capture theory to Zambian case study showed that there was evidence of collusion between the state and TOC, especially drug trafficking. The thesis central research questions were: (a) what explains the ineffectiveness of law enforcement and regulatory agencies in controlling and preventing drug trafficking in Zambia? And (b) what impact does TOC, especially drug trafficking, have on state's capacity to perform its traditional functions of regulation and law enforcement? In answer to these questions, the thesis unpacked the nature of TOC and its evolution in Zambia and established that there was a problem of drug trafficking in Zambia that can be traced back to the early 1980s. One of the key findings of the study was that Zambia was both a transit and destination point for illicit drugs. It also established that apart from being involved in the drugs, the country is also a consumer market for illicit drugs.

The study adopted a mixed research methods combining key informant interviews, literature review and observation (Chapter Four). Apart from an extensive study of literature that included government reports, newspaper article and published literature, the author also visited border areas (land, air, and marine borders) where drugs enter or exit the country and saw first-hand the porousness of borders. This approach brought to this study a rich and original data that has hitherto not been made available.

However, there are important caveats regarding conducting research on organised crime. These in the Zambian case involved four areas. First, access to reliable government records is inhibited by secrecy, as the country lacked access to information legislation until very recently.<sup>6</sup> The absence of

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<sup>6</sup> The Access to Information Act was signed into law by President Hakainde Hichilema in 2023, though it is yet to be operationalised.

legislation authorising government agencies including LEAs, to release information, meant that researchers were not able to access government reports on the drugs trade, especially on seizures, other than what these agencies chose to release. Further, even where available, data relating to seizures and arrests is itself not very reliable. This is because not all drug shipments getting into the country get reported, because of the collusion between drug traffickers and state officials. This is also reflected in the number of arrests, as these may not represent the actual situation on the ground.

Second, drug trafficking is considered a security issue, as such it is treated differently from other types of crime. It is even more complicated when state officials, at the level of the presidency, are involved. Where, for example, officials at State House claim that suspected drug dealers are connected to the head of state, investigations may be curtailed. Thus, for the researcher getting access to information involving senior government officials may be a hazard, as few will be prepared to share such information without suffering serious consequences.

Third, researching organised crime, including drug trafficking is potentially risk. Those involved in drug trafficking can resort to violence to cover their tracks. This explains why in this study no efforts were made to interview those convicted on drug related offences or the drug kingpins for fear that the researcher's life may be in jeopardy. Elsewhere, there have been deaths arising from exposure of drug dealers including mysterious deaths of whistleblowers.

Lastly, the estimation of the degree and scale of drug trafficking tend to rely on seizures and arrests data only and does not take into account data on the consumption of illicit drugs. Data on the consumption of illicit drugs in Zambia is patchy, while statistics on drug abuse with the Ministry of Health show a rising tide. Further, there is evidence that Zambia has become a large consumer market of illicit drugs in Southern Africa, alongside countries, such as Tanzania, Kenya, Mozambique and South Africa (Haysom, et al. 2018; Eligh).

### **10.3 Main Findings of the thesis**

The main findings of the study can be summarised as follows:

1. The main argument of this study was that law enforcement, and regulatory agencies are ineffective in controlling and preventing drug trafficking because of collusion that exists between state officials (including officials in law enforcement and regulatory agencies) and drug traffickers or criminal actors. The study argued that the ineffectiveness of law enforcement and regulatory agencies in controlling drug trafficking is as the result of the collusion of state actors in drug trafficking.

2. The study provided evidence of the existence of drug trafficking in Zambia and traced it as far back as the 1980s. It also showed that the problem of collusion between the state and organised crime, in form of drug trafficking increased in the last ten or twelve years (especially under the previous PF regime).
3. In answer to the second research question: what impact does TOC, especially drug trafficking, have on state's capacity to perform its traditional functions of regulation and law enforcement? The main finding of this study was that TOC, especially drug trafficking had an impact on the state's capacity to perform its functions of regulation and law enforcement of the drugs trade. I demonstrated this by providing evidence of state officials conniving with drug dealers to allow illicit drugs pass through the borders and judicial officials failing to play an effective role in the adjudication of cases involving drug related offences.
4. The other key finding of this study was that proceeds from the illicit drug trade are hidden through money laundering and such money is often also used to corrupt state officials. The prosecution of several former high ranking public officials for being in possession of property suspected to be proceeds of crime provided evidence of money laundering. But in the absence of reliable measurement of the degree of drug trafficking, it is surmised that some of the funds that are laundered are derived from the illicit drugs trade.
5. The study also found that there was a relationship between increase in high level corruption and drug trafficking as corruption is a common currency used in facilitating the movement of drugs through the borders and other ports of entry.
6. The study found that arrests and seizure data sets are not a sufficient measure of the size of the drugs trade. The number of arrests on drug related offences is very small, and often confined to those related to cannabis possession. For the purpose of this study we adopted a robust approach and estimated that the drugs trade is larger than is currently reflected in official government records on account of: (a) under estimation by LEAs (as this study has shown, they are often involved in collusion with organised criminal actors), (b) the quantities seized at border points also appear to be too low, given the fact that the study provided evidence of drugs going through the borders with the assistance of law enforcement officers and former cabinet ministers.

#### **10.4 Contribution to theory and literature**

The thesis made three important contributions to the theory and literature of the African state and organised crime. First, the study made a contribution to the theory of the African state by recognising that weak state and criminalisation of the state theories are not very different from each other. They describe the same phenomenon albeit different terms. What this author attempted to do was to recognise the utility of both the failed state and criminalisation of the state theories and incorporate them in the state capture

theory. This was done by reformulating the definition of state capture to incorporate features of both failed and criminalisation of the state.

Further, the concept of state capture was broadened to include collusion between state actors and organised crime, as opposed to limited way in which it has been used in the South Africa case, where it implied the state being completely over-run by organised criminal syndicates, such as the one controlled by the Gupta brothers. The difference here is that in the South African case, the Guptas were said to have completely taken over the decision-making function of the South African executive, as they made or greatly influenced government appointments, including those of ministers and dictated the award of tenders/contracts, most of which were awarded to their companies. In the Zambian case, state capture does not suggest that organised criminals have taken over the decision-making function of government. The state and organised crime actors act in collusion to undermine the functions of law enforcement agencies aimed at controlling or preventing drug trafficking.

