

# Review of the ISS Project on Terrorism, Money Laundering, Organised Crime and Corruption

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## List of Acronyms

|                    |   |
|--------------------|---|
| ANC                | African National Congress   |
| ARNTACT            | African Research Network on Terrorism and Counter Terrorism                   |
| ASR                | African Security Review   |
| DAC                | Development Assistance Committee  |
| DRC                | Democratic Republic of Congo  |
| ESAAMLG            | Eastern and Southern African Anti Money Laundering Group                      |
| FATF               | Financial Action Task Force   |
| IAC                | International Advisory Council  |
| IDP                | Institute for Defence Policy  |
| IDRC               | International Development Research Centre                                     |
| ISS                | Institute for Security Studies  |
| MFA                | The Royal Norwegian Ministry of Foreign Affairs                               |
| NGO                | Non-Governmental Organisation   |
| Norad              | Norwegian Agency for Development Cooperation                                  |
| OECD               | Organisation for Economic Co-operation and Development                        |
| Palermo Convention | The UN Convention against Transnational Organised Crime                       |
| Palermo Group      | Senior officials mandated by their respective Ministries to work with the ISS |
| SADC               | Southern African Development Community  |
| SARPCCO            | Southern African Regional Police Chiefs Co-ordinating Organisation            |
| SAHRIT             | Human Rights Trust of Southern Africa   |
| ToR                | Terms of Reference  |
| UN                 | United Nations  |
| UNODC              | United Nations Office on Drugs and Crime                                      |
| ZAR                | South African Rand  |

## Executive Summary

In the period from 2004 to 2006, the Norwegian government funded the Institute for Security Studies (ISS) to carry out a project, the aim of which was to “enhance the capacity of Southern African states to counter terrorism, money laundering, organised crime and corruption”. By conducting research within these four project areas and disseminating the research findings to key role players in the sub-region, the project was expected to help develop the required legislative framework within these areas. ISS is a non-governmental organisation concentrating on applied research and this particular project was run by the ISS office in Cape Town.

The Norwegian Embassy in Pretoria commissioned a review of the ISS project in October 2007, at the request of the ISS office in Cape Town. The overall objective of the review was to assess “the implementation and results of the project in order to determine its relevance, efficiency, and impact”. The methodological framework for the review was to a large extent based upon the method of outcome mapping, acknowledging the challenges with regards to establishing causal links from the research developed by the ISS and the actual enhanced capacity of the Southern African states and thereby the development of legislation.

The project was implemented more or less according to plan. Some difficulties were encountered, such as initial resistance towards the ISS as an NGO working on issues which were seen as governmental matters and the fact that the political situation in some of the Southern African states did not allow for any legislative improvements. Tools to ensure the quality of the publications were developed and instruments for planning and reporting were put in place, and these became more refined as the project developed.

The **performance** of the project was monitored regularly by the head of the ISS office, providing the Norwegian government with semi-annual progress reports where its activities were measured against the planned deliverables. By the end of 2006, the ISS had met its deliverables, sometimes even exceeding its targets, with the exception of some main deliverables such as a monograph on terrorism. The progress reports, however, provide reasonable explanations as to why these were not delivered according to plan.

It is difficult to determine to what extent the project did actually enhance the capacity of Southern African states, although there are several examples as to how the ISS has contributed with relevant research and updated information pertaining to the issues in question. The component addressing **terrorism** was perhaps the component which made the least progress, much due to its difficulties in approaching the governments on such a sensitive issue. And although the practical implementation of policies and legislation was relatively slow, the ISS has carried out several research activities targeting both the media and civil society. **Money laundering** saw more progress in terms of legislation being prepared in various SADC countries. Through close collaboration with the Eastern and Southern African Anti Money Laundering Group (ESAAMLG), the ISS helped create awareness with regards to the need for such legislation.

Similarly, the third component which dealt with **organised crime** benefited to a large extent from its co-operation with the Palermo Group, consisting of senior government officials with the mandate to implement the UN Convention against Transnational Organised Crime. As the ISS provided comparative legislative analysis to this group, ten of the fourteen countries within the sub-region had ratified the Convention by the end of 2006. The ISS produced a substantial

amount of research and handbooks within the area of **corruption**, although these publications could have been used more efficiently. Some progress was made with regards to the ratification and implementation of the SADC Protocol against Corruption, where the collaboration with the Southern African Regional Police Chiefs Co-ordinating Organisation (SARPCCO) was key.

At the time the project was initiated, all four components were seen as **relevant** to the human security of the people living in Southern Africa. The events of 9/11, coupled with the increased incidence of money laundering, organised crime and corruption, prompted the need to address these issues within the sub-regional context. At present, the weight given to each component might have changed slightly, for instance, making domestic terrorism a more genuine threat than international terrorism. The project was very **efficient** in the sense that it produced most, and sometimes more, of the planned deliverables within the time-frame. The results coming out of all the round-table discussions and seminars that were held could be questioned as it is difficult to establish how these plentiful activities have targeted relevant stakeholders and to what extent the participants at these events have actually applied the ISS research in their work. Nevertheless, through its research and dissemination of findings, the ISS has contributed to the passing of legislation in the areas of terrorism, money laundering, organised crime and corruption. Whether this again will impact on the actual crime rates within these particular areas remains to be seen.

Among the key **lessons learned** is the need to establish close working relationships with role players in these thematic areas. Through its network of inter-governmental bodies, as well as civil society, the ISS has accomplished more than would be possible through just individual contacts.

The **recommendations** directed towards the ISS include the need to develop a communication strategy in order to take a comprehensive look at its dissemination practices. What is also recommended is that the ISS keep a clear profile as a non-governmental organisation focusing on applied research. Providing training should therefore not be seen as a central task, but rather let the researchers keep on doing what they are best at doing.

The Norwegian Ministry of Foreign Affairs and its embassy in Pretoria are particularly keen to use ISS input at its own seminars and to participate at seminars held by the ISS, as well as using its research as input in its own policy development. The actual ISS publications could probably be used even more actively though, simply by reading them and thereby applying them directly. Notwithstanding its increased support to the ISS over the years, The Ministry would need to exercise care that it does not depend too heavily on the ISS, but that it keeps an open mind and be receptive to similar research being conducted by other institutions in the region. The recommendation to the Norwegian government would therefore be that it balances its collaboration with the ISS carefully.



## **Chapter 1 Background of the ISS Project**

### ***1.1 The establishment of the ISS***

The Institute for Security Studies (ISS) began with the establishment of the Institute for Defence Policy (IDP) in South Africa in 1991 by Dr. Jakkie Cilliers. Its chief aim then was to bring together the principal military actors from the former regime and the African National Congress (ANC) for the purpose of facilitating policy and other discussions between the (then) Southern African Defence Force and the ANC military wing, *Umkhonto we Sizwe* (Spear of the Nation).

Whereas the emphasis then was on military themes, by 1996 it had become clear that crime was developing as a major security threat whilst the integration and transformation of the military was progressing well and was no longer regarded as constituting a threat to stability. It was within this context that the IDP shifted its focus from military matters to seeking ways of combating crime. In 1996 the ISS, which grew out of the IDP, was established. It now has offices in Pretoria, Cape Town, Addis Abeba and Nairobi. Each office is autonomous and has its respective office director and programme head.

At present the ISS has made human security its overarching theme, which spans several areas. It concentrates on working towards establishing enduring stability and peace in Africa, chiefly in the area of development, human rights, and the rule of law, institutional democracy and collaborative security.

### ***1.2 Governance***

The ISS is a registered non-profit non-governmental organisation (NGO) governed by a trust with three trustees, namely Judge Mailula (a High Court judge), Advocate Selby Baqua (formerly public protector) and Dr Jakkie Cilliers, the original founder of the Institute for Defence Policy. Their function is limited mainly to exercising or signing powers in respect of particular financial documents.

The Management Board, the most senior policy making body, consists of the executive director, Dr Jakkie Cilliers, all office directors, a deputy director, a head of finance, and a head of human resources. The Executive Committee operates under the Management Board and meets weekly. The meetings are attended by the executive director, the deputy director, and the head of the Pretoria Office. However, the Executive Committee does not lay down policy.

All ISS offices, both in South Africa and outside, are bound by a policy document, the adherence to which is qualified by national laws pertaining to labour relations and matters affecting cost of living. The ISS operates under the broad auspices of the International Advisory Council (IAC) which is chaired by the former UN diplomat, Dr Ahmed Salim Salim. This body meets once a year to review ISS reports, critique its work, and to discuss the ISS' strategic plans. These meetings have proven to be beneficial to the ISS.

Since its inception the ISS has shown a solid growth. From a modest start, with a relatively unsophisticated infrastructure, it has propelled itself to become a formidable African applied research institute, which feeds analysis into the international discussion on human security issues.

### ***1.3 The ISS Cape Town office***

Advocate Peter Gastrow, the present Chief Executive Director of the ISS office in Cape Town, joined the organisation in January 1998 with the specific aim to focus on organised crime. Since then the Cape Town ISS office has expanded its operations to include focussing on corruption (Hennie van Vuuren), money laundering (Charles Goredema), and terrorism (Anneli Botha). The anti-terrorism component was relocated to Pretoria in the beginning of 2006.

### ***1.4 The social, political and economic context***

Already in the 1980s organised crime began to emerge with the advent of illicit drugs pouring into Southern Africa from South-East Asia and South America. This phenomenon was accompanied by and interlinked with trans-border motor vehicle theft, which increased with the demise of apartheid, the scaling down of South Africa's military postures over against neighbouring countries, and the relaxation of border security controls – all of which resulted in criminals flooding Namibia and South Africa with counterfeit money. Namibia, which won its independence four years before the advent of democracy in South Africa, had already fallen prey to organised crime run by European-based syndicates. Relaxed South African border controls also gave rise to a considerable increase, not only of capital inflow, but also of refugees fleeing economic deprivation and political repression elsewhere. The demand for goods increased significantly and the buying power of the previously disadvantaged communities increased as well. The 1990s were also characterised by a fluctuation in the price of commodities, such as gold and diamonds.

The repeal of Apartheid labour laws created new opportunities for organised criminals. The end of the civil war in Mozambique opened a niche for the profuse illicit cross-border trade and smuggling of small arms and ammunition, thus enabling organised crime, corruption and money laundering to take on a larger trans-national character, making the Southern African region prey to the machinations of sophisticated criminal syndicates stemming from West-Africa, Central Europe, China and from some the states that formerly comprised the Soviet Union.

Concomitant to this surge in criminality, South Africa in particular, began to experience huge influx into urban areas of people who, under the apartheid era, were forcibly confined to their respective economically and educationally deprived “independent” homelands and self-governing territories. The influx into the metropolitan areas gave rise to the growth of a huge and legally uncontrolled informal commercial market, a situation which presented itself as an ideal environment for illegal financial transactions.

All these developments, which were interrelated, threatened to wreak havoc on the economies of the states within the Southern African Development Community (SADC). What complicated the situation even more was the upsurge of illegal mining of and trading in minerals emanating from Democratic Republic of Congo (DRC) by criminal syndicates involved in illegal arms trade.

SADC states, which needed overseas investments to grow their economies and create jobs awakened to the need to implement measures to this diffuse brand of criminality.

### ***1.5 Overview of ISS project – goal and rationale***

In March 2004 the Norwegian Embassy in Pretoria and the Institute for Security Studies (ISS) in Cape Town signed an agreement to implement a project entitled “Enhancing the capacity of Southern African states to counter terrorism, money laundering, organised crime and corruption”. This project encompassed some already existing projects, now covering aspects which were seen as a threat to security and governance, as well as hindering the fight against poverty in Southern Africa. The project is hereafter referred to as “the ISS project” or simply “the project”

The project started as a SADC regional project with the aim to strengthen co-operation amongst the SADC states in implementing what the Norwegian government perceived to be a two-pronged initiative in which political and developmental aid would reinforce each other. This initiative was predicated on the notion that the development of democracy depended, too, on sound economic infrastructure and accountable political institutions of governance. Norway, as the development partner, regarded the accomplishment of these goals as crucial both in the interests of the SADC countries themselves and to continue to lend meaningful support to Eastern and Southern African countries, which have traditionally been the focal area of Norwegian development aid in Africa. This is a partnership which dates back to the time that Norway supported the Frontline States, which constituted themselves into a common front against South Africa’s then destabilising tactics and illegal incursions into their respective territories.

But with the advent of democracy in South Africa and the burgeoning strong and vibrant civil society and civic organisations that came with it, the Norwegian government saw this as an asset which would enable South African resources and competencies to help the sub-region in dealing with its challenges.

The project was also based on the assessment that lack of a discernible co-operation between policy makers and applied academic research units in so far as it concerned the need to tackle the crimes falling within the rubric of the project. Given its academic expertise and strong links with NGOs, and versed in the workings of government agencies, the ISS was amply suited to take charge of the project.

The project on terrorism was impelled by the 9/11 catastrophe which, in turn, brought international pressure to bear on all countries to enact anti-terrorist measures. At that stage many African countries had weak legal frameworks to prevent finances being channelled into terrorist activities. Some African countries in particular did not see money laundering as a crime. On the contrary, money laundering was perceived as a way of securing capital inflow into the country. It became necessary, therefore, to raise awareness as to the dangers that money laundering posed for the economic stability of countries. The ISS identified the interlinkage between money laundering and terrorism. And given the fact that the Norwegian government had for several years worked very successfully with the ISS on the Training for Peace programme, it therefore regarded the ISS as ideally suited to initiate the project aimed at countering terrorism, money laundering, corruption and organised crime.

The project was mooted with SADC, which at the time welcomed it. The ISS was seen as an important partner in working to strengthen the SADC Secretariat, as well as working together with other bodies with which it had links. It was important for the Norwegian government that the SADC Secretariat came on board as a partner in the project.

The stated goal of this ISS project was “(t)o enhance the capacity of Southern African states to encounter terrorism, money laundering, organised crime, and corruption”. The project consists of

the four components included in this goal, namely terrorism, money laundering, organised crime and corruption. In addition, an in-house resource centre with ISS publications, data bases, and archival press clippings covering each of the project components was to be established.

The interconnection and synergies between the project components is stressed when describing the rationale behind the project. Each of the project components has a set of objectives, planned activities, deliverables and indicators.

The project covered all 14 SADC states. ISS' partners therefore included all SADC states and regional institutions such as the SADC Secretariat, the Eastern and Southern African Money Laundering Group (ESAAMLG) and the Southern African Regional Police Chiefs Coordinating Organisation (SARPPCO) and the Human Rights trust for Southern Africa (SAHRIT). In addition, there was to be collaboration with other institutions and non-governmental organisations.

The ISS project covered the period from 2004 through 2007, and the total cost was ZAR 22,182,558. The contract was initially signed between Norad and the ISS, but subsequent to the reorganisation between the Norwegian Ministry of Foreign Affairs (MFA) and Norad the contract was handed over to the MFA.

### ***1.6 Acknowledgements and disclaimer***

We thank the director of the Cape Town office and the entire personnel for availing us all the necessary documentation and the logistical support we required, and for holding themselves available to answer any questions pertinent to conducting the review. This eased our task considerably.

We also thank the many interviewees who spent their valuable time replying to our questions. Their experiences and viewpoints were very useful for this review.

This review was carried out by Professor Lovell Fernandez, University of Western Cape, and Tale Kvalvaag, Norad's Evaluation Department. Both authors are independent of the ISS and the project evaluated. The responsibility for the content of this report rests with the evaluation team.

### ***1.7 Structure of the report***

In the following chapters we present briefly the purpose of the review and the evaluation methods we used (Chapter 2). In Chapter 3 we describe the implementation of the ISS project in question. Then we take a look at the relations the Norwegian government has developed towards the ISS in Chapter 4. While each of the four project components are assessed in separate annexes, the overall conclusions of our assessment of the components against the criteria of relevance, efficiency and impact are presented in Chapter 5. Thus, anyone who is interested in a particular project component may go directly to the relevant annex. We also describe the ISS Resource Centre, referred to above, in a separate annex. Finally, lessons learned and recommendations are provided in Chapter 6.

In this report, as well as during the process, we strived to adhere to the Evaluation Quality Standards of the Development Assistance Committee (DAC).

## **Chapter 2 The Review**

### ***2.1 Purpose and use***

The Terms of Reference (hereafter ToR - Annex 1) for this review were to assess overall “the implementation and results of the project in order to determine its relevance, efficiency, and impact in the context of its stated goal and objectives.” This included an assessment of what the programme has attained against its stated goal and objectives. We also evaluated how the work of the ISS benefited the Norwegian Embassy, and suggest how future work could be utilized even better.

This review was primarily to ascertain accountability and to do this we concentrated on the following evaluation criteria<sup>1</sup>:

- Relevance – “The extent to which the objectives of a development intervention are consistent with beneficiaries’ requirements, country need, global priorities and partners’ and donors’ policies”
- Efficiency – “A measure of how economically resources/inputs are converted to results”
- Impact – “Positive and negative, primary and secondary long-term effects produced by a development intervention, directly or indirectly, intended or unintended”.

### ***2.2 Methodological approach and limitations***

Given the nature of the project, which is to produce applied research to enhance regional capacity within selected areas, we found it useful to apply elements from the outcome mapping methodology, originally developed by the International Development Research Centre (IDRC). Since there are diverse aspects influencing the outcomes, we did not try to look for linear or direct causal relationships, but sought to evaluate the influences that shaped the nature of the outcomes against the stated goals. This is due to the fact the ISS has been operating in open systems. Although specific targets were set when the ISS project was initiated, there are combinations of events and factors which might have led to these outcomes. Moreover, the outcome mapping methodology emphasises on changes in relationships, another feature which has been key during this evaluation exercise.

Whilst on the one hand we tried to measure the outcome, based on the original targets set, we found it useful that although the stated outcome itself was not achieved, we recognised that a number of influences and factors shaped the way the outcome presented itself. We factored in the fact that the project covers a wide geographical area with manifest economic, political and cultural differences, all of which play a role. It would, for example, be unrealistic to overlook the fact that over the past few years events in Zimbabwe have markedly affected the way in which co action and coherence in the SADC region could be obtained in respect of implementing the project on a regional basis. The massive displacement of people and entire communities, ravaging droughts, impoverishment, starvation and political strife are phenomena that combine to breed various forms of criminality affecting the security and lives of ordinary people.

We compiled this report, drawing primarily on interviews with personnel in the ISS Cape Town office and key role players associated with the work of the ISS project. The report is additionally informed by what we gleaned from our reviewing of ISS documents (e.g. project proposals,

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<sup>1</sup> OECD/DAC: “Glossary of Key Terms in Evaluation and Results Based Management”.

project agreements, work plans, minutes of meetings, annual progress reports, budgets) and publications. We sought to triangulate the data for purposes of validating the information gleaned from the interviews and the literature perused.

The review proceeded by way of mapping out the outcomes of the ISS project as far as possible, which included the inputs and the impacts the project has had. As this was the first time an external review of the ISS project was carried out we had no baseline data with which to compare the data of 2006, but records of the status of relevant legislation within the four project components provided us with a comparative marker.

In reviewing the relevant documents we looked for what has been reported with regard to the rationale of the project, programme theory (explicit/implicit, alternative), progress (indicators<sup>2</sup> and outputs), mediators affecting implementation, context analysis, etc.

We conducted interviews with in-house programme heads and researchers, as well as telephonic and e-mailed interviews with the relevant outside stakeholders connected to the project. The interviews consisted of a generic set of questions, with thematic variations, depending on the person's field of expertise. (See Annex 2)

The interviews were semi-structured, to afford interviewees an opportunity to raise matters that were either not anticipated when drafting the interview guide, or which could not be dealt with within the narrow confines of the questions posed.

Parts of the interviews were directed at ascertaining the extent to which the publications emanating from the ISS project were read and used to inform legislative policy. Whilst some of the publications were peer-reviewed articles, we were not able to establish with confidence the quality of the publications. However, we tried to compensate our deficiency in this regard by developing a picture of the utility of the publications in our questions put to external stakeholders.

When analysing the collected data we developed an analytical framework to organise the findings systematically. The approach adopted in this analysis was to compare the project components against each of the evaluation criteria.

Having reviewed some of the available background material, we were unable to say with certainty which meetings and conferences produced specific outcomes. Neither could we say for sure whether the enactment of specific legislation with regard to the crimes under focus could be attributed to specific contributions arising from the ISS project. The reason is that there could have been other factors that might have prompted the passing of a particular law. Given the absence of baseline data, we were equally unable to measure the extent to which the work of the ISS enhanced, strengthened and contributed towards the attainment of defined goals.

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<sup>2</sup> Indicators: quantitative or qualitative variable that provides a simple and reliable means to measure achievement, assess performance or reflect changes to an intervention.

## **Chapter 3 Implementation and Methods of Operation**

### ***3.1 Theory of change***

The programme theory for the ISS project is based on the lessons learned in post-colonial Africa. The experience of decolonisation teaches that once the former African colonies obtained their independence, the few educated elite were expected to run modern democratic governments, without having acquired the experience and institutional expertise to govern. This resulted in a rough period in which serious mistakes and decisions were made. Today still, many crucial decisions are not made on reliable information. The programme theory is based on the assumption that, for governments and policy makers to enact realistic laws, their decisions must be based on enlightened situational analysis of research which is informed by the environment in which the policy is being applied. Therefore, the research itself needs to be realistic and informed by an awareness of the different political environments amongst the countries in the region. The ISS therefore strives to fill the gap that exists as a result of the expectations that are placed on post-colonial governments.

### ***3.2 Strategic decision-making***

The decision-making process in the Cape Town office is organic rather than formal. By this we mean that the office director encourages researchers to conceive new project ideas and to flesh them out for internal discussion. Innovative ideas, related mainly to the respective researcher's field of expertise, are embroidered upon and discussed more comprehensively and critically.

### ***3.3 Implementation tools***

The ISS project developed annual work plans, with in-built flexibility. The formulation of the work plan entailed detailed processes, which involved establishing time-frames, practicality of implementation, funding particulars and importantly, also whether the work plans were in agreement with the basic funding contract. It was necessary to co-ordinate the components in order to synchronise the implementation and so avoid duplication. Work plans were reviewed on a weekly basis by the director, using a hands-on approach. The director was and still is responsible for every payment made out of the office.

When the ISS project was initiated, the Cape Town office used a loosely defined internal peer review mechanism of quality control. Researchers reviewed and critiqued each other's papers internally. In-house produced publications were also discussed at work-in-progress meetings. This did not prove effective enough as colleagues tended to refrain from expressing critically out of fear of not wanting to embarrass each other. Consequently, in 2005 a system of external peer reviews was introduced to ensure the high quality of the publications. But one of the lessons learned was that commissioned researchers had to know beforehand that their manuscripts would have to be subjected to external peer reviews to qualify for publication.

The ISS used two criteria to ensure that the conferences and seminars they hosted were of high quality. One was to require participants to fill in an evaluation form at the end of the seminar; another was that a report on the seminar would have to be produced. The Executive Director read each of these. The chief aim of these methods was to ensure that the seminars remained focused and relevant. The reports are stored electronically.

The director, who monitored the work plans and research progress, ensured that he also read every manuscript before it was sent to an editor. In practice, researchers kept him abreast of their research. At present this internal oversight role is still manageable, but the director admits that once the ISS grows in size, with extra researchers coming on board, a more bureaucratic management system of internal quality control would be required.

### ***3.4 Human resources deployment***

#### **3.4.1 ISS Staff**

As regards the project personnel, the Cape Town ISS office has consisted of a head and one rotating programme co-ordinator, as well as six researchers and two administrative staff. The resource centre was staffed by a full-time staff member and employed interns to assist in running the daily operations. The staff component expanded over the years. The office has an internship programme, according to which interns are roped into the day-to-day ancillary research work, assisting in the editing of bulletins and helping to staff the resource centre.

The staffing of the ISS offices presents challenges in the sense that the personnel on the establishment must reflect the demography of the countries within which the ISS has offices. It is important that the South African staff component is not seen as being too dominant. In order to meet this challenge the ISS in South Africa at present employs, out of a total staff of 70 people, 13 employees from other African countries. A particular challenge for the employment in South Africa is the need to comply with the equity criteria as laid down by South African law. According to South African legislation every organisation with more than 50 employees needs to be registered with the Department of Labour and is required to submit a report in which it sets out how it will meet its equity targets.. This represents an ongoing management challenge which, fortunately till now, the ISS has handled and managed adequately. A particular concern is that qualified black personnel who are recruited into the ISS do not stay for long as they are offered more lucrative posts in the private sector.

Recently, the ISS introduced a performance based employment contract, in terms of which employees are incentivated and rewarded for exceptional achievements and estimable work accomplished.

#### **3.4.2 Commissioned researchers**

Given the limited capacity within the Cape Town office, the implementation of the ISS project depends, too, on the papers produced by commissioned researchers. In the case of the money laundering component, for example, the publications consisted of articles written by commissioned researchers. These could be practicing lawyers specialized in the field or, as in one case, a High Court judge in the Palermo Group. According to ISS' progress reports the recruitment of these commissioned researchers caused some problems and delays as it was sometimes difficult to identify qualified researchers at the national level and often the experienced researchers approached would ask high fees, on par with what they were accustomed to receive for assignments carried out for large international organisations.

### ***3.5 Approach and interaction with partners***

In principle, the ISS project targeted decision and policy makers. Among the main partner organisations were SARPCCO, ESAAMLG, SADC and UNODC. During the project period,



other forums for collaboration developed, such as the Palermo Group and ARNTAC (African Research Network on Terrorism and Counter-Terrorism), which arose out of the seminar entitled “Towards understanding terrorism in Africa”.

The growth of linkages with partner organisations outside the SADC region also developed organically, and was not part of an explicit policy decision. For example, because ESAAMLG comprises Kenya and Uganda, the ISS got to be known in other countries and was therefore invited to participate in seminars hosted in these countries. It has also been approached by the United Nations to cover West Africa. The ISS is aware of the risk of developing too quickly and expanding its reach too far. Decisions on such matters are considered cautiously and each request is considered on an *ad hoc* basis and on its merits. This is a collective decision, which has to take account of the resources available.

Another issue the Cape Town office is grappling with is how to translate publications into a form that is more accessible to ordinary people in the community. This is related to the issue of who, in fact, should be the target readership of the publications. With its limited resources, the ISS would be stretched if it were to target civil society in addition to the major policy makers as required by the vision and mission statements. Targeting the communities to a greater extent, might affect the explicit target group of decision and policy makers. The ISS realises that some projects will lend themselves more easily to community needs than others.

Working with persons involved in operational matters, who are in fact insiders, has proven to be useful because they are mandated by their respective governments and their interactions with ISS are conveyed to the principal policy makers. The individuals in the Palermo group would advise the ISS on how to approach the people in government. The ISS would identify the key stakeholders and interlocutors in advance to get them on board.