Second, the study made a contribution to the measurement of drug trafficking by expanding our measurement to include corruption and money laundering. In other words, this study considered proceeds from money laundering, illicit financial flows and corruption which are manifested in individuals possessing wealth whose source they cannot explain parlance is termed 'being in possession of property reasonably suspected to be proceeds of crime'. Any study of drug trafficking therefore should not only be restricted to drug seizures and drug-related arrests but should also incorporate money laundering and corruption reports to arrive at a better understanding of drug trafficking. This was particularly important when we consider the fact that the drugs trade is facilitated by state actors in collaboration with organised criminal groups or syndicates, what I have referred to in this thesis as the politics-crime nexus or state-crime nexus.

Third, the existence of drug trafficking in any country, can also be a function of the prevalence of a visible market for illicit drugs. One of the findings of this study was that there exists a consumer market for illicit drugs in Zambia. However, the official statistics on drug trafficking do not reflect the number of drug users, which underestimates the drugs problem. In order to rectify that anomaly, this study proposes that in the estimation of the drugs problem, apart from the seizures and arrests data, statistics on the number of drug users should be triangulated with that of the number of consumers of illicit drugs, which helps to have a better picture of the drugs problem in the country.

In summary, the thesis made four theoretical contributions to the literature on the African state in general and its relationship to organised crime in particular. First, while acknowledging that the African state has been characterised in the literature as failed or weak, this study pointed out that such generalisation does not apply to all African states. There is need for a nuanced conceptualisation that takes account of capacity and performance of the state as regards core Weberian functions. Thus, a clear

distinction between failed and weak state is essential in order to understand what explains capacity constraints that visit the African state. I then examined the concept of state weakness, which presupposes weak and ineffective state institutions, and weak enforcement of laws in a predictable, consistent and systematic manner. However, the concept of a weak state tends to focus more on state institutions and less on the behaviour of officials and covers so many areas to be helpful in our understanding of the nature of the state. It is helpful only in identifying characteristic features, as is with the case with Young's notion of the post-colonial African state.

To help provide a better conceptualisation of the state, this study used the concept of state capture. The concept of state capture was broad enough to cover both the idea of capacity and performance of the African state as it was focused on the processes as opposed to just institutional aspects of the state. The contribution of this study, therefore, to the debate on the state is to recognise the limitations in the notion of state weakness to cover behavioural aspects of state officials that have been well articulated by Bayart et al. seminal work on the criminalisation of the state. Therefore, I used the concept of state capture to include both institutional and behavioural aspects of the state. With the concept of state capture, it is possible to explain the relationship between organised crime and the state. As opposed to most analyses of the state and organised crime, this study argued that the state was not a neutral actor in the relationship but an active actor and there is a symbiotic relationship between the state and organised crime. This is what explains the ineffectiveness of law enforcement agencies in controlling and preventing organised crime.

Second, to my knowledge, this was the first study of its kind to be undertaken in Southern Africa, which examines the relationship between the state and drug trafficking. As a case study, provided fresh empirical evidence on the nature of organised crime, its evolution and links to state actors. Thus, the study made a contribution to the literature on the state and organised crime in Africa and suggested different conceptual approach to our understanding of the African state which was helpful in unpacking the relationship between TOC and the state.

Third, the study proposed the use of Raineri and Strazzan's methodological approach of estimating the nature and extent of drug trafficking by using 'relational interpretation' of crime data to help understanding the involvement of state officials in organised crime. By 'relational interpretation' we refer to 'an acknowledgement that the definition, apprehension, monitoring and overall visibility of organised crime which underpin the measurement of its manifestation are inherently political phenomena (Reineri & Strazzari, 2023:375). The 'relational' approach involves a triangulation of different sources of evidence, including corruption and money laundering data, which helps with appreciating the interface between organised crime and the state. This study used this approach by triangulating interview and evidence

from newspapers with reports on corruption and money laundering to track the involvement of state officials in abetting and facilitating organised crime, especially drug trafficking.

Fourth, the study made a contribution to the field of political science, especially political sociology, by dissecting relationships between state officials and organised criminal actors, the enforcement of laws and regulations relating to the control and prevention of drug trafficking and the general policing of the borders. While it is expected that the state will enforce laws, rules and regulations to safeguard the borders, contain the entry or exit of illicit goods, including illicit drugs, it was found that where there was collusion between state officials and organised crime, illicit goods (including illicit drugs) passed through the borders easily and drugs found their way to consumers making Zambia one of the big drug markets in Southern Africa. The study contributes to the political sociology of the state that considers the state as a vehicle for the personal enrichment of those who control it. This thesis supports Fanon (1963), Bayart (1989), Szeftel (2000) and others who have characterised the African state as a promoter of criminality.

### **10.5 Limitations of the thesis**

In making these arguments, the researcher is aware that there are limitations to the study which result from difficulties in accessing systematic, reliable data from all parts of the drugs ecology in Zambia. The original intention of the research was to also interview those individuals who could be considered as participants in the ecology of the politics-crime nexus (including convicted drug traffickers or political figures suspected of illicit activity for example). For ethical and safety reasons this was not possible and following the 2021 elections many 'interesting' potential interviewees simply disappeared. But even with this limitation, the researcher was able to access respondents in a broad range of roles and geographic locations which has provided a unique and insightful data set.

Other difficulties encountered in this research was the absence of systematic, reliable data on the size or magnitude of the drugs trade-for example exactly how much of which drugs enter or transit Zambia. What is known currently are just quantities of confiscated drugs usually in small quantities and published in DEC annual reports of confiscated drugs per quarter or in a year while the bulk of the drugs go through unreported. There is need for better, consistent and longitudinal data which can inform both research and government policy. This includes a need to better understand the precise contribution of the drug trade to the economy of Zambia, both formal and informal. While the current market value of the drugs gives an indication, they are not a sufficient measure of the drugs contribution to the legitimate economy.

The study has an endpoint of 24<sup>th</sup> August 2021, when the PF government was replaced by the UPND government. While the general elections took place on 12<sup>th</sup> August 2021, 24<sup>th</sup> August 2021 represents the day when former President Edgar Chagwa Lungu handed over the instruments of power

to his successor. The cut-off point was originally chosen for practical purposes, but it provides an interesting date in itself. The new government, led by President Hakainde Hichilema, has taken a robust anti-drugs anti-corruption position. He himself is autonomously (and legitimately) wealthy and therefore autonomous of the politics-crime network and the logic which drives it. As Chapter Eight discussed, his current strategy of asset recovery is contentious, and it remains to be seen whether he can reverse the criminalisation of the state itself. However, so far it does seem there is an opportunity, supported by the international community, including the Government of the UK, for him to do so.