This approach was in part dictated by the fact that although some countries would not express their reservations openly, the ISS was sensitive to its history of having an image that was identified with the “old guard”, especially with regard to matters relating to counter-terrorism. ISS consequently had to change to a civil society approach. This was particularly so at the start of the project, but given the fact that the ISS Cape Town is seen as projecting a more civil society image, the approach has become less difficult, although it remains a challenge.

The ISS approach could be said to be mainly at an operational level, through the networking and cooperation with functionaries, people who are concerned with the day-to-day implementation of the policies in question.

### **3.6 Conclusions**

The implementation of the ISS project says something about the how the project was run. The ISS project developed over time, setting up more advanced mechanisms to facilitate a smooth implementation. The project as such is based on the major assumption that research will help develop the legislative framework within the project component areas. Such an assumption is common for projects whose intentions are to develop capacity. Although this sounds reasonable, it is difficult to verify such an assumption.

Although we did not conduct an electronic bibliometric analysis with regard to how frequently ISS publications across the board are cited, we believe that hard copies of the research need to reach a wider readership, also for the purpose of changing attitudes and galvanizing public resolve to influence legislatures. First, we see a need for publications to be summarized and

distributed more widely in a language which the public can understand. Second, we consider it necessary for the research to be published, too, in the mainstream criminal law and criminal justice journals. Most of our interviewees bemoaned the fact that criminal law departments in the universities hardly teach the crimes dealt with by the ISS. This is regrettable given the fact that these are the kinds of crimes that prospective lawyers, especially public prosecutors, have to deal with. We also believe that the ISS could achieve a wider readership by publishing some of its research in newspapers with a wide readership.

We are somewhat ambivalent as to the use of commissioned researchers. On the one hand we see this as an opportunity to strengthen the ISS' research arm, particularly where internal researchers are not conversant with ins and outs of how the crime manifests itself in a particular country. On the other hand, because commissioned researchers exercise their own independent professions or are employed elsewhere and are not dedicated researchers, it is hard to evaluate the quality of their research and how usable it is. In practice, this means that internal ISS research heads have to combine their role as researchers with networking and monitoring the progress of commissioned researchers. This becomes problematical when time-limits have to be met so that the manuscripts can be in time for peer-reviewed publications. The ISS might want to consider concentrating commissioned work being given to people who are able to translate summarized research work into indigenous languages spoken in the SADC region. This, we believe, would be a worthwhile exercise.

## **Chapter 4 Donor Relations and the Beneficial Use of ISS Research**

### ***4.1 Expectations***

In its original appropriation document, Norad stated that the ISS project components were considered to be important as the crimes comprising the components constituted a problem in the sense that they weakened security, governance and the fight against poverty in Southern Africa. The project was therefore to provide role players such as the governments with the capacity needed to improve legislation in these areas.

The Norwegian government thus regarded the ISS project as an opportunity where both Norwegian political aims and developmental aims could pull in the same direction. The Norwegian government believed that the ISS would be capable of strengthening the legal and institutional frameworks pertaining to the four project components. This assumption was to a large extent based on Norway's prior positive experience with the ISS, seeing it as having both the academic and network strength to carry out the task, and appreciating the ISS approach of using research to build capacity.

The Norwegian government was realistic about the difficulties that would be encountered in giving effect to the project. For example, the situation in the DRC and in Zimbabwe was already cause for concern. However, the Norwegian government did not see the lack of progress in one country as something to prevent progress in another country. The idea was that while progress could be achieved more readily in some countries, in other countries more patience would have to be exercised. The ISS became a partner of the Norwegian embassy in providing it with information on progress that was taking place in some of the countries within the SADC region.

The interviewees who had worked for the embassy all believe that the ISS project was well in line with the Norwegian objectives for dealing with the challenges of the sub-region. Norway furthermore saw it as important to support African initiatives such as the ISS, as this would have an African approach to African issues. In hindsight it was seen as somewhat unrealistic that the ISS project should interact to such a large extent with the SADC Secretariat, since the Secretariat was considered to be relatively weak at the time.

### ***4.2 Norwegian participation and use***

The Norwegian government did not set a fixed time-frame for the enactment of laws to strengthen the offensive against the particular crimes. On the contrary, it found the style and method used by the ISS in developing linkages useful. Norway would participate at ISS seminars and also invite the ISS to give presentations at events organised by the Norwegian embassy, but it is doubtful whether they actually read many of the reports.

### ***4.3 Funding modalities***

Prior to the ISS project in 2004, the Norwegian government had supported other ISS projects through its Cape Town office. With the incorporation of two additional components all four components were thus brought under one overarching project. After the project was finalised, however, the Norwegian government, through its Embassy in Pretoria, decided to provide core funding to ISS in general. The other Nordic donors funding the ISS have chosen different funding

modalities for their support. The question regarding funding modality is considered essential as a more project-funded arrangement encumbers both the Embassy and ISS with a more onerous administrative burden, while core funding would be more in line with the Paris Declaration as it entrusts the implementing organisation with the decision-making. Moreover, the other Nordic countries have chosen different strategies as regards which research institutes they fund, with some of them spreading their funding among institutes similar to the ISS in the region.

#### **4.4 Donor benefits**

The earlier agreements entered into between the Norwegian Embassy and the ISS did not provide for an arrangement requiring the ISS to provide the Embassy with its research outputs on a systematic basis. The matter was never raised, ostensibly since the Embassy was confident that the ISS had accumulated a wealth of information which the Embassy could request whenever a need arose for it to do so. The Embassy has occasionally requested the Executive Director of the Cape Town office for information when, for example, a Norwegian delegation visited South Africa and wished to be updated on drug issues. On one other occasion the Embassy asked for information on prisons as a visiting Norwegian trade union delegation visiting sought prisons-related information, such as statistics on prison overcrowding in South Africa. In short, these were *ad hoc* requests for specific information. At times, and when the occasion presented itself, the ISS Director would update the Embassy on developments in the Cape Town office when he was in Pretoria, but this was done on a haphazard basis and in the interests of maintaining good relations with the Embassy.

During the last phase of the implementation of the ISS project, the Norwegian Embassy perceived a stronger need from its side to assume and ensure co-ownership of the issues involved. In other words, the Embassy requested the ISS to interact with key partners in the sub-region. Embassy personnel simultaneously sought more explicitly to see how Norway itself could benefit from the project, using the capacity and knowledge of the ISS to a larger extent as input to the Norwegian policy making and trying to connect the ISS publications to issues which are of priority in Norwegian foreign policy.

In other words, the way of thinking has changed since the project was initiated. Whereas before Norway was primarily interested in fostering traditional development co-operation, the change of the political landscape dictates that South Africa, with its vibrant civil society, should use these resources for good use, both for the region and for Norway. It is in this light that the Embassy would like to see the ISS provide it as well as other stakeholders in the region with its deliverables. Norwegian development co-operation is now shifting towards more regional programmes, compared to the traditional bilateral programmes.

## Chapter 5 Overall Conclusions

When analysing the collated data, the project components were compared against each of the evaluation criteria listed in the Terms of Reference. This chapter also summarises the main strengths and weaknesses of the ISS projects, as much as it points to some potential dilemmas the ISS is facing. For a more detailed analysis of each component, see Annexes 5 – 9.

### *5.1 Relevance*

The ISS project is to a large extent relevant with regards to the need for research in the area of terrorism, money laundering, organised crime and corruption. The components are thematically cohesive and retain an especial relevance to the Southern African context. This is all the more so given the paucity of research on these issues within the region itself and with the region as targeted focal area.

The thematic components were furthermore topical internationally, at the level of the sub-region and in the national context. What remains questionable though is whether terrorism poses a real threat to the sub-region to the same extent as money laundering, organised crime and corruption. Some of the interviewees were of the view that the sub-region was more vulnerable to domestic rather than international terrorism. An indicator of its relevance has been the increased number of requests which the project has received with regard to providing technical assistance in the thematic areas.

The ISS project was also relevant in terms of the Norwegian development co-operation policies. Corruption especially, as a factor impacting on the broader concept of governance, is seen as a cross-cutting issue from a developmental aid point of view. The other project components were also considered to be pertinent in more political terms. The Norwegian government, through the Ministry of Foreign Affairs and its Embassy in Pretoria, has used the ISS as a resource to give presentations on topics of interest and to provide information which can be reported to the Ministry for it to be taken into consideration when developing its policies. There is, however, a need for the Embassy to be supplied more frequently with research outputs to keep it fully abreast of the issues at hand.

Respondents in the interviews we conducted gave mixed replies as to what their expectation were at the start of the project. While some said that they were somewhat cynical as to the level of co-operation that could be achieved in dealing with these crimes, others saw the project as a genuine and credible platform to launch concrete initiatives aimed at developing the region as a whole and entrenching human security. The rationale underpinning the latter view was that, if anything, it was very realistic to secure a consensus for equipping the justice systems in the SADC region with the infrastructure and the appropriate normative legal framework to enable the countries within the region to become part of the global efforts to counteract and prevent the crimes concerned.

Whilst the SADC Secretariat itself at the outset was enthusiastic about the need for research to be conducted and published with regard to these crimes, within the SADC community itself there was a lingering suspicion among some countries that published research findings would cast them in a negative light. And it was for this reason that, initially, some countries were hesitant or

reluctant to supply researchers with basic data out of fear that such data could, potentially, be used to disparage the government of the country concerned.

### ***5.2 Effectiveness and efficiency***

In order to assess the efficiency, i.e. the cost-effectiveness, of the ISS project, we would need to determine its effectiveness<sup>3</sup> or goal achievement. The deliverables of the ISS were met to a large extent. Some publications were delayed and a couple were not completed as scheduled, but the project also exceeded its targets in many cases. It is our general assessment that the ISS managed and utilized its resources for the ISS project in an efficient manner, in fact producing more deliverables than planned.

A main factor slowing the progress and therefore the efficiency, appearing both from the documental review and interviews conducted, was the lack of contact with the SADC Secretariat. The assumption is that more collaboration between the ISS and the Secretariat would have helped to enhance and to accelerate progress in the four thematic areas. As a result of numerous unsuccessful attempts at approaching the Secretariat, the project shifted its focus, with the consensus of the Norwegian Embassy, from the Secretariat to the SADC government departments. As a consequence of the lack of response from the SADC Secretariat, the ISS also linked up more directly with inter-governmental organisations such as SARPCCO.

A total of ZAR 22 182 558 was allocated to meet the objective of the ISS project. This funding resulted in plenty of activities, including both the production and the dissemination of research findings and other reports. In financial terms, the money laundering component received the largest share of the Norwegian funding, it being also one of the components where a lot was accomplished in relation to the original indicators. However, comparing the results of the thematic components with the funding received does not take into consideration the enablers and barriers affecting the implementation and thereby the success.

### ***5.3 Impact***

To what extent did the ISS achieve its goal of “enhanced capacity of Southern African states to counter terrorism, money laundering, organised crime and corruption”? This depends on various factors, including the quality of the products, the dissemination of the products, and how other stakeholders respond to the products. Key questions include on whom these products have impacted the most (and the least), and what the enablers and constraints are or have been. A key indicator for impact would be the development and implementation of legislation related to the project components within the member states of the SADC.

Before the ISS project was launched, most SADC countries lacked the laws and regulations to combat terrorism, money laundering, organised crime and corruption, whereas by the end of 2006 significant progress had been made at least in some of these areas. The ISS, and the Norwegian Government as well, seem to have acknowledged all along that, realistically speaking, and particularly in view of the size and mandate, that the contribution would make a small difference.

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<sup>3</sup> OECD/DAC: “The extent to which the development intervention’s objectives were achieved, or are expected to be achieved, taking into account their relative importance” (Glossary of Key Terms in Evaluation and Results Based Management).

An unintended consequence of this emphasis on legislation, however, is the risk of striving to ratify and implement laws *per se*. As in the case of anti-terrorism legislation, there is of course the ever-present danger that such a law could deprive civilians of the basic human right to assemble and to organise.

The synergies between the project components seem evident at several levels. All four components are related to security, and are therefore part of broader developmental issues.

#### **5.4 Strengths and weaknesses**

In sum, we would conclude that the project's main strength has been its research capacity, an asset it has developed through the commitment of dedicated and highly competent people. The project has provided up-to-date information and relevant research within its thematic areas. Furthermore, the ISS project was networked with partners at many levels, including state officials and NGOs. The work done by the ISS has created continuity, contributing to maintaining the focus, the discussion, and the monitoring of these issues on an ongoing basis, and very importantly, keeping the issues current and on the agenda.

Although government officials may at times not fully appreciate or recognise the significance of ISS contributions, functionaries at the operational level were particularly appreciative of the fact that they could count on the ISS for support, especially when it came to making informed inputs. Members of SARPCCO and ESAAMLG whom we interviewed expressly emphasised the large degree to which they relied on the ISS to provide them with their expertise.

The overall impression from our interviews is that the ISS has done a lot to get the different SADC criminal justice organs to start talking to each other and to develop a common understanding of the threats posed by money laundering, organised crime, corruption and terrorism. For example, one interviewee pointed to the fact that the ISS is the first NGO worldwide to have developed a brand of expertise in the criminal justice sector that until now has been solely the domain of state departments. It has built up capacity and resources that can be tapped into by other governments and organisations in the region.

Whilst the ISS publications are plentiful and informative, we gained the impression that they are not as widely read as we consider they should be. It might be more useful if they could be rendered in easily readable language and made more widely available to the public through NGOs. We are also of the opinion that they could be supplemented with face-to-face workshops in which particularly members within the police services are given a clearer understanding of the convolutions these crimes take on, with the specific aim to hone their skills and enhance their ability to come to grips with this type of criminality in practice.

The ISS needs to play a careful role and be sensitive in the way it operates in the region. It can not afford to be seen asserting itself as a purely South African initiative. The ISS director is, fortunately, aware that such perception could arise and is therefore persevering to make the ISS staff as representative of the demography of the region as possible.

We cannot overlook the fact that state departments, which rightly are responsible for policy making and policy implementation, do at times take on a stand-offish approach *vis a vis* approaches that the ISS makes towards them. However, we are of the opinion that whatever suspicion there might be on the part of the departments would be partially eliminated if the ISS also disseminated its publications to them, as chief stakeholders. Of course, consultations do take place and we believe that this will help to foster fuller co-operation with time.

Of particular concern to almost all the people we interviewed is the dire lack of expertise within the administration of criminal justice within the region as a whole. This, they said, was particularly so in the case of both the investigatory and prosecutorial arms of the criminal justice system, especially with regard to the crimes under discussion. The perception is that the criminal justice systems lag behind and are overwhelmingly reactive, instead of developing skills to move into a more effective proactive and preventative mode of combating these kinds of crimes. Law schools in the region have also not yet espied the need to become more innovative in adapting the traditional criminal justice courses to equip future lawyers with the skills to deal with this type of crimes in both theory and praxis.

In view of the sub-region's need for more technical assistance through training, it appears that the ISS could develop more imaginative practice-orientated information modules which can be replicated for the training of police officials, prosecutors and judges within the region. This would help to alleviate the strain that is placed on the ISS staff, for example having to make several trips. At the same time such a routine practice could have a multiplicatory effect, involving less human and material resources. As was suggested by one interviewee, the research carried out by ISS could benefit a greater sector of the criminal justice systems if training toolkits, teach-ins, and other beneficial exercises could be brought into play. But it would be asking too much of the ISS to run such capacitating training sessions at their expense. These should be one-off interactions, not permanent arrangements, lest they impinge on the research activities which, rightly, constitute the core function of the ISS.

### ***5.5 The nature of the ISS – an NGO, a research institute or a think tank?***

While the ISS is essentially a non-governmental organisation, it operates more as an applied research institute with a specific focus on generating and providing knowledge related to policy-making, advocacy, capacity building and providing implementation support. It works with governmental agencies and regional bodies, and its focus is on human security. It is therefore not an NGO in the classical sense of the word; neither is it a pure academic research institute, nor a classic think tank. Also, it does not see itself as a South African organization, but as a regional organization. In fact, 80% of its work is focused on the research outside South Africa. It seeks to become an Africa based world-class organization that feeds situation analysis into the international arena.

Other organisations have taken on a similar kind of hybrid role, and this may be a new trend. However, the dual function of developing independent research on the one hand and providing practical recommendations and implementation support on the other, can, in a sense, be seen as being in conflict with each other, and the ISS has to manage carefully between the two. The ISS' role as a watchdog, especially when posting corruption cases on its website, is yet another aspect which must be well integrated.

During some of the interviews a similar concern was raised with regard to the mandate of the ISS. As already mentioned, there was a sense among some of the SADC states that an NGO such as the ISS should not interfere in state matters. Along the same lines it was questioned whether the ISS as an NGO had the mandate to advocate for UN conventions, as the UN itself should be the custodian of these conventions. In principle, one would believe that all the different stakeholders should have many goals in common, but, as put by a Norwegian representative at the annual meeting in 2005, "there seemed to be a need for a dialogue on the different roles to be played by stakeholders".



### 5.6 *Some dilemmas*

Given its unique character the ISS finds itself juggling different roles, namely that of an NGO, an applied research institute, facilitator, policy advisor, partnering and collaborating with governmental organs. This is its strength, for here lies its clout with policy makers. Yet, these roles run the risk of conflicting with each other. The public, we suspect, would find it hard to characterise the ISS or to define its relation to civil society or to government. It has come to assume this *habitus* not by explicit choice, but as we see it, by virtue of the crucial research it conducts, its response to calls for help and advice, and the extensive network it has built, largely because of how the director and the researchers are able to relate to influential outsiders in top echelons of policy making.

We nevertheless believe that it would make good sense for the Cape Town office not to spread its geographic reach wider than it has done. We say this because we believe it has not exhausted its ability to penetrate and interact more imaginatively with civil society in the SADC region. This is necessary first, to create greater public awareness of the threats that the crimes under focus pose to human security and second, activate civic groups to push governments harder to adopt prophylactic and remedial measures against these menacing crimes. Holding governments more accountable is an important component of democracy. This, we believe, would help to change behaviour in favour of strengthening institutions of democracy.

## Chapter 6 Lessons and Recommendations

As the ISS project is already terminated, the lessons and recommendations below aim to take today's situations into consideration to make them relevant to the ISS and the Norwegian Government.

### 6.1 Lessons learned

The dual strategy of conducting research on the one hand and disseminating it pro-actively on the other, has added to the project's influence in working towards its goal of enhancing capacity among the Southern African states.

The approach of working closely with inter-governmental organisations such as ESAAMLG and SARPCCO, and benefiting from close relations with the Palermo Group, has proven to be crucial for the ISS to be able to implement its project.

It also proved effective to co-operate with functionaries involved in operational matters as they serve as links to the decision makers.

In the case of terrorism and money laundering, the ISS staff had to use its research to demonstrate the importance of developing a legislative framework in these areas. This kind of awareness raising was seen as an essential first step in explaining the issues at hand to the targeted groups.

### 6.2 Recommendations to the ISS

*The ISS should strive to keep a clear profile.* Today the ISS seems to be managing the many roles it plays, but there is a risk that these roles could come into conflict with each other. For instance, although there seems to be a great need for training of operational officers with regard to organised crime, the ISS should refrain from being a training institute and should rather focus on its core task, which is to conduct independent research and disseminating its findings more liberally and diversely to key stakeholders. One way of improving the dissemination of publications would be to conceive and develop a communication strategy, which would potentially entail enlisting the expertise of a communications specialist to put the strategy into effect.

*The ISS needs to use the credibility that it enjoys to invest in making high-level contacts with people in governments who are able to make and give effect to policy changes.* ISS should not only rely on certain officials; it needs to develop capacity to interact with officials at a high level in order to give more impetus to policy making.

*The ISS needs continually to identify, research and develop new counter-strategies against new criminal trends threatening human security in the sub-region.* As we stated at the outset, we desisted from evaluating the project using linear measuring rods. We said this because there are myriad influencing factors that interplay in determining how, to what extent, and when the desired goal is attained. This makes measuring difficult. An encouraging development here is the basic research that is already being undertaken in the area of trafficking in human beings.

*The ISS would be able to determine to a fair degree how its work of capacitating civil society is contributing towards developing new dynamics in the project component.* We know that knowledge is power, and that power can make things happen. On this point we believe that even though the ISS might not be able to establish a direct link between its own activities and an attained goal, we think that through the wider dissemination of its publications and continual interaction with the recipients. One could, for instance, look to see what kind of initiatives come out of an organisation after it has read an ISS publication on, say, corruption, and whether there is any feedback or request to the ISS for assistance to start up a local set of activities..

*The ISS should strive to make its objectives and indicators more measurable.* Many of these objectives are stated to have impact on, to strengthen, to enhance, etc., and since there are no baseline data it is challenging to determine whether these objectives have been achieved.

### **6.3 Recommendations to the Ministry of Foreign Affairs**

*The MFA should take greater interest in reading the ISS publications.* This seems to be an underutilised potential, as the Embassy bases itself more upon the seminars provided by the ISS. More in-depth knowledge of ISS publications would give a clearer picture of ISS research and also prove useful when reporting to the Ministry.

*The MFA needs to be kept abreast on a continual basis on how the ISS publications are impacting on events.* We believe that this is essential for the Ministry in order to assess to what extent it can replicate this exercise in other regions where it is involved in developmental aid and democratic development.

*The MFA would need to be cautious not to depend overly on the ISS.* Through its increased support to the ISS over the years, it should keep an open mind to similar research being conducted by other institutions in the region in order to get a full picture of the issues in question.

## Annex 1: Terms of Reference



### Terms of Reference

#### Evaluation of the three-year Norwegian funded Project with the ISS

Project ref: REG-2815 Institute for Security Studies

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#### 1. Introduction

This document sets out the Terms of Reference for the external evaluation of the following three-year project undertaken by the Institute for Security Studies (ISS) in Cape Town and funded by Norway. **Project title: “Enhancing the capacity of Southern African states to counter terrorism, money laundering, organised crime, and corruption”** (hereafter referred to as “the project”)

The project commenced on 1 January 2004 and was completed on 31 December 2006.

#### 2. Context and background of the project

The Cape Town office of the ISS (ISSCT) was established at the beginning of 1998, staffed by one senior researcher and a receptionist. Since then it has expanded significantly and by August 2007 it had a staff of 18 (including interns), and was undertaking projects that covered different parts of the African continent. The Cape Town office is part and parcel of the legal entity of the ISS and is bound by ISS policies and decisions of its executive structures. Despite this, the Cape Town office has significant autonomy. For example, it develops and implements its own projects, it raises and administers its own funds, and it recruits and manages its own staff.

The ISS in Cape Town initially worked on organised crime projects but soon expanded its work to also cover projects on money laundering, corruption, and terrorism in Southern Africa. Structurally, the Cape Town office was regarded as one ISS Programme with the office director, Peter Gastrow, also acting as programme head and responsible for all office activities, staff members and the financial administration.

By 2002, the ISS in Cape Town was undertaking a number of projects, including three that were funded from Norwegian government funds. They were:

- The SADC money laundering project: A 15-month project on money laundering in the SADC region.

- The SADC organised crime and corruption project: A three-year project to assist with the implementation of the UN Convention against Transnational Organised Crime and the SADC Protocol against Corruption within the SADC.
- The SADC terrorism project: An 18-month project focusing on legislative needs in the SADC region to deal with terrorism more effectively.

These projects each had different starting and closing dates, different project agreements, and different reporting requirements and placed unnecessary burdens on both the ISS and the Royal Norwegian Embassy (the Embassy). This was one of the reasons why the ISS and the Embassy explored how best to rationalise the administration of projects in future. These discussions led to the ISS preparing a comprehensive project proposal during 2003, which was submitted to Norway and approved through a written agreement dated 3 March 2004. This was the three-year Norad project that commenced on 1 January 2004 and that is to be evaluated in line with the terms of reference set out in this document.

The project was to be funded through a grant of not more than NOK 20,425,000 over three years, commencing on 1 January 2004. Because the earlier funded project on organised crime and corruption (referred to above) was due to end in 2005, Norway and the ISS agreed that the project years 2004 and 2005 of that project would be incorporated into the new larger three-year project as from 1 January 2004 and that the budgeted funds for the earlier project would become part of the funds available for the project.

When the project commenced in 2004, the ISS in Cape Town had 9 staff members plus two interns. The Cape Town budget for the previous year, namely year 2003, was approximately R7.5 million for the four projects that it was undertaking. The donors were Norway, Rockefeller Brothers Fund (RBF), DANIDA, Open Society Initiative for Southern Africa (OSISA), and Open Society Foundation of South Africa (OSF-SA).

At the beginning of 2006 there were two developments in the Cape Town office:

- All work relating to terrorism (except for financing of terrorism) was relocated to the Pretoria office of the ISS. ISS researcher Anneli Botha was transferred from Cape Town to the Pretoria office of the ISS. It was felt that terrorism would fit in better with the Pretoria-based programme that dealt with conflict analysis in Africa.
- The Cape Town office was re-structured and two Programmes, each managed by a Programme Head, were established. The Programmes were the 'Organised Crime and Money Laundering Programme' (headed by Charles Goredema) and the 'Corruption and Governance Programme' (headed by Hennie van Vuuren). Each of these two programmes had its own researchers and Programme Administrators, and considerable responsibilities were devolved from the Office Director to the Programme Heads.

When the project therefore commenced in 2004, everyone in the Cape Town office formed part of one ISS Programme. When the project ended in December 2006, the terrorism component of the Norad project was being undertaken from ISS Pretoria and the Cape Town office of the ISS was made up of two Programmes.

### **3. Scope, objectives, main indicators, outputs, and budget of the project**

The Project Agreement signed on 3 March 2004, attached as Annex “A”, refers in Clause 1 to the scope and objectives of the Project as follows:

“1.1 Reference is made to request for financial support dated 12 May, 2003, and the Project Proposal "enhancing the capacity of Southern African states to counter terrorism, money laundering, organised crime, and corruption" dated 1 February 2004.”