### **10.6 Policy recommendations to fight drug trafficking in Zambia**

In the meantime, this study of the impact of drug trafficking on state capacities raises important vistas on the design of anti-corruption, anti-money laundering and anti-drug trafficking strategies of nation-states. The current approach assumes organised crime targets and overwhelms the state institutions by undermining their capacity to control and prevent drug trafficking. My thesis is that it is the collusion between state and organised criminal actors or what I call the politics-crime nexus in shaping state-organised crime relations.

With regard to Zambia specifically, the research does suggest a number of immediate and very specific initiatives which might assist this process, including:

### **10.7 Carrying out diagnostic studies on the causes and factors facilitating drug trafficking**

There should be established independent bodies such as the Global Initiative Against Transnational Organised Crime (GIATOC) with the help of international donors that would be able to conduct diagnostic studies that would interrogate the factors responsible for the facilitation of the drug trafficking both internal and external.

### **10.8 Effectively tackle the demand for drugs without over-securitisation of drug use.**

As one of the key drivers of drug trafficking is demand for drugs by both users and traders, it would be important for government to separate demand driven by users and the other by traders and treat those involved differently. Often drug users are victims of the drug trade yet, there is an over-securitisation of the fight against drug trafficking to the extent that even possession of small quantities of cannabis has landed users in prison. On the other hand, government could devise more effective and viable strategies targeted at traders of drugs and their corrupting influences on state agents.

### **10.9 Develop codes of conduct and mandatory lifestyle audits for state officials**

While political will is important in the fight against drug trafficking, it is crucial to develop codes of behavior to hold public officials accountable. For example, as was the case with United Party for National Development (UNIP) era when the Special Investigations Team on Economy and Trade (SITET) was in existence, public service workers were compelled to justify the source of their wealth. This is what is called as lifestyle audit. When public officials, especially those in law enforcement display ostentatious

living and lifestyle that should be investigated if it can be justified by their level of current income. Code of conduct for that demand declaration of assets, supplemented by lifestyle audits will act as disincentive for officials of law enforcement to collude with organised criminals in undermining enforcement of anti-corruption, anti-money laundering and anti-drug trafficking laws.<sup>7</sup>

#### **10.10 Establishing crime/drug trafficking hubs.**

For Zambia, to be able to actively and effectively monitor progress in the fight against organised crime generally and drug trafficking in particular, government and other policy international agencies, or government with the cooperation of development partners should consider establishing a crime/drug trafficking hub that would be tasked with the collection of data, monitoring trend and review progress in strategies to combat TOC and drug trafficking. Such a hub would be very useful in helping establish the severity and depth of the problem, effectiveness of the policies and strategies against organised crime, inform government on decisions relating to planning and resource allocation towards the fight against drug trafficking.

#### **10.11 Comprehensive approach to the fight against drug trafficking.**

As things are in Zambia and in many African countries presently, there is lack of a coordinated and comprehensive approach to the fight against drug trafficking. There is a need for a much more comprehensive approach by state LEAs that would focus on eliminating duplication and inertia, which are important factors that allow organised crime to thrive. The specific recommendation here will involve dismantling existing rigidities in operations and loopholes in the political landscape that allow political actors such as the so-called Politically Exposed Persons (PEP) to circumvent legal mechanism, frustrate investigation and collaborate or associate with criminal networks with impunity. This is in recognition of the fact that the presidency in Zambia currently controls the operations of law enforcement and the separation between the executive and judiciary is almost non-existent, despite the law enshrining the principle of separation of powers.

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<sup>7</sup> It should be mentioned that currently the Constitution provides for Codes of behaviour of state officials, including the requirement for all public officials to declare their assets. However, the defining of public official excludes individuals holding state office, such as the president, vice president, chief justice and judges. The constitution of Zambia (Amendment) A no. 2 of 2016. The ministerial and parliamentary code of conduct act also prescribes code of behaviour for ministers and members of parliament. What is missing is an effective enforcement mechanism of the existing codes of behaviour. Thus, mandatory provisions will enhance compliance which may help reduce the collusion between government officials and organised criminal actors.

### **10.12 Amendment to the Republican Constitution**

The republican constitution must be amended to allow for the appointment of head of LEAs through an independent commission to make the institutions of the state impersonal, accountable, and responsive to the interests of the whole population rather than to a group of political elites who work in partnership with criminals. This research has demonstrated that the ineffectiveness of law enforcement and regulatory agencies in controlling and preventing TOC is due to the centralisation of power in the person and office of the presidency which promotes patronage, corruption, and abuse of power by the presidency, in ways that allow infiltration of the state by criminal elements or collusion between state actors and criminals- a political criminal nexus, a relationship involving political elites and criminals. This study has shown that while they are in power, politicians are immune from investigations and prosecution by LEAs while they engage in illicit activities such as drug trafficking and corruption. While in office, ministers and PEPs are not arrested by law enforcement officers for fear of political reprisals.

### **10.13 Further Research-Implications**

The study of organised crime is complex and requires an inter-disciplinary approach. It also requires adoption of better and longitudinal methodologies, such as ethnography and participant observation. Future research is recommended in establishing a link between corruption, money laundering and organised crime and their impact on the state. Currently, there is little academic research in the areas of organised crime as it is not only a politically sensitive area, but it is difficult to obtain reliable data. Further, the influence of organised crime on politics, such as in campaign contributions is another area that could attract academic research. While anecdotal evidence exists, that known drug traffickers have patronised members of the political class such as presidents, cabinet ministers and senior party officials, not empirical evidence exists on the influence these have had on both the political parties and the leaders. Lastly, this study was exploratory, and others may wish to further it with using other methodologies, including ethnography, to have a better and deeper understanding of the dynamics of drug flows, the relationship between government officials and organised criminal actors and the extent to which drugs influence public policy. These issues were not explored in depth in the present study.

It is recommended that other research and theoretical paradigms be adopted to better understand the interaction between organised crime and state structures. Secondly, focus of future research could be directed on the relationship between grand corruption, including money laundering and organised crime. This study was limited in this area, as the connection between these variables was only inferred. By working with authorities, such as the FIC, future research could track the movement of money from illicit sources into licit institutions, such as banks and how it ends up with political elites. This is the

study that could complement the one conducted by Thabo Mbeki on illicit financial flows, but the link with Africa's political elites and role of state structures would be crucial.

The research also suggests that an interesting and useful future research project would be to evidence and quantify the capacity gaps of weak states in dealing with TOC that were identified by Williams in Table 1 (loss of social control, lack of social provision, lack of effective business regulation, lack of control and transparency, weak interdiction capacity, a lack of authority and affiliation and dubious mechanisms of campaign financing). It would also be useful to follow the progress of President Hakainde Hichilema's campaign against corruption and TOC, to examine the efficacy, and cost effectiveness, or his strategy on the one hand, but also to consider it in terms of how it impacts state institutions, whether they are strengthened or not and whether their criminalisation can be reversed.

A research project is also required to estimate the illicit drugs trade's contribution the economy of Zambia.

As a Zambian citizen, I want to see my state free of crime. I hope this thesis makes a small contribution towards making that future possible.

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12.1

**APPENDICES**

**12.2 APPENDIX 1: Interview Guide 1 Key Public Institutional Informants -ZAMBIA**

**Thesis Title: Transnational Organised Crime and the State: A Case Study of Drug Trafficking in  
Zambia**

**Research Interview Guide 1: Key Public Institutional Informants-ZAMBIA**

**February 2020**

## **Preliminary Section: Ethical Declaration, Consent and Disclosure of Study**

All the information under this section should be read to the interviewee by the researcher prior to the commencement of the study to enable the interviewee know what the study is about, how their responses will be handled and used, and decide whether or not to go ahead and participate in the study.

### **Ethical Declaration**

Dear interviewee,

Good morning/good afternoon! My names are Nchimunya Muleya. I am a researcher conducting research work for my PhD studies at Durham University in the United Kingdom (UK). As an important stakeholder, in the opinion of the researcher, you have been purposely selected to participate in this study as an interview respondent.

### **Disclosure of Study:**

The main objective of the study is to examine the impact of transnational organised crime on the Zambian state and its political protection.

### **Specific Objectives**

1. To examine the basic operations of Zambia's Drug Economy.
2. To examine the cocaine and heroin routes in Zambia.
3. To examine how cocaine and heroin trade interacts with politics and governance in Zambia
4. To examine how cocaine and heroin trade interacts with the legal markets in Zambia.
5. To examine the impact of cocaine and heroin on development issues in Zambia
6. To examine how Zambia's cocaine and heroin market has developed over time.

### **Study Confidentiality**

Further to the above objectives of the study, I sincerely assure you that all the findings of this study (including your responses) will be used for academic purposes only. The study has no profit or any hidden objective that could put you at risk.

Your responses to the questions I will ask you will be kept completely confidential so that it will be impossible to relate any finding to any respondent.

### **Rights of the Respondent During the Interview**

- You are free to refuse participation in the interview if you feel uncomfortable.
- During the interview, you are free to ask for the discontinuation of the interview if you feel uncomfortable.
- At any time in the course of the interview, you are free to ask for more time, including a break.

**Time Interview Started ..... Hours (CAT)**

## **Section 1: Structure of the drug economy in Zambia**

**Question 1:** Are you aware of the problem of drug trafficking in Zambia?

**Question 2:** Would you say that drug trafficking is a problem in an organisation like yours? Do you think organisations like yours can serve as a strategic distribution channels of cocaine and heroin? Kindly explain how this is/can be used. Please include the most important kind of people who can/are involved in this kind of trade and how they interact to make the trade possible.

**Question 3:** Do you think organisations like yours can/are targeted by one or more drug kingpins as channels of cocaine and heroin distribution? Further, would you explain any ways in which your organisation authorities can relate with drug kingpins?

**Question 4:** Over the last 5-10 years, kindly explain how this kind of trade has evolved in terms of size and nature. Based on your personal observation, what have been the key push and pull factors in the evolution of cocaine and heroin trade over the past years?

## **Section 2: Drug traffic routes in Zambia**

**Question 1:** Looking at the nature of your organisation can it used for inbound/outbound or both inbound and outbound cocaine and heroin? Kindly explain the inbound and outbound logistics which you think cocaine and heroin traffickers have been utilising.

**Question 2:** In your view, how do such traffickers manage to elude inland and border/port authorities? Would you kindly enumerate and explain some of the methods that such traffickers use in eluding/surviving arrest by state authorities?

**Question 3:** Which geographical route in your locality is mostly used for trafficking in drugs? Would you say that drug traffickers use different routes to traffic in different drugs? If so, explain how they do it and why? Additionally, would you be able to give me the different routes used in trafficking in different drugs.

## **Section 3: Local consumption of cocaine and heroin in Zambia**

**Question 1:** Do you think cocaine and heroin are widely consumed drugs in Zambia? In your response kindly explain the kind of people who predominantly consume cocaine and heroin, how and why.

**Question 2:** Where and how do you think these consumers access cocaine and heroin from?

**Question 3:** In which quantities do you think cocaine and heroin are sold to consumers in Zambia? Kindly comment also on the various forms in which the drugs are consumed and the price of each quantity.

**Question 4:** During which time period would you say this problem was more severe and why?

#### **Section 4: Cocaine and heroin trade interaction with politics in Zambia**

**Question 1:** Do you think there exists any known relationship between government officials (including officials of your organisation) and cocaine and heroin traffickers? Could you kindly elaborate the stakes in these relationships?

- (a) Do you think there exist any evidence of official or unofficial political contributions by cocaine and heroin traffickers either to a ruling party or opposition parties or state institutions that control the conduct of elections?
- (b) Do you know of any cases where the drug trade has sponsored a candidate who contested a local government, parliamentary, mayoral/council chairperson or presidential elections? Kindly explain how that happened and what occurred in the event that the sponsored candidate won or lost the election.
- (c) Do you know of any instance when drug trade has sponsored a candidate for an influential intra party position or for a politically influential position in a governmental or non-governmental organisation? Would you kindly explain what happened after this?

**Question 2:** Would you say that there have been instances where powerful drug traffickers have usurped the control of state power or at least of certain powerful state institutions such as the executive, judiciary, legislature and media institutions? Kindly explain how such institutions responded.