The Project Proposal dated 1 February 2004 is attached as Annex “B”. Pages 2 to 4 of that project proposal consist of a “Programme Summary”. This summary constitutes part of the Project Agreement. It is referred as the “Agreed Project Summary” in Annex 1 to the agreement. The Project Agreement therefore defines the scope, objectives, main indicators, outputs and summarised budget of the project were as follows:

#### **“1.4 Goal**

***To enhance the capacity of Southern African states to counter terrorism, money laundering, organised crime, and corruption.***

#### **1.5 Objectives**

##### **Terrorism:**

- *To provide research and facilitation assistance to the SADC Secretariat and SADC states to formulate legislative and institutional changes that meet domestic and international requirements*
- *To provide ongoing strategic assessments to opinion and decision makers and governments that will reflect on the vulnerability of the region and individual states to terrorism and possible strategies to counter it.*

##### **Money laundering:**

*To establish a Money Laundering Control Monitor within the ISS that will perform research, analysis, evaluation, and monitoring tasks and provide decision makers with reliable information to enhance the identification, control, and combating of money laundering in Southern and Eastern Africa.*

##### **Organised crime:**

*To contribute towards the implementation of the UN Convention against Transnational Organised Crime (Palermo Convention) in the SADC region.*

##### **Corruption:**

To support SADC with the implementation of the SADC Protocol against Corruption.

**Resource Centre:**

*To establish a resource centre on terrorism, money laundering, organised crime, and corruption that provides free access to relevant publications and information, and to provide for the effective dissemination of information about the above four focus areas.*

**1.6 Main indicators**

**Terrorism:**

- *Impacting on the formulation and implementation of a Southern African sub-regional strategy against terrorism.*
- *Providing ongoing research reports, reliable information, and recommendations on the prevention and combating of terrorism to Southern African governments and decision makers.*
- *Impacting on and influencing the pace with which Southern African governments develop policies and legislation that prevent and counter terrorism in line with international best practises and obligations.*
- *Increased compliance by Southern African governments with international obligations such as UN Conventions and UN Security Council Resolution 1373/2001.*

**Money laundering:**

- *Providing ongoing research reports, evaluations, and reliable information on money laundering to the Eastern and Southern African Anti Money Laundering Group (ESAAMLG), and to Southern African governments and decision makers.*
- *Impacting on and influencing the pace with which Southern and Eastern African governments develop policies and legislation to identify, control, and combat money laundering.*
- *Increased compliance by Southern and Eastern African governments with international requirements such as the 40+8 FATF Recommendations and UN Security Council Resolution 1373/2001.*

**Organised crime:**

- *A strengthened network of senior Southern African government officials who are involved with the process of ratifying and implementing the Palermo Convention in their respective countries.*
- *Impacting on and influencing the pace with which Southern African governments ratify the Palermo Convention.*
- *An increased number of Southern African governments implementing the Palermo Convention.*
- *An increased number of governments implementing and complying with international requirements relating to extradition and mutual legal assistance.*

**Corruption:**

- *Providing ongoing research reports and recommendations to the SADC Secretariat and other role players on the formulation and implementation of a SADC Regional Strategy against Corruption.*

- Substantial progress towards the ratification and implementation of the SADC Protocol against Corruption by the majority of SADC countries by the end of 2006.

Resource Centre:

- The effective operation of a resource centre to which the public has free direct and web site access and the regular dissemination of information on terrorism, money laundering, organised crime, and corruption to subscribers and interested parties.

## 1.7 Outputs

The Project activities and deliverables across the various components are:

| <b>Project Year:</b>                | <b>Year One</b> |          |          |          |          | <b>Year Two</b> |          |          |          |          | <b>Year Three</b> |          |          |          |          | <b>Total</b> |
|-------------------------------------|-----------------|----------|----------|----------|----------|-----------------|----------|----------|----------|----------|-------------------|----------|----------|----------|----------|--------------|
| <b>Component:</b>                   | <b>1</b>        | <b>2</b> | <b>3</b> | <b>4</b> | <b>5</b> | <b>1</b>        | <b>2</b> | <b>3</b> | <b>4</b> | <b>5</b> | <b>1</b>          | <b>2</b> | <b>3</b> | <b>4</b> | <b>5</b> |              |
| Research/update reports             | 1               | 4        | 2        | 0        |          | 0               | 4        | 2        | 0        |          | 1                 | 4        | 2        | 0        |          | 20           |
| Regional conferences/seminars       | 1               | 2        | 0        | 0        |          | 1               | 2        | 0        | 0        |          | 1                 | 2        | 0        | 0        |          | 9            |
| Monographs                          | 1               | 1        | 0        | 0        |          | 2               | 1        | 0        | 0        |          | 1                 | 1        | 0        | 1        |          | 8            |
| ISS Papers                          | 2               | 2        | 0        | 0        |          | 2               | 2        | 0        | 0        |          | 2                 | 2        | 0        | 0        |          | 12           |
| Roundtable/expert/workshop meetings | 4               | 6        | 2        | 2        |          | 4               | 6        | 2        | 2        |          | 4                 | 6        | 2        | 2        |          | 42           |
| Surveys                             |                 | 2        |          |          |          |                 | 2        |          |          |          |                   | 2        |          |          |          | 6            |
| Regional trips                      | 2               | 1        | 1        | 1        | 3        | 2               | 1        | 1        | 1        | 3        | 2                 | 1        | 1        | 1        | 3        | 24           |
| International trips                 | 2               | 2        | 2        | 2        | 1        | 2               | 2        | 2        | 2        | 1        | 2                 | 2        | 2        | 2        | 1        | 27           |
| CD-Rom                              |                 |          |          |          | 1        |                 |          |          |          | 1        |                   |          |          |          | 1        | 3            |
| Quarterly Newsletter                |                 |          |          |          | 4        |                 |          |          |          | 4        |                   |          |          |          | 4        | 12           |
| Website development                 |                 |          |          |          | 1        |                 |          |          |          | 1        |                   |          |          |          | 1        | 3            |

## 1.8 Inputs: Tentative budget

Total Project budget:

A total of **ZAR 22,182,58**, made up of three grants in the sum of **ZAR 6,338,803** for the first year, **ZAR 7,422,333** for the second year, and **ZAR 8,421,422** for the third year. **ZAR 2,840,909** are already allocated to the project. New funds requested are **ZAR 19,341,649**.

Summary of Tentative budget

**Summarised budget for Year 1**

| <b>Ser. No.</b> | <b>Description</b>             | <b>Compt. 1<br/>Year 1<br/>ZAR</b> | <b>Compt. 2<br/>Year 1<br/>ZAR</b> | <b>Compt. 3&amp;4<br/>Year 1<br/>ZAR</b> | <b>TOTAL<br/>Year 1<br/>ZAR</b> |
|-----------------|--------------------------------|------------------------------------|------------------------------------|--|---------------------------------|
| 1.              | Project management costs       | 507,000                            | 534,000                            | 184,148                                  | 1,225,148                       |
| 2.              | Project activity costs         | 1,732,312                          | 2,065,394                          | 1,253,189                                | 5,050,895                       |
| 3.              | 1% ISS managmt. % conting. fee | 22,393                             | 25,994                             | 14,373                                   | 62,760                          |



|  |                         |                  |                  |                  |                  |
|--|-------------------------|------------------|------------------|------------------|------------------|
|  | <b>Total for Year 1</b> | <b>2,261,705</b> | <b>2,625,388</b> | <b>1,451,710</b> | <b>6,338,803</b> |
|--|-------------------------|------------------|------------------|------------------|------------------|

**Summarised budget for Year 2**

| Ser. | Description                               | Compt. 1         | Compt. 2         | Compt. 3&4       | TOTAL            |
|------|---|------------------|------------------|------------------|------------------|
| No.  |   | Year 2           | Year 2           | Year 2           | Year 2           |
|      |   | ZAR              | ZAR              | ZAR              | ZAR              |
| 1.   | <b>Project management costs</b>           | 583,200          | 887,200          | 201,914          | 1,672,314        |
| 2.   | <b>Project activity costs</b>             | 1,991,000        | 2,512,000        | 1,173,531        | 5,676,531        |
| 3.   | <b>1% ISS managmt. &amp; conting. fee</b> | 25,742           | 33,992           | 13,754           | 73,488           |
|      | <b>Total for Year 2</b>                   | <b>2,599,942</b> | <b>3,433,192</b> | <b>1,389,199</b> | <b>7,422,333</b> |

**Summarised budget for Year 3**

| Ser. | Description                               | Compt. 1         | Compt. 2         | Compt. 3&4       | TOTAL            |
|------|---|------------------|------------------|------------------|------------------|
| No.  |   | Year 3           | Year 3           | Year 3           | Year 3           |
|      |   | ZAR              | ZAR              | ZAR              | ZAR              |
| 1.   | <b>Project management costs</b>           | 508,325          | 896,847          | 663,670          | 2,068,842        |
| 2.   | <b>Project activity costs</b>             | 1,993,900        | 2,483,900        | 1,791,400        | 6,269,200        |
| 3.   | <b>1% ISS managmt. &amp; conting. fee</b> | 25,022           | 33,807           | 24,551           | 83,380           |
|      | <b>Total for Year 3</b>                   | <b>2,527,247</b> | <b>3,414,554</b> | <b>2,479,621</b> | <b>8,421,422</b> |

**Summarised 3-Year budget**

| Ser. | Description                               | Total Yr. 1      | Total Yr. 2      | Total Yr. 3      | Total 3 Yrs       |
|------|---|------------------|------------------|------------------|-------------------|
| No.  |   | ZAR              | ZAR              | ZAR              | ZAR               |
| 1.   | <b>Project management costs</b>           | 1,225,148        | 1,672,314        | 2,068,842        | 4,966,304         |
| 2.   | <b>Project activity costs</b>             | 5,050,895        | 5,676,531        | 6,269,200        | 16,996,626        |
| 3.   | <b>1% ISS managmt. &amp; conting. fee</b> | 62,760           | 73,488           | 83,380           | 219,628           |
|      | <b>Total requested over 3 years</b>       | <b>6,338,803</b> | <b>7,422,333</b> | <b>8,421,422</b> | <b>22,182,558</b> |

|   |                     |                  |                  |                   |
|---|---------------------|------------------|------------------|-------------------|
| <b>Less NOK3 mill. already approved</b> | <b>1,451,710</b>    | <b>1,389,199</b> |                  | <b>2,840,909*</b> |
| <b>Total "new" funds requested</b>      | <b>4,887,093</b>    | <b>6,033,134</b> | <b>8,421,422</b> | <b>19,341,649</b> |
|   | <b>Total budget</b> |                  |                  | <b>22,182,558</b> |

\*Please note: The figure of ZAR 2,840,909 was the equivalent of NOK 3 million on the date that it was calculated, namely on 19 December 2003. The exchange rate was ZAR 1=NOK 1.056."

#### **4. Objectives of the Evaluation**

The ISS in Cape Town has never had any of its projects independently evaluated. The project was a major task for the Cape Town office and it was therefore regarded as an appropriate project to have evaluated for the benefit of both the donor and the ISS. The overall objective of the evaluation is to assess the implementation and results of the project in order to determine its relevance, efficiency, and impact in the context of its stated goal and objectives. This includes an assessment of if the programme has attained its stated goal and objectives. In addition, the evaluation shall assess how the

work of the ISS has been utilized by the Embassy/Norad/Ministry, and suggest how future work could be utilized even better.

The evaluation will measure and provide recommendations in accordance with international standards and best practices in designing, implementing, and managing (including financial and personnel) projects.

## **5. Evaluation outputs**

The evaluation output should be an Evaluation Report that contains, amongst others, the following:

- An overview of the project
- A short presentation of the evaluation (purpose, methodologies, etc)
- A description of the implementation of the project by the ISS
- An assessment of the performance of the project
- An assessment of the project against its stated goal, objectives, and main indicators, presenting the results achieved within each project component, as well as possible synergy effects
- Key lessons learned
- An assessment of how the work of the ISS has been utilized by the Embassy/Norad/Ministry, and suggestions on how it could be used in the future, and
- **Practical recommendations to both Norway and the ISS on how to enhance future project design and implementation.**

In addition, a seminar on the findings will be summoned by the ISS after the report is finalised.

## **6. Method of work**

The evaluation team will carry out interviews, amongst others, with relevant ISS staff and with representatives from organisations and institutions in Southern and Eastern Africa that are active within the same or similar fields, such as ESAAMLG in Dar es Salaam, SARPPCO in Harare, SADC Secretariat in Gaborone, UNODC in Pretoria, and key officials in government institutions and departments who related to the project (the so-called Palermo Group), as well as individuals in civil society organisations involved in the project such as SAHRIT in Harare. In cases where meetings to conduct interviews are impractical, such interviews should be conducted telephonically.

## **7. Timing**

The evaluation exercise will take place from 29 October to 9 November 2007. The evaluation team will present a draft Evaluation Report to the Royal Norwegian Embassy in Pretoria, not later than 16 November and a final version not later than 23 November.

Logistical support will be provided by the ISS.

## **8. Costs**

The Royal Norwegian Embassy will carry all costs relating to the evaluation exercise.

## **9. Staffing**

The review team will consist of the following members:

- Mrs Tale Kvalvaag, Norad, Head of Evaluation Team
- Lovell Fernandez, University of Western Cape South Africa

## **10. Documentation**

The evaluation team will have access to all documents in the possession of the ISS that relate to the project, including all financial documents. More specifically, the following documents will be essential for the preparation of the evaluation:

- The project proposal dated 1 February 2004
- The Project Agreement dated 3 March 2004
- The six progress reports submitted by the ISS to the Embassy as well as the final Project Report
- Minutes of three Annual Project Meetings

Royal Norwegian Embassy

19 October 2007

## **Annex 2 Interview Guide**

### ***Introduction***

1. Please describe your role and tasks in your capacity as a role player in the efforts to combat organised crime, money laundering, corruption and terrorism.
2. In what capacity have you been connected to the ISS project, and for how long?