**Question 3:** In your view have there been any instances where drug traffickers have taken control of public access to markets, bus stations, borders, ports or other public resources? Kindly explain how state institutions including law enforcement agencies responded.

**Question 4:** When you look at some of the key state institutions such as the executive, judiciary and legislature among others, which ones do you think have been most/least compromised by drug traffickers. Kindly explain how and why.

#### **Section 5: Cocaine and heroin trade interactions with the legal market in Zambia**

**Question 1:** From your experience as an employee and as a resident of this area, are you aware of any business enterprises that have thrived on drug money? Kindly narrate some of the activities you know regarding the business enterprise in question.

- (a) Kindly explain the ownership of the business houses in question and how they have managed to evade Zambia's anti-drug laws?
- (b) Which drug do you think is mostly financing such business enterprises? Further explain the source of the drug in question and the role of such business enterprises in the drug trade chain.

**Question 2:** Kindly state some of the leading sectors of the economy in the use of drug money as a means of business financing. Further would you say that some business activities in certain sectors of the Zambian economy are mere cover ups for drug trade. Kindly name the sectors of the Zambian economy in which such practices are common.

**Question 3:** What role do you think Zambia's financial market institutions have played in the illicit financial transactions? Would there be any evidence of some financial institutions aiding such illicit transactions?

**Question 4:** Would you say that some financial institutions in your locality were established using drug money and thus to serve as conduits for transferring drug money? Are such institutions connected to local and international drug cartels? Kindly explain.

**Question 5:** In your locality are there business people who are regarded as drug dealers? Kindly explain what they do and how they get away with it.

**Question 6:** Would you kindly explain the ways in which drug trade has impacted clean trade in your locality?

**Question 7:** Would you explain the ways in which drug financed businesses have impacted the local economy?

**Question 8:** Would you kindly comment on the adequacy of Zambia's financial and business laws and regulatory institutions in handling illicit financial transactions?

### **Section 6: Impact of cocaine and heroin trade on development issues in Zambia/Cocaine and heroin as a development issue in Zambia**

**Question 1:** Would you recall of any cases in which, due to the consumption of cocaine and heroin some individuals have faced physical, social or economic challenges.

**Question 2:** In your view, what has been the impact of drug trade on the governance and development of the country?

**Question 3:** Would you say that drug trade yields a great influence on ascendance and hold to state power at various levels?

**Question 4:** Would you say that urban development through for example the mushrooming of shopping malls, modern bars, night clubs and other betting companies contributed or aided the scourge of drug trafficking in Zambia?

### **Section 7: Local dynamics of cocaine and heroin trade in Zambia**

**Question 1:** In your locality are there any places that could be considered as hubs or epicentres of trade in cocaine and heroin? Kindly explain why such places have become hot spots.

**Question 2:** How effective have governmental authorities in your area been in fighting cocaine and heroin trade? Between the national government and local government which one would you say has been more effective in fighting drug trafficking?

**END**

**Thank you for your time!**

**Time Interview Ended .....Hours (CAT)**

**12.3 APPENDIX 2: Interview Guide 2 Key Individual Informants -ZAMBIA**

**Thesis Title: Transnational Organised Crime and the State: A Case Study of Drug Trafficking in  
Zambia**

**Research Interview Guide 2: Key Individual Informants-ZAMBIA**

**February 2020**

## **Preliminary Section: Ethical Declaration, Consent and Disclosure of Study**

All the information under this section should be read to the interviewee by the researcher prior to the commencement of the study to enable the interviewee know what the study is about, how their responses will be handled and used, and decide whether or not to go ahead and participate in the study.

### **Ethical Declaration**

Dear interviewee,

Good morning/good afternoon! My names are Nchimunya Muleya. I am a researcher conducting research for my PhD studies at Durham University in the United Kingdom (UK). As an important stakeholder, in the opinion of the researcher, you have been purposely selected to participate in this study as an interview respondent.

### **Disclosure of Study:**

#### **Main Objective**

The main objective of the study is to examine the impact of transnational organised crime on the Zambian state and its political protection.

#### **Specific Objectives**

4. To examine the basic operations of Zambia's Drug Economy.
5. To examine the cocaine and heroin routes in Zambia.
6. To examine how cocaine and heroin trade interacts with politics and governance in Zambia
4. To examine how cocaine and heroin trade interacts with the legal markets in Zambia.
5. To examine the impact of cocaine and heroin on development issues in Zambia
6. To examine how Zambia's cocaine and heroin market has developed over time.

#### **Study Confidentiality**

Further to the above objectives of the study, I sincerely assure you that all the findings of this study (including your responses) will be used for academic purposes only. The study has no profit or any hidden objective that could put you at risky.

Your responses to the questions I will ask you will be kept completely confidential so that it will be impossible to relate any finding to any respondent.

### **Rights of the Respondent During the Interview**

- You are free to refuse participation in the interview if you feel uncomfortable.
- During the interview, you are free to ask for the discontinuation of the interview if you feel uncomfortable.
- At any time in the course of the interview, you are free to ask for more time, including a break.

**Time Interview Started ..... Hours (CAT)**

### **Section 1: Structure of the drug economy in Zambia**

**Question 1:** Are you aware of the problem of drug trafficking in Zambia?

**Question 2:** In the community where you live, would you say that there are any persons involved in cocaine and heroin trafficking?

**Question 3:** Do you think communities like yours can be/are targeted by one or more drug kingpins or channels of cocaine and heroin distribution? Further, would you explain any ways in which your community authorities can relate with drug kingpins?

**Question 4:** Kindly explain how drug trade has evolved over the years in terms of size and nature within your community. Based on your personal observation, what have been the key push and pull factors in the evolution of cocaine and heroin trade over the past years?

### **Section 2: Drug traffic routes in Zambia**

**Question 1:** Looking at the nature of your community can/is it used for inbound/outbound or both inbound and outbound cocaine and heroin? Kindly explain the inbound and outbound logistics which you think cocaine and heroin traffickers have been utilising.

**Question 2:** In your view, how do such traffickers manage to elude inland and border/port authorities? Would you kindly enumerate and explain some of the methods that such traffickers use in eluding/surviving arrest by state authorities?

**Question 3:** Which geographical route in your community is mostly used for trafficking in drugs? Would you say that drug traffickers use different routes to traffic in different drugs? If so, explain how they do it and why? Additionally, would you be able to give me the different routes used in trafficking in different drugs.