### ***Background***

3. Before the ISS project was initiated, what was the perception within the SADC region about the need to deal concretely with terrorism, money laundering, organised crime and corruption?
4. What were your expectations when the ISS project was initiated, with particular reference to your area of expertise?
5. What did you see as the rationale for the project?
6. Were there any dissenting views or any resistance from part of some countries on the need to synchronise their approaches in preventing and combating these crimes?
7. Did you consider these projects to be realistically realisable or achievable?

### ***Implementation***

8. Has there been a willingness on the part of the SADC states to work together with the ISS in coming to grips with these types of crimes?
9. How effective has the SADC Secretariat been in giving effect to the initiatives that were started by the ISS?
10. Has there been any support from the academic community within the SADC region in generating new knowledge to help implement these project areas?
11. To what extent has the ISS project taken into account the need to include civil society and to cooperate with their respective governments to deal with these crimes?
12. How would you characterise the working relationship between the ISS and its partners in implementing measures aimed at fighting these crimes?

### ***Project outcomes***

13. Has the existence of the ISS project increased the awareness of the need within the SADC region to take a more critical look at issues centering on money laundering, organised crime, corruption and terrorism?
14. What kind of concrete support have the SADC states received from the ISS with regard to implementing measures to counteract these crimes?
15. Could you provide examples(s) of any concrete outcomes that have resulted from the ISS project?
16. From a comparative point of view, what specific advantages have there been for countries within the SADC region in working with the ISS? Has the ISS project added value to the initiatives undertaken by the individual states in combating the above-mentioned crimes?

### ***Thematic area***

17. In your view, has the project that was initiated by the ISS had any impact on limiting the incidence of crime within your area of expertise in the Sub-Saharan Africa, with particular reference to the SADC region?
18. What do you perceive as being the strengths of the project and the factors that undermine the effective implementation of the measures aimed at combating crime within your area of expertise in the SADC region?
19. Realistically speaking, is there congruency in thinking, within the SADC countries, about the urgency to deal with the matter within your area of expertise?
20. Is the administration of criminal justice within the respective states sufficiently geared to bring the culprits to book?
21. In your view, is there an overall firm commitment or political will to deal effectively with issues within your area of expertise?
22. To what extent have the publications of the ISS project fed into government policy making within the SADC region in implementing the measures to counteract these crimes?
23. In your view, what needs to be done to strengthen the efforts to combat crime within your area of expertise within the SADC region?

### Annex 3 List of Persons Consulted

|     | Name                   | Organisation  | Interview      |
|-----|------------------------|---|----------------|
| 1.  | Mr Peter Gastrow       | ISS, Director, Cape Town  | ISS, Cape Town |
| 2.  | Dr Jakki Cilliers      | ISS, Executive Director   | Pretoria       |
| 3.  | Ms Anneli Botha        | ISS, Terrorism  | Phone          |
| 4.  | Mr Charles Goredema    | ISS, Money laundering   | ISS, Cape Town |
| 5.  | Mr Hennie van Vuuren   | ISS, Corruption   | ISS, Cape Town |
| 6.  | Ms Annette Hübschle    | ISS Terrorism   | ISS, Cape Town |
| 7.  | Mr Lwando Scott        | ISS, Resource Centre  | ISS, Cape Town |
| 8.  | Ms Felicity Harrison   | Goedgedacht Forum for Social Reflection                           | Cape Town      |
| 9.  | Mr Thomas Ball         | MFA (previous embassy)  | Phone          |
| 10. | Mr Svein Bæra          | MFA (previous embassy)  | Phone          |
| 11. | Mr Håkon Gulbrandsen   | Royal Norwegian Embassy   | Pretoria       |
| 12. | Mr Bjarte Erdal        | Royal Norwegian Embassy   | Pretoria       |
| 13. | Mr Tanki J. Mothae     | Director, SADC Organ on Politics, Defence and Security Affairs    | Phone          |
| 14. | Mr Kenny Kapinga       | Previous head of SARPCCO and Interpol, now Botswana               | Phone          |
| 15. | Mr Godfrey Ponchi      | International Training Officer, Botswana                          | Phone          |
| 16. | Mr Nixon Banda         | Dir Anti-Corruption Commission, Zambia                            | Phone/e-mail   |
| 17. | Mr Anton du Plessis    | Expert on Terrorism, UNODC, Vienna                                | Phone          |
| 18. | Mr George Kegoro       | Consultant, Kenya   | Phone          |
| 19. | Mr Adolf Denk          | Head, Namibia Financial Institutions Supervisory                  | Phone          |
| 20. | Mr Alick Kasaila       | Head of Research and Consultancies, Malawi College of Accountancy | Phone          |
| 21. | Mr Raphael Mungole     | Former Head, Drug Enforcement Commission, Zambia                  | E-mail         |
| 22. | Prof Hamilton Simelane | University of Swaziland   | Phone          |
| 23. | Judge Kamlesh Domah    | Supreme Court of Mauritius  | E-mail         |
| 24. | Mr Wayne Blackburn     | ESAAMLG, Dar es Salaam  | E-mail         |
| 25. | Mr Borothe Matsoso     | Head, Directorate on Corruption and Economic Crime, Lesotho       | E-mail         |
| 26. | Mr Zainadin Dalsucco   | Head, Financial Intelligence Unit, Moz                            | Phone          |
| 27. | Dr Jonathan Lucas      | Regional Head, UNODC  | Pretoria       |
| 28. | Ms Kamla Govender      | Department of Justice   | Pretoria       |

## **Annex 4 List of Main Documents Reviewed**

Bevilgningsdokument (Appropriation document), REG-2815 “Enhancing the capacity of Southern African states to counter terrorism, money laundering, organised crime and corruption”

Final Project Report, 1 January 2004 to 31 December 2006

ISS, 13 February 2007: ”Summary Information on the Institute for Security Studies”

ISS Project Proposal: “Enhancing the Capacity of Southern African States to Counter Terrorism, Money Laundering, Organised Crime, and Corruption” (1 February 2004)

Minutes of project meetings (2004, 2005, 2006)

Project Agreement

Project Progress Reports (2004, 2005, 2006)

Work plans (2004, 2005, and 2006)

2007 Core Funding Report: “Knowledge Empowers Africa” (ISS)

## **Annex 5 Terrorism**

### ***Introduction***

The definition of terrorism is debated, and as the saying goes: “one man’s terrorist is another man’s freedom fighter”. Generally speaking, however, terrorist acts are intended to create fear by targeting civilians for political goals.

### ***Rationale and objectives***

This project component was a continuation of another ISS research initiative in the area of terrorism also financed by the Norwegian government. The principal rationale for the focus on this component were the 9/11 events in the United States, the Pagad bombings and rightwing terrorist activities in South Africa, and the bombing of the US Embassy in Tanzania in 1998, the bomb attack on a hotel in Mombasa in November 2002, the illegal trading of blood diamonds to support international terrorist organisations, the large-scale international illegal arms trafficking linking some of the arm dealers with terrorist organisations, and the detention in 2002 of foreign nationals in Swaziland who were accused of being linked to terrorism and to plan an attack on Swaziland. The threats of terrorism were particularly real given the fact that countries within the sub-region were regarded as weak states with porous borders, low risks for money launderers and organised criminals, comparatively unsophisticated financial institutions, and large informal economies.

An important aspect of the rationale consisted in countries coming together to consider conceptual issues pertaining to terrorism, and to reach an agreement on legal enactments to combat these crimes. In other words, the idea was to secure a consensus on how to equip the judicial systems in the SADC region with legal norms that would enable them to harmonise with international practices aimed at preventing and counteracting terrorism.

At state level there was pressure on governments to implement measures against terrorism, primarily in the light of the 9/11 events. The perception, however, within the sub-region was often that corruption took precedence over the need to fight terrorism. This was so because corruption impacted directly on the ability of people to enjoy the social benefits that they are entitled to under the respective African constitutions and national laws.

At the same time, there was a concern whether or not countries in the SADC region actually did need laws against terrorism. This was raised particularly against the question as to what impact such laws would have on African countries. More importantly, there was some reservation as to how these measures would be funded and from which budgets they would have to be appropriated given the huge incidences of poverty and issues relating to food security and HIV/AIDS.

The declared objectives of the ISS project with regard to terrorism were

- to provide research and facilitation assistance to the SADC Secretariat and SADC states to formulate legislative and institutional changes to meet domestic and international requirements, and
- to provide ongoing strategic assessments to opinion and decision makers and governments that will reflect on the vulnerability of the region and individual states to terrorism and possible strategies to counter it.



The funds allocated for this project component were ZAR 7 388 894, making it the second largest component in financial terms.

### ***Deliverables and progress***

For the period 2004-2006, the ISS project set itself different targets within the component of terrorism and its deliverables were as follows:

| Deliverable                         | Target | Delivered* |
|-------------------------------------|--------|------------|
| Research/update reports             | 1      | 6          |
| Regional conferences/seminars       | 3      | 4          |
| Monographs                          | 4      | **         |
| ISS papers                          | 6      | 7          |
| Roundtable/expert/workshop meetings | 12     | 9          |
| Survey and situation reports        | 0      | 0          |
| Regional trips                      | 6      | 8          |
| International trips                 | 6      | 5          |
| CD-rom                              | 1      | 1          |
| Quarterly newsletter                | 4      | 8          |
| Website development                 | 1      | Ongoing    |

\* These deliverables are available in hard copy and several are available electronically.

\*\* Some published in the South African Security Review, Volume 14 and Volume 15; four were produced in electronic form

The first indicator for the component on terrorism concerned “(i)mpacting on the formulation and implementation of a Southern African sub-regional strategy against terrorism”. Such a strategy never materialized during the ISS project. An inhibiting factor was that most states in the region considered the fight against terrorism government responsibility and not that of NGOs. The fact that terrorist activities are generally far removed from the Southern African contexts gave rise to the suspicion that the initiatives undertaken with regard to combating terrorism were being driven by United States interests. The political wrangling that has taken place in the sub-region with regard to this topic has also retarded progress in this sphere. This issue was brought sharply to the fore in a publication of a paper entitled “SADC and terrorism: Where is the regional strategy?” (*African Security Review*, Volume 14, no 1, 2005).

Not much progress had been made in taking the issue forward and this is partly due to the fact that a main complaint was that some countries were not sharing information on terrorism with the Early Warning Centre that was established in Harare.

“Providing ongoing research reports, reliable information, and recommendations on the prevention and combating of terrorism to Southern African governments and decision makers”, being the second indicator for the component on terrorism, was largely met in the sense that several research activities took place and were disseminated, and ISS staff appeared in the media to talk about issues relating to terrorism. In addition, the ISS presented papers at many regional conferences and seminars. The planned monograph, however, was never finished as the ISS feared that it might touch upon sensitive issues which, again, could affect its working relationships with some SADC member states.

The third indicator states “(i)mpacting on and influencing the pace with which Southern African governments develop policies and legislation that prevent and counter terrorism in line with international best practices and obligations”. Despite the rhetoric of most SADC governments to meet the international obligations to counter and to prevent terrorism, the practical implementation of the steps needed to do this has been slow. Although a number of unanimous and constructive resolutions were adopted at the 2004 regional conference on terrorism, little has taken place to address these proposals.

The fourth indicator was “(i)ncreased compliance by Southern African governments with international obligations such as UN Conventions and UN Security Council Resolution 1373/2001”. Here again, the compliance by Southern African governments with international obligations related to terrorism has been slow. ISS activities on the need to implement these conventions took place, and although some countries have ratified some conventions, progress on this front, particularly with regard to the implementation of international conventions and protocols relating to terrorism has been relatively slow.

### ***Outcomes***

The conceptualisation of anti-terrorist measures was a controversial issue which was difficult to deal with within the SADC itself, in consequence whereof the issue was to a large extent passed on to SARPCCO. It was hard to get a comprehensive buy-in from within the sub-region, again because this initiative was seen as part of a knee-jerk reaction forced upon African states by the 9/11 attacks. What was also questioned was the feasibility of translating international instruments into a SADC context, with its huge informal sector and where between 12 and 14 countries are under-banked.

There was a mixed reply among the interviewees to the question whether the anti-terrorist measures received support from within the academic communities. Whilst some interviewees pointed to the dearth of academic interest in this areas, there were isolated responses that there was some co-operation with some academics attached to different universities in the region.

Among the contributions made by the ISS project, we would like to include the establishment of the Early Warning Centre by SARPCCO in Harare. A concrete example from South Africa was the role the ISS took in galvanising civil society groups to debate the issues surrounding the anti-terrorism legislation. The research undertaken by the ISS was seen as useful and provided an opportunity for ongoing discussion and participation with civil society groups. The ISS was furthermore seen as giving credibility to the submissions that civil society groups made before the parliamentary portfolio committee. This, in turn, was said to give parliamentarians a useful source of information which enabled them to make informed choices regarding the kind of legislation that was necessary.

One of the interviewees expressed that the ISS has kept abreast of the developments pertaining anti-terror measures and this has in turn helped to keep focus on the issues and to keep the discussions going. Several interviewees stated that the support received from the ISS was indeed useful. It was important for ISS, coming from South Africa, to be frank and open with its interaction with other African states and to dispel the suspicion that ISS had a hidden agenda. The ISS appears to have overcome this suspicion and developed a relationship of trust with its partners. The ISS received requests from both Namibia and Botswana to provide them with expertise in developing long-term strategies and training. What seems critically important is that these partnerships must be based on solid trust.