### **Section 3: Local consumption of cocaine and heroin in Zambia**

**Question 1:** Do you think cocaine and heroin are widely consumed drugs in Zambia? In your response kindly explain the kind of people who predominantly consume cocaine and heroin in your community, how and why?

**Question 2:** Where and how do you think these consumers access cocaine and heroin from?

**Question 3:** In which quantities do you think cocaine and heroin are sold to consumers in Zambia? Kindly comment also on the various forms in which the drugs are consumed and the price of each quantity.

**Question 4:** During which time period would you say this problem was more severe in your community and why?

### **Section 4: Cocaine and heroin trade interaction with politics in Zambia**

**Question 1:** Do you think there exists any known relationship between government officials (including members of your community) and cocaine and heroin traffickers? Could you kindly elaborate the stakes in these relationships?

- (a) Do you think there exist any evidence of official or unofficial political contributions by heroin traffickers either to a ruling party or opposition parties or state institutions that control the conduct of elections?
- (b) Do you know of any cases where the drug trade has sponsored a candidate who contested a local government, parliamentary, mayoral/council chairperson or presidential elections? Kindly explain how that happened and what occurred in the event that the sponsored candidate won or lost the election.
- (c) Do you know of any instance when drug trade has sponsored a candidate for an influential intra party position or for a politically influential position in a governmental or non-governmental organisation? Would you kindly explain what happened after this?

**Question 2:** Would you say that there have been instances where powerful drug traffickers have usurped the control of state power or at least of certain powerful state institutions? Kindly explain how such institutions responded.

**Question 3:** In your view have there been any instances where drug traffickers have taken control of public access to markets, bus stations, borders, ports or other public resources? Kindly explain how state institutions including law enforcement agencies responded.

**Question 4:** When you look at some of the key state institutions such as the executive, judiciary and legislature among others, which ones do you think have been most/least compromised by drug traffickers. Kindly explain how and why.

### **Section 5: Cocaine and heroin trade interactions with the legal market in Zambia**

**Question 1:** From your experience as a member of this community, are you aware of any business enterprises that have thrived on drug money? Kindly narrate some of the activities you know regarding the business enterprise in question.

- (a) Kindly explain the ownership of the business houses in question and how they have managed to evade Zambia's anti-drug laws?
- (b) Which drug do you think is mostly financing such business enterprises? Further explain the source of the drug in question and the role of such business enterprises in the drug trade chain.

**Question 2:** Kindly name some of the leading sectors of the economy in Zambia in the use of drug money as a means of business financing. Further would you say that some business activities in certain sectors of the Zambian economy are mere cover ups for drug trade. Kindly name the sectors of the Zambian economy in which such practices are common.

**Question 3:** Do you think Zambia's financial market institutions have played any role in the illicit financial transactions? Would there be any evidence of some financial institutions aiding such illicit transactions?

**Question 4:** Would you say that some financial institutions in your community were established using drug money and thus to serve as conduits for transferring drug money? Are such institutions connected to local or international drug cartels? Kindly explain.

**Question 5:** In your community, are there business people who are regarded as drug dealers? Kindly explain what they do and how they get away with it.

**Question 6:** Would you kindly explain the ways in which drug trade has impacted clean trade in your community?

**Question 7:** Would you explain the ways in which drug financed businesses have impacted the local economy in your community? Kindly explain.

**Question 8:** Would you kindly comment on the adequacy of Zambia's financial and business laws and regulatory institutions in handling illicit financial transactions in your community?

### **Section 6: Impact of cocaine and heroin trade on development issues in Zambia/ Cocaine and heroin as a development issue in Zambia**

**Question 1:** Would you recall of any cases in which, due to the consumption of cocaine and heroin some individuals have faced physical, social or economic challenges.

**Question 2:** In your view, what has been the impact of drug trade on your community and the country?

**Question 3:** Would you say that drug trade yields a great influence on ascendance and hold to community and national leadership?

**Question 4:** In your community, would you say that urban development through for example the mushrooming of shopping malls, modern bars, night clubs and other betting companies contributed or aided the scourge of drug trafficking in Zambia?

### **Section 7: Local dynamics of cocaine and heroin trade in Zambia**

**Question 1:** In your locality are there any places that could be considered as hubs or epicentres of trade in cocaine and heroin? Kindly explain why such places have become hot spots.

**Question 2:** How effective have governmental authorities in your area been in fighting cocaine and heroin trade? Between the national government and local government which one would you say has been more effective in fighting drug trafficking?

**END**

**Thank you for your time!**

**Time Interview Ended ..... Hours (CAT)**

## 12.4 APPENDIX 3: Research Participant Covid-19 Exposure Declaration Form

**Durham University**  
**SCHOOL OF GOVERNMENT AND INTERNATIONAL AFFAIRS**  
**Research Participant Covid-19 Exposure Declaration**

To prevent the spread of COVID-19 in our community and reduce the risk of exposure to our staff and research participants, we are conducting a simple questionnaire. Your participation is important to help us take precautionary measures to protect you and everyone else involved.

This form covers you for seven days. If your circumstances change during this period (for example if you start to feel unwell or have been in contact with a confirmed case of COVID-19), you must inform the researcher.

Thank you for your time and co-operation.

---

Participant's name:.....

Contact number (mobile).....

Researcher's name:.....

Meeting venue:.....

### Self-declaration by participant

1. Have you knowingly been exposed to anyone with Corona Virus or displaying Covid-19 symptoms in the past 14 days? Yes/No Choose an item.
2. Do you have any underlying health conditions which could put you at increased risk if you should contract Covid-19? Yes/No A list of these conditions can be found here: <https://www.nhs.uk/conditions/coronavirus-covid-19/people-at-higher-risk-from-coronavirus/whos-at-higher-risk-from-coronavirus/> Choose an item.
3. Have you now, or in the past 14 days, had any of the following flu-like symptoms?
  - Fever (37.3°C or higher) Yes/No Choose an item.
  - Breathlessness Yes/No Choose an item.
  - Cough Yes/No Choose an item.
  - Sore throat Yes/No Choose an item.
  - Loss of sense of smell or taste Yes/No Choose an item.

Participant Signature (type name):.....

Date of signature:.....

## 12.5 APPENDIX 4: Information sheet for research participants

**DURHAM UNIVERSITY  
SCHOOL OF GOVERNMENT AND INTERNATIONAL AFFAIRS  
INFORMATION SHEET  
17<sup>TH</sup> NOVEMBER 2020**

**Project title:** The Impact of Transnational Organised Crime on the Governance and Development of the Zambian state

**Researcher (s):** Mr. Nchimunya Muleya

**Department:** School of Government and International Affairs

**Contact details:** nchimunya.muleya@durham.ac.uk

**Supervisor's name:** Professor Emma C. Murphy

**Supervisor's contact detail:** emma.murphy@durham.ac.uk.

You are invited to take part in a study that I am conducting as part of my PhD at Durham University. This study has received ethical approval from the University of Zambia Humanities and Social Sciences Research Ethics Committee and from the School of Government and International Affairs Ethics Committee of Durham University. I am a full-time lecturer at the University of Zambia and some of the key research I have done include the following.

- **March 2015** I was one of the researchers on the project Friedrich Ebert Stiftung (FES) and the National Assembly of Zambia (NAZ) Component of Strengthening Parliamentary Controls in Zambia. The objective of the project is to assess the impact of the trainings for Constituency Office Staff as part of Strengthening Parliamentary Controls in Zambia. The project is funded by Friedrich Ebert Stiftung (FES).
- **June 2014-July 2015** I was part of the research team for the 2014 Zambia National Corruption Diagnostic Survey. The survey was financed by The Zambian Government and The Department for International Development (DFID) of the United Kingdom. The project has been completed.
- **2010-2011** I was a researcher under the State of Democracy in Zambia Assessment Project 2010-2011 undertaken by the Department of Political and Administrative Studies of the University of Zambia (UNZA PAS) and the Foundation for Democratic Process (FODEP) with the technical and financial assistance from the International Institute for Democracy and Electoral Assistance (International IDEA) based in Stockholm, Sweden. The report has been published.

Before you decide whether to agree to take part it is important for you to understand the purpose of the research and what is involved as a participant. Please read the following information carefully. Please get in contact if there is anything that is not clear or if you would like more information.

### **Purpose of the study**

The aim of this study is to gain understanding of the impact of transnational organised crime on the governance and development of the Zambian state. The specific objectives of this study are to:

7. To examine the basic operations of Zambia's Drug Economy.
8. To examine the cocaine and heroin routes in Zambia.
9. To describe how cocaine and heroin trade interacts with politics and governance in Zambia
4. To describe how cocaine and heroin trade interacts with the legal markets in Zambia.
5. To describe the impact of cocaine and heroin on development issues in Zambia
6. To describe how Zambia's cocaine and heroin market has developed over time.

This project is funded by the Commonwealth Scholarship Commission (CSC). The Project is expected to be completed in August 2021.

### **Why you have been invited to take part**

You have been purposefully selected to be interviewed on the basis of your professional capacity.

### **Do I have to take part?**

Your participation is voluntary, and you do not have to agree to take part. If you do agree to take part, you can withdraw at any time, without giving a reason. Your rights in relation to withdrawing any data that is identifiable to you are explained in the accompanying Privacy Notice.

### **What will happen to me if I take part?**

Following this interview, the researcher will write up the notes taken through the interview. Any or all of the information you provide will be anonymised should you express a desire that it should be. The data will be stored securely and will not be given to anybody else. The researcher will send you a summary of his research findings when the project is complete. If you are willing to be available for a follow-up interview, please let the researcher know, although this may not be necessary.

The researcher is aware that there may be sensitivities in the topic being discussed. Please only respond to questions that you are comfortable answering. Please be reassured that the researcher is not engaged in research dialogue with any criminal communities, that data from your interview responses will be managed securely, and that any anonymity requested will be fully respected.

### **Are there any potential risks involved?**

The researcher is acutely aware that synergies in Zambia's drug trade and politics are a deeply sensitive topic and that this raises potential for nervousness on the part of respondents. For this reason, all respondents will be offered anonymity as mentioned previously. Respondents will be invited to suggest meeting places where they feel safe to speak (at all times taking care of the researchers own safety). The researcher will take care not to ask questions which might incriminate respondents and will not seek information which might put the researcher himself at risk. Please let the researcher know if you have any concerns for your safety arising from this research.

## **Data confidentiality**

All information obtained during this interview will be stored securely on a password protected electronic security system. Any information from yourself will be anonymised if you request that it should be. If you wish to withdraw your consent after the interview has taken place, all notes and transcripts will be destroyed.

## **Project results**

No personal data will be shared, however anonymised (i.e. not identifiable) data may be used in publications, reports, presentations, web pages and other research outputs. At the end of the project, anonymised data may be archived and shared with others for legitimate research purposes. All research data and records needed to validate the research findings will be stored for ten (10) years after the end of the project in accordance with Durham University Data Management Policy. Durham University is committed to sharing the results of its world-class research for public benefit. As part of this commitment the University has established an online repository for all Durham University Higher Degree theses which provides access to the full text of freely available theses. The study in which you are invited to participate will be written up as a thesis. On successful submission of the thesis, it will be deposited both in print and online in the University archives, to facilitate its use in future research. The thesis will be published open access.

## **Who to contact if you have any questions or concerns about this study?**

If you have any further questions or concerns about this study, please speak to the researcher or their supervisor. If you remain unhappy or wish to make a formal complaint, please submit a complaint via the University's [Complaints Process](#).

Thank you for reading this information and considering taking part in this study.

**12.6 APPENDIX 5: Zambia Police Service Charge Sheet Against A Former Patriotic Front (PF) Member of Parliament (MP) and Minister of Information and Broadcasting and Minister of Foreign Affairs**

**'CHARGE**

**Count 1**

**Statement of Offence:** Defamation of the President contrary to Section 69 of the Penal Code Chapter 87 of the Laws of Zambia.

**Particulars Of Offence:** The former MP and Minister, on dates unknown but between 1<sup>st</sup> September 2019 and 12<sup>th</sup> September 2019 at Lusaka in the Lusaka District of Lusaka Province of the Republic of Zambia, with intent to bring the name of the President into hatred, ridicule and contempt did publish defamatory matter affecting the President of the Republic of Zambia by word of mouth to which you said.