The open character of the discussions taking place at conferences and workshops organised by the ISS have been of reciprocal benefit, both for the ISS and its partners. The frank exchange of views has helped the ISS to understand the kinds of concerns that partner organisations have in collaborating with institutions such as the ISS that also has links with the state authorities. One interviewee mentioned that the ISS was able to speak the language of both the civil society and the establishment.

Although there were many illustrations of useful input from the ISS, one of the interviewees raised a concern regarding a potentially unintended consequence of too much focus on the legislation to prevent terrorism. Negative implications of anti-terrorist acts, such as restrictions on the freedom to meet, were pointed to.

When the ISS project realised that it wouldn't be able to establish useful working relationships with government official, the project component changed its approach in its second year and started to host a number of seminars under the broad topic "Towards understanding terrorism in Africa". The contributions made during this seminar series, which was hosted in collaboration with other institutions, were published in a report. This was an attempt to encourage research across the Africa continent on terrorism. The aim was to contribute to an international understanding of terrorism and how Africans perceive the threat, impact and counter-terrorism strategies.

ISS staff, and other interviewees, saw government sensitivity towards terrorism as a barrier in implementing this particular project component, referring to the suspected US agenda and the governments considering terrorism to be an internal state matter not to be addressed by an NGO such as the ISS.

### ***Conclusions***

From the very outset the issue of terrorism was not seen as a priority to the SADC states. This view prevailed notwithstanding the fact that bombings had occurred in Dar es Salaam and Nairobi, and despite the fact that in South Africa itself Pagad and rightwing groups had resorted to sporadic acts of terrorism. It is to the credit of the ISS that it nevertheless undertook the research and produced the publications that alerted SADC countries to the need to counteract the potential threat of terrorism. Another aspect of the ISS engagement with terrorism, is that it has helped to translate the global concern for terrorism into its own sub-regional context.

Nevertheless, one cannot shy away from the reality that preventative and corrective measures against terrorism require the harnessing of considerable human and material resources, both of which come at a high financial cost. And the efforts to implement such measures cannot be divorced from the pressing human needs plaguing the region, not least of which is the widespread prevalence of poverty, HIV/AIDS, lack of adequate housing, drought relief and a host of other socio-economic exigencies requiring urgent redress but also massive capital investments. It is therefore legitimate to ask whether resources have been overspent on a project component which has been regarded as a reaction to events that have largely taken place elsewhere and which are removed from the daily, genuine threats to human security as perceived within the region.

Whichever way we look at it, the ISS has carried out this project component in an effective way through an efficient production of literature on this topic. Yet it is difficult to measure how successful the ISS project was in countering terrorism, given the fact that the issue of terrorism has not surfaced with the same degree of urgency as it has done in North America and Europe.

An important lesson learned by the ISS is that in order to effect impact, it would need to redouble its efforts to demonstrate more convincingly the extent to which terrorism continues to remain a highly relevant issue that endangers human security in the sub-region, irrespective of where it occurs. It affects human security universally. This endeavour, if indefatigably but sensitively pursued, has the potential to help nurture a more trustworthy relationship between some of the still sceptical SADC states and the ISS. In turn, such a trustable partnership would enable the ISS to help build the capacities of the states in tackling this threat.

## **Annex 6 Money laundering**

### ***Introduction***

The Financial Action Task Force (FATF)<sup>4</sup> defines money laundering as the process of disguising the illegal origin of proceeds deriving from criminal activity. This process is of critical importance for it enables the criminal these profits without jeopardising their sources. This process is of critical importance for it enables the “conversion or transfer of property, knowing it is derived from a criminal offence, for the purpose of concealing or disguising its illicit origin or of assisting any person who is involved in the commission of the crime to evade the legal consequences of his action”.

### ***Rationale and objectives***

As regards the project component on money laundering, the interviewees differed as to what their expectations were. Whilst some did not consider these expectations to be high, others felt that a major expectation was the development of research and public awareness of the crime of money laundering. The ISS believed it was important to demystify the concept of money laundering as it inspired fear and confusion. It did this by explaining what money laundering was and how it related to people’s daily experiences and how it affected the rights of people. International conventions and treaties placed an obligation on states to implement measures against money laundering given the fact that it was linked to terrorism. One method that the ISS applied was to facilitate the sharing of experiences pertaining to money laundering among SADC states. Several of the respondents we interviewed held the view that institutional and public concern about the money laundering phenomenon was also based on the lack of objective research findings on this kind of crime.

The ISS therefore saw this project as timely, more so since countries were under pressure to understand the interconnection between terrorism and money laundering and to combat the twin threat they posed.

ISS’ specific objective with regard to money laundering was “[t]o establish a Money Laundering Control Monitor within the ISS that will perform research, analysis, evaluation, and monitoring tasks and provide decision makers with reliable information to enhance the identification, control, and combating of money laundering in Southern and Eastern Africa”. The funding for this project component was ZAR 9 473 134, i.e. constituting the largest of the four components in financial terms.

### ***Deliverables and progress***

For the period 2004-2006, the ISS project set itself different targets within the component of money laundering and its deliverables were as follows:

| Deliverable                   | Target | Delivered* |
|-------------------------------|--------|------------|
| Research/update reports       | 12     | 28         |
| Regional conferences/seminars | 6      | 6          |

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<sup>4</sup> [www.fatf-gafi.org](http://www.fatf-gafi.org).

|                                     |         |         |
|-------------------------------------|---------|---------|
| Monographs                          | 3       | 4       |
| ISS papers                          | 6       | 8       |
| Roundtable/expert/workshop meetings | 15      | 17      |
| Survey and situation reports        | 4       | 3       |
| Regional trips                      | 3       | 11      |
| International trips                 | 6       | 2       |
| CD-rom                              | 3       | 2       |
| Quarterly newsletter                | 4       | 3       |
| Website development                 | Ongoing | Ongoing |

\* These deliverables are available in hard copy and several are available electronically.

We used the 2006 Progress Report of 2006 to evaluate the achievements and to see whether the ISS met the three indicators. We looked to see whether any shortcomings mentioned in the 2004 and 2005 Progress Reports were addressed. We also sought to establish what positive spin-offs flowed from the achievements mentioned in the earlier reports.

The first indicator was to provide “ongoing research reports, evaluations, and reliable information on money laundering to the Eastern and Southern African Anti Money Laundering Group (ESAAMLG), and to Southern African governments and decision makers”. By the end of 2004, contacts had been made with government departments and state institutions in Malawi, Lesotho, Zimbabwe, Botswana, Namibia and South Africa. This also included developing relations with the SADC Banking Council and with the central banks in other countries. The ISS produced and disseminated publications that were also subscribed for by ESAAMLG in electronic format.

Over the three year project period the ISS established close links with ESAAMLG and developed positive relationships with it. ISS publications were supplied not only to ESAAMLG, but were disseminated amongst major ministries and central banks in the region. The close cooperation has resulted in these institutions requesting the assistance of the ISS.

The second indicator regarded “[i]mpacting on and influencing the pace with which Southern and Eastern African governments develop policies and legislation to identify, control, and combat money laundering”. From the progress reports it is not clear whether there was uniformity in the pace with which the anti-money laundering legislation was enacted – a factor already alluded to in the 2004 progress report. ISS’ impact on galvanising the need for legislative action in this area is largely attributable to its well-oiled links with ESAAMLG and its network of commissioned experts on money laundering.

The third indicator concerned “[i]ncreased compliance by Southern and Eastern African governments with international requirements such as the 40+8 FATF Recommendations and UN Security Council Resolution 1373/2001”. By the end of 2006 Namibia, Zimbabwe, and Malawi were reported by the ISS to have introduced anti-money laundering laws, whilst in countries such as Swaziland, Lesotho, Kenya and Uganda the bills were still before parliament.

### ***Outcomes***

Considerable progress has been made with regard to preparing legislation in the various SADC countries. In August 2006, for example, Malawi adopted the Bill against money laundering and had set up a financial intelligence unit, as Mozambique had done. Both Swaziland and Lesotho prepared money laundering bills. Namibia passed the Prevention against Organised Crime Act and had finalised three money laundering bills.

The ISS convened a number of roundtable discussions, meetings and workshops in various SADC countries with role players (e.g. judges, accountants, state officials) and interacted with ESAAMLG on the issue of money laundering. The ISS even saw it as a major accomplishment that it was the first NGO allowed to participate at the annual meeting of the ESAAMLG. One of the major outcomes is that several countries have adopted, or are in the process of adopting, money laundering legislation, these are concrete results that the ISS has promoted an awareness of the need to create laws against money laundering. Whereas in the past there were some countries that denied the fact that the areas addressed by the ISS required attention, most interviewees believed that such countries have now come to accept that these kinds of offences exist, pose a threat to human security, and offenders need to be prosecuted.

A positive spin-off reported on by the ISS, was that it gave rise to the emergence of the group of experts who began to specialise in money laundering issues within their respective countries. The experts were then used when developing national legislation. As one of several examples, the ISS reported that the adoption of the anti-money laundering bill in Malawi is traceable to the continuing lobbying of its commissioned researcher, lobbying the criminal justice authorities.

Among the ISS contributions listed by the interviewees, the project component on money laundering raised awareness on the need to combat this crime, for instance by becoming part of the debate in parliament, and the creation of legal standards. The bulletins were said to have raised awareness within the SADC states, but this awareness was not seen as having filtered down to the grass roots level. There was also the realisation that governments do not have the capacity to run training programmes as these are very expensive, but there is nevertheless a need to invest in training.

All interviewees expressed a disappointment with the fact that the SADC Secretariat had undertaken nothing to promote an appreciation for the need for SADC countries to undertake pass against money laundering and the other crimes comprising the ISS project. The initiative has shifted to the SARPCCO and ESAAMLG which are now seen as the main partners with which the ISS works in enacting measures to deal with these crimes. SARPCCO was said to have remained strong because it received support of INTERPOL. SARPCCO reports to the SADC Council of Ministers, who in return reports to the respective heads of states. In other words, through its collaboration with SARPCCO the ISS is able to reach the heads of the SADC states.

Although the collaboration with ESAAMLG and SARPCCO helped enable the ISS to achieve progress in the area of money laundering, it ought to be mentioned that some countries were sceptical about the ISS being an NGO. There was initial resistance towards the ISS as a non-governmental organisation, as well as to the issues that ISS tried to promote as these were seen as the sole preserve of government (foreign affairs and the police). Some countries expressed reservations for the simple reason that they needed cash inflows into their economies, and they feared that such reports would cast them in a negative light and would raise critical questions as to their commitment to come to grips with the problem of money laundering. For these reasons, one interviewee pointed out, some countries withheld statistics. Some of the objectives would have been realised sooner, had the countries shown a predisposition to cooperate by way of sharing credible statistical data with the ISS.

## ***Conclusions***

The question of money laundering is seen as relevant in this region where huge amounts of money flow through the informal market. Such a legally unregulated economy lends itself particularly well to money laundering. At the same time countries such as South Africa, with its sophisticated banking infrastructure, serves as an easy conduit for money launderers to whisk money through the regular banks in no time. Economic criminals continuously exploit unregulated economies to launder the proceeds of crime. It was therefore necessary for these emerging economies to introduce measures that would render them less vulnerable. The project is therefore seen as timely.

In the case of money laundering, much could have been achieved at a lesser cost had there been cooperation amongst all SADC countries from the very start. The lack of overt initiatives on the part of the SADC in driving the process for an enactment of money laundering legislation necessarily meant that organisations such as the ISS and ESAAMLG had to exert themselves more than would have been necessary to bring about the necessary legislative changes. Considerable financial resources were spent in lobbying and influencing states to see the necessity to enact legislation to counteract money laundering.

The ISS needs to use the credibility that it enjoys to invest in making high-level contacts with people in governments who are able to give effect to policy. ISS should not only rely on certain officials, as there is a need to develop capacity to interact with officials at a high level in order to push the policy-making forward.



## Annex 7 Organised crime

### *Introduction*

According to one monograph published by the ISS, given the relatively recent identification of organised crime in the SADC region as a national and regional threat a number of police agencies in the region have yet to come up with their own definition of organised crime.<sup>5</sup> However, “[t]he term ‘organised crime’ has been loosely and generically used internationally to describe the criminal activities of organised criminal groups consisting of three or more persons who commit serious crimes over a period of time for profit”<sup>6</sup>

### *Rationale and objectives*

The international normative framework to combat organised crime is the Palermo Convention, adopted by the United Nations Security Council in November 2000. The convention explicitly excluded terrorism. The idea underlying the ISS project was that the SADC countries develop common strategies, harmonise their practices with regard to combating organised crime, and to share their experiences. The declared objective of the ISS project with regard to organised crime was to “(t) contribute towards the implementation of the UN Convention against Transnational Organised Crime (Palermo Convention) in the SADC region”.

### *Deliverables and progress*

Funding of the components on organised crime and corruption was ZAR 5 320 530, which was less than what was allocated for terrorism and money laundering components.

For the period 2004-2006, the ISS project set itself different targets within the component of organised crime and its deliverables were as follows:

| Deliverable                         | Target | Delivered* |
|-------------------------------------|--------|------------|
| Research/update reports             | 6      | 11         |
| Regional conferences/seminars       | 0      | 1          |
| Monographs                          | 0      | 0          |
| ISS papers                          | 0      | 0          |
| Roundtable/expert/workshop meetings | 5      | 7          |
| Survey and situation reports        | 0      | 0          |
| Regional trips                      | 3      | 7          |
| International trips                 | 6      | 7          |
| CD-rom                              | 3      | 1          |
| Quarterly newsletter                | 1      | 1          |
| Website development                 | 1      | Ongoing    |

\* These deliverables are available in hard copy and several are available electronically.

<sup>5</sup> ”Defining organised Crime – Organised Crime in the SADC Region (available at <http://www.iss.co.za/Pubs/Monographs/No60/Chap4.html>

<sup>6</sup> *Ibid.*

The first indicator was “(a) strengthened network of senior Southern African government officials who are involved with the process of ratifying and implementing the Palermo Convention in their respective countries”. A network of police chiefs was organised by the ISS in co-operation with SARPCOO. In addition, the ISS contributed to the establishment of the Palermo Group - a network consisting of senior state officials mandated by their respective governments to work on the implementation of the Palermo Convention. All SADC countries except DRC were represented in the group.

The second and third indicators related to an increased number of countries having ratified and implemented the Palermo Convention. Eleven countries in the sub-region had ratified the Palermo convention by the end of 2006, while two (DRC and Zambia) had not yet signed it. This represents the progress made compared to the situation when the project was initiated. At that time all 15 countries had signed the convention, but only two had ratified it.

Lastly, the project component on organised crime had set as an indicator “(a)n increased number of governments implementing and complying with international requirements relating to extradition and mutual legal assistance”. We are not able to verify how many countries have in fact incorporated the Convention into their respective national laws.

### ***Outcomes***

By the end of 2006 the Palermo Convention had been ratified by the following countries<sup>7</sup>: Mauritius, Botswana, Seychelles, DRC, Madagascar, Namibia, South Africa, Malawi, Zambia and Tanzania. At that time these countries were at various stages of implementing the convention at national level.

The ISS contributed to the work of the Palermo Group by providing comparative analysis of the legislation from other countries. They were seen as important in providing information on trends in organised crimes and creating a forum to exchange information and to clarify misunderstandings. Within the Palermo Group the ISS helped increase awareness regarding organised crime, and the support that the countries received from the ISS was described by interviewees as indeed helpful.

The establishment of the Palermo Group should be seen as a major enabler in the implementation of the component on organised crime. When it comes to barriers, there were some initial delays as the ISS had difficulties recruiting a senior researcher in this particular area. The death of Mr Mukelabai Mukalabei, head of the project component, naturally also slowed down the implementation of the project at its initial stage.

The general perception among the interviewees is that the criminal justice systems are fractious and not sufficiently equipped to handle the particular crimes. Although the South African criminal justice system is comparatively speaking to some extent equipped with special units such as the Directorate of Special Operations (DSO) which concentrates on organised crime and money laundering, this cannot be said of all countries in the sub-region. A concrete suggestion which came up during one of the interviews, for the capacity of the criminal justice system to become more effective in combating these kinds of crimes, was that police and prosecuting

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<sup>7</sup> “Progress Report on Component One of the Organised Crime & Money Laundering Programme: Towards the implementation of the 2000 Palermo, United Nations Convention against Transnational Organised Crime in the Southern African Development Community” (not for citation or publication, as at 14 December 2006).

authorities should be given the names of individuals and organisations who perpetrate these crimes, their modus operandi, and how the different syndicates relate to each other in the various countries. This would give the criminal justice authorities more concrete and useful leads on which to act.

During some of the interviews the question of ISS' mandate to deal with issues relating to organised crime, as well as the other thematic areas pertaining to this project, was raised. It was seen more as the responsibility of the United Nations to follow up on this and other UN conventions.

### ***Conclusions***

The relevance was born out of the fact that as of the 1990s a variety of crimes of an interlinking nature such as drug trafficking, cross-border theft of cars, fraud, corruption in state institutions and armed robbery began to manifest themselves in a threatening way throughout the sub-region. These were concerns that affected people at a very daily level and therefore the need to develop counter-legislation was regarded as necessary.

Importantly, the establishment of the Palermo Group made it easier for the appropriate functionaries from the various countries to link up with each other and to assist the ISS in gaining access to the policy makers in the respective countries. With the exception of Swaziland, Tanzania and Uganda, all SADC countries ratified the Palermo Convention with some not requiring additional legislation to domesticate the convention at the national level since national legislation had already been prepared. The death of Mukelabai was a set back as he had already gained the confidence of other members of the Palermo Group.

It is difficult to depict what the impact of the work by the ISS project in the area of organised crime has been. Nevertheless, there is a clear progress being made in the ratification and implementation of the Palermo Convention, which a presumably will reinforce the resolve to combat organised crime.

## Annex 8 Corruption

### *Introduction*

Whilst there is no universally accepted definition of corruption, it is commonly understood to mean the use of entrusted power for personal gain, in both the public and private spheres.

### *Rationale and objectives*

The rationale for this project component was the weak anti-corruption legislation in many of the SADC states, including the questionable capacity of states and national bodies to tackle the problem head-on. The ISS' declared objective here was "[t]o support SADC with the implementation of the SADC Protocol against Corruption"

The main partners for this specific component were the individual SADC countries, the parliamentary forums, government departments and policy-makers. The SADC states agreed on the need to harmonise their anti-corruption laws, a resolution based on the necessity to give effect to the SADC Protocol against Corruption.

Combined with organised crime the funding for corruption was ZAR 5 320 530, a lesser amount than was dedicated to the terrorism and money laundering components.

### *Deliverables and progress*

For the period 2004-2006, the ISS project set itself different targets within the component of corruption and its deliverables were as follows:

| Deliverable                         | Target  | Delivered*   |
|-------------------------------------|---------|--------------|
| Research/update reports             | 0       | 16           |
| Regional conferences/seminars       | 0       | 1            |
| Monographs                          | 1       | 0            |
| ISS papers                          | 0       | (4 drafts)   |
| Roundtable/expert/workshop meetings | 6       | 5            |
| Regional trips                      | 3       | 9            |
| International trips                 | 6       | 9            |
| CD-rom                              | 3       | 1            |
| Quarterly newsletter                | 5       | (electronic) |
| Website development                 | Ongoing | Ongoing      |

\* These deliverables are available in hard copy and several are available electronically.

Most of the deliverables were met, except the required monograph that was not delivered. Instead a number of ISS papers were to be published in 2007. On the other hand, the staff made many more international and regional trips than had been originally planned.

The first indicators set out to provide "ongoing research reports and recommendations to the SADC Secretariat and other role players on the formulation and implementation of a SADC Regional Strategy against Corruption". In total, the ISS produced twelve research reports and

handbooks. According to the ISS the five published handbooks were well received and widely distributed amongst SADC's anti-corruption bodies.

The second indicator, namely making "[s]ubstantial progress towards the ratification and implementation of the SADC Protocol against Corruption by the majority of SADC countries by the end of 2006", evidenced progress. The Protocol entered into force in July 2005 with the ratification by the ninth SADC country. At that time, the majority of the countries had yet to incorporate the provisions of the protocol into their national laws. The handbooks produced were meant to facilitate this incorporation. An apparent barrier has been the lack of political will on the part of some governments to give domestic effect to the protocol. Although the handbooks were practically helpful in the sense that they analysed the SADC, UN and the African Union's anti-corruption conventions comparatively, scant use was made of them either by some the countries or by the SADC secretariat.

The monthly e-briefing, called "Umqol'uphandle – South Africa Corruption Briefing", documented incidences of corruption in South Africa and the SADC region and helped to stimulate debate on effective anti-corruption strategies. Another deliverable is the Southern African Information Portal on Corruption (IPOC, [www.ipocafrika.org](http://www.ipocafrika.org)), containing a database, a blog, case studies, links, events and news related to the issue of corruption.

### ***Outcomes***

The ISS has become the only regional institution to have developed institutional and resource capacity on this crucial topic, the awareness of which has been enriched by case studies such as those connected to the Lesotho Highland Water Project.

The ISS provided some input into the draft SADC regional anti-corruption programme, which was adopted in 2004 by SADC government officials and submitted to a meeting of SADC minister for eventual approval by SADC head of states. The endorsement made by the 13 heads of states enabled a more effective working relationship than with the SADC Secretariat. In the final project report, however, it was noted that nothing happened from the side of the SADC Secretariat to give effect to the protocol or to make use of the handbooks that were distributed to governments in various SADC countries. This was seen as a major barrier in implementing the SADC protocol. The inactivity of the Secretariat resulted in the fact that the handbooks could not be used optimally.

The risks involved in making public the incidence of the crimes such as corruption in a particular country are real. For example, the publication of such material is exploited by opposition groups within a country to embarrass the government of the day. This in turn, makes it difficult for ISS to gain the confidence of the government of a particular country whose cooperation it relies upon to give it effect to the implementation of the provisions of the international obligations.

The sudden death of the senior researcher responsible for the component on corruption, Mr Mukelabai, in September 2005, put things on hold.

## ***Conclusions***

The ISS' work on galvanizing states into addressing corruption remains highly relevant. The ISS is making a positive impact, but much more can be achieved with the co-operation of the SADC secretariat which should serve as the driving force behind this initiative. But ISS will continue to be relied upon for providing the findings of research and emerging trends. An example of state reliance on the expertise of ISS here is evidenced by the fact at the 2006 Namibia Conference on Corruption in SADC countries, the ISS, together with SAHRIT, were the two organisations invited to provide inputs and briefings on this topic, quite apart from the fact that they were entrusted with co-running conference. ISS also participated in a post conference special session that was convened with the specific aim to give effect to the need to move concretely towards implementing the Anti-Corruption Protocol.

While some respondents regretted the apparent inertia of the SADC secretariat in leading the way on the anti-corruption front, others believe that there are clear signs that it is not so much a matter of debilitating institutional bureaucracy which impedes progress, but that it is more the personal disposition and amenability to suggestions of the incumbent interlocutor that matters. The latter group believe that the Secretariat is, in fact, becoming more accessible and responsive in its interaction with those who wish to engage with it. This looks like a promising development. We do not believe that ISS can do anything more than continue to maintain its in-depth research on this topic and seek to enlist the Secretariat's support and co-operation in co-ordinating the legislation within the SADC region. If anything, we are persuaded that ISS stay its course on this theme, using its proven useful partners such as SARPCCO to edge ahead. The fact of the matter is that the SADC Secretariat eventually will have to come on board, one way or the other.

## **Annex 9 The Resource Centre**

### ***Objective***

In addition to the four thematic components, the ISS project was to establish a resource centre housed in the offices of the ISS Cape Town Office. The objective for this centre was “[t]o establish a resource centre on terrorism, money laundering, organised crime, and corruption that provides free access to relevant publications and information, and to provide for the effective dissemination of information about the above four focus areas”.

### ***Findings***

The resource centre, which was established in the beginning of 2004, developed in proportion to the research outputs of the project. It is used to keep all documents and ISS publications, both in hard copy and online. These documents cover all the projects on which the ISS is working, not only those pertaining to the office in Cape Town. In addition to the ISS material, the resource centre purchases books relevant to the thematic areas, which are ordered by the researchers working in their respective areas. These books are referenced and are used both by the ISS research personnel and are made available for onsite usage. In other words they cannot be taken out for use outside the centre. Beyond this the resource centre has a collection of newspaper clippings pertaining to the project areas. These are available on file and are also scanned.

The centre subscribes for English language local and national newspapers that are known for their wide coverage of socio-political and economic issues. The centre also subscribes for the *Noseweek* which is a critical journal known for its investigative journalism on issues pertaining to corruption and money laundering.

These publications are sold at a nominal price, but are made available free of charge to students and organisations that cannot afford to buy them. All publications can be downloaded free of charge from ISS’ website. The materials being published by the centre are advertised at major conferences in the sub-region and internationally, and have even been put on display at the Cape Town book fair which attracts a large number of visitors.

As the objective of this component refers to, the resource centre is also meant to disseminate information on terrorism, money laundering, organised crime and corruption. The resource centre has a list of subscribers who receive regular updates of ISS publications online. The subscribers can themselves choose what thematic areas these updates shall cover. ISS staff, however, recognises the need to think through dissemination strategies for its publications. The suggestion of recruiting a communication advisor or similar is currently being considered.

The ISS as such puts much emphasis on its homepage, [www.iss.co.za](http://www.iss.co.za). Here one may gain to access ISS publications and subscribe for e-alerts, which give an update on the latest ISS publications. According the ISS’ own statistics, this websites has more than 2 million hits per month. This would indicate that the publications, including those from the ISS project being evaluated, potentially have a wide circle of readers.

## ***Conclusions***

The resource centre was established more or less according to plan, providing ISS publications to the public. The dissemination and the accessibility of the ISS publications are prerequisites for the actual use of the publications. While some of the interviewees had used the ISS publications frequently, there was a tendency that partner organisations would be aware of these publications but not actually reading them and thereby applying them in their work. A more coherent communication strategy might therefore help improve the use of ISS publications.

The resource centre is physically placed in Cape Town, South Africa, despite the ISS project being a SADC oriented initiative. One of the interviewees raised the concern that ISS publications are not readily available in the SADC countries and that there is a need to decentralise the availability of the ISS literature. The need for a decentralised distribution of the literature is particularly plausible given the fact that many people in the SADC region who might wish to learn more about the crimes in question, have no access to internet facilities.

Although there is a need for the work of the ISS to be made more publicly available, especially to the civil society, it will be fairly stretched to satisfy the need to host public talks, given that the fact that the ISS has a limited staff who are themselves fully occupied conducting research.

It is necessary for the centre to keep records of how frequently its publications are cited in other publications and in the public media. This would indicate to what extent the publications serve as a useful source of information on the thematic areas in which the ISS is engaged.