'What business do you do with the businessman? Because we see, when you go abroad, when coming out of the plane, the next person to come out is the businessman. Now, the allegations by the people of Zambia and world over that maybe the Presidential trips and the Presidential plane is now being used to courier drugs. This man (the businessman) has been mentioned in drug deals in America by a well-known world drug baron who was also locked up by Dr Kaunda here in Zambia and deported. This man has given evidence to the American Government and American Courts to the effect that the businessman is an associate in drug dealing. Are we under state capture by the businessman? What business do you do with the businessman, your Excellence, the President? The people of Zambia want to know. We have seen of late that even now, some jobs in Government have started going to the people who are close to the businessman. The former Special Assistant to the President for projects and monitoring, was a chola boy (Right handy man) for the businessman; he now got a Government job. We are wondering, Your Excellence. This one I don't want your Press aid to answer, I don't want anybody to answer. I just want the President himself to answer to the people of Zambia whether we are in State capture with the businessman and also, we want to know how many jobs the businessman has done as contract jobs with the Government. What is the value of those contracts because this is State capture? There is no way a President worth his salt can be moving and associating with a person who was locked up for drugs, a person who was mentioned in America by a well-known world drug dealer and when I say this, is without.... you know, it's not impunity but I am trying to protect you, President . There is no way, my brother *wingakwata ichibusa no muntu uwamusango ifi*, (you can't have friendship with such a person) and I am appealing to the Americans please come and pick this man. DEC follow up the American report by the well-know world drug baron because *uyu u muntu atushupa sana*; (this person has troubled us a lot) *abula President wesu a muma capture* (he has taken our President captive). *Noma abantu*

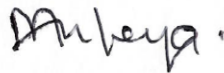

*baletwingililamo ati indeke yaba President eisenda utwakaba* (now people are thinking that the President's plane carries hot stuff). Those are allegations but very serious allegations and you cannot run out of it as a country. That is why you can see 13.6 million Presidential initiative funds without knowing where the money is coming from. I have said it can we be told where the Presidential empowerment funds are coming from? Now *ebotuleenda nabo bayaba iumbula muma drugs naku America* (People we are moving with have been mentioned in drugs even in America. *Kaunda alibesalile then indalama shileisafye* (Kaunda locked them, then money keeps coming) there is even an allegation that there is money that came from Israel on the Presidential jet. I have no facts but there is an allegation that some money came in trunks from Israel on a Presidential jet. I leave it with you, my dear President, my dear brother, and don't think I am against you, but I am trying to protect...'

Which words are defamatory matter and intended to bring the President into hatred, ridicule and contempt that the President is engaging in illegal drug related activities and using the Presidential plane to courier drugs'.

**Source:** Obtained from lawyer with experience in prosecuting drug related cases.

## 12.7 APPENDIX 6: Covid-19 Academic Impact Statement

<b>Durham University</b> <b>Covid-19 Academic Impact Statement</b> <b>Postgraduate Research Thesis (Masters by Research/Doctoral Programmes)</b>		
<b>Student Name</b>	<b>Student ID number</b>	<b>Department</b>
Nchimunya Muleya	000604316	School of Government and International Affairs
<b>Did Covid-19 prevent or impede you from completing part of your research project as originally intended?</b>		<b>Yes</b>
<p>If 'Yes', please state what Covid-19 prevented you from doing (maximum 200 words). For example, limitations to the data set or other primary sources due to travel restrictions, inability to run/replicate certain experiments due to restricted access, cutting short aspects of research due to additional caring responsibilities etc.</p>		
<p>Because of imminent COVID restrictions closing UK borders, I was forced to return to Zambia in March 2020. At the time I was still completing the theoretical and methodological parts of my thesis and was not yet ready to conduct fieldwork in Zambia. When in Zambia I was heavily involved in caring for my sick father, taking responsibility for all his hospital appointments, medication and day-to-day care. Through COVID we also experienced extended lock-downs and importantly we also had severe electricity power-cuts. This meant I only managed to have infrequent video calls with my supervisor.</p> <p>When lock-downs were lifted in Zambia I started my by-then delayed fieldwork in Zambia a year after originally intended but many interviewees had not yet returned to office working so I was not able to interview everyone I had intended to interview before I had to return to the UK to write up the thesis. I also had to manage interviews while complying with social distancing and other COVID-related restrictions.</p>		
<b>Please state the dates over which the impact occurred</b>		From: March 2020 To: December 2021
<p>Please use the space below to provide a brief statement (up to 500 words) on any choices you have made and actions you have taken in response to anything you were prevented from doing as identified above. For example, reduction in the scope of the research, changes to the research design or revised research questions.</p>		
<p>I was able to get an extension to my registration period to enable a second, brief period of fieldwork in Zambia in early 2023. This did allow me to do catch up with some, but not all, the intended interviews.</p> <p>However, all the delays and complications, including funding associated funding issues, have taken a toll on my mental health which has been documented by the University.</p>		
<p><b>I declare that the work submitted with this form was completed to the best of my ability in the light of the impact of Covid-19 as described above.</b></p>		

<b>Candidate signature</b>	
<b>Principal Supervisor signature</b>	
<b>Date</b>	7.08.2023

## COVID-19 Impact Statement

### Guidance Notes

The University recognises that the Covid-19 pandemic has, to a greater or lesser extent, affected the work of many postgraduate research students. Access to laboratories, secure databases, libraries and workplaces conducive to effective study might have been impacted by the closure of University premises. Access to data subjects, field studies and archival sources might also have been significantly disrupted by travel restrictions, social distancing measures and closure of resources. For others, caring responsibilities, illness or employment circumstances might have impacted on research productivity.

The University's approach has been to encourage researchers to:

- (i) reschedule research activities where possible so that researchers carry on elements that are feasible given restrictions to access to resources;
- (ii) alter the scope, objectives or research methods of research projects;

Where it has not been possible to fully mitigate the impact through (i) and (ii) extensions may have been granted.

If you wish to make your examiners aware of the academic impact that COVID-19 had on your thesis and the choices you have made in response please download the Impact Statement here and complete this in consultation with your supervisors. Then return the statement with the Higher Degree Entry form when you submit your thesis.

**Please note while examiners may take into account impacts in examining the thesis (or other research output) all candidates must still satisfy the minimum award criteria as set out in the University's Core Regulations for Research Degrees by Thesis or Composition (para 24). It is the responsibility of the examiners, using their academic judgement to determine whether the award criteria have been met.**