

## **Controlling Transnational Organized Crimes (TOCs) in Ethiopia: Issues, Challenges and Opportunities**

Biruk Paulos

### **Abstract**

This article explores the challenges and opportunities of the counterstrategies to addressing transnational organized crime (TOC) as a security issue in Ethiopia. The study on which this article is based was motivated by two main questions: first, what are the factors that underlie TOC in Ethiopia? Second, what are the challenges of, and limitations to, Ethiopia's counterstrategies against TOC? The goal of this study was to identify the factors that foster transnational organized crime in Ethiopia, and provide a research-based theoretical and practical explanation about the approaches Ethiopia should follow to tackle the problem of TOC. The study was dependent on secondary sources of data, and identified various counterstrategies on TOC including a Law and Order Approach, Enterprise Approach, Development Approach, Security Approach, Administrative Approach and Integrated Approach. The article presents a theoretical explanation of the counterstrategies against TOC based on theories of change. Accordingly, legislative gaps, lack of a national guiding strategic document on TOC, weak institutional cooperation, the complexity of investigating and prosecuting TOC, corruption in the public sector, and convergence of terrorism with TOC, have been identified as the major challenges of addressing TOC in Ethiopia. On the other hand, enhanced mutual legal assistance and extradition processes, expanding the presence of Ethiopian law enforcement agents abroad, collaboration with INTERPOL, and rigorous legislative reform as regards TOC have been elaborated as the main opportunities for dealing with this crime in Ethiopia.

**Keywords:** Transnational Organized Crime (TOC), security issues, counterstrategies

### **Introduction**

Transnational Organized Crime (TOC) is identified as one of the most serious global security threats today. Transnational Organized Groups (TOGs) generate at least \$6 trillion dollars in illicit activities annually (Zabyelina, 2013). Usually, this illicit money disrupts free markets by detracting from the global gross domestic product (GDP) and finance criminal activities that undermine both democracy and global stability, and victimize unstable governments through bribery, violence, and terror (Reitano, 2016). The organized crime consists of sophisticated groups and networks that aim to obtain power, influence, and monetary and/or commercial gains by operating illegal, international enterprises that are capable

of moving people, drugs, money, and weapons across borders (Abadinsky, 2010). Large, stable, structured criminal organizations operate in a number of countries, engaging in a plurality of money-making activities and usually also claiming some control over the political, economic, and social life of their home areas of settlement (Paoli, 2014). These transnational criminal networks are growing and diversifying their illicit operations resulting in the dangerous convergence of threats that have evolved to become more complex, volatile, and destabilizing (Tuathail, 2007). There are multifarious criminal organizations that operate across all continents posing serious security challenges to states.

These criminal organizations create a security challenge for both developing and developed countries of the world. For instance, the most infamous criminal organizations in the world, including: the Italian mafia (Italy), the Italian-American mafia (U.S.), the Russian mafia (Russia), organized crime syndicates in Colombia, Mexican drug cartels (Mexico), the Chinese Triads and other forms of Chinese organized crime groups (China), the Japanese Yakuza (Japan), and West African organized crime syndicates notably in Nigeria are all engaged in all sorts of transnational organized crime including drug trafficking, human trafficking, money laundering, and terrorist financing. The activities of these criminal groups endanger the security of states in whose territory the operations take place. Transnational criminal organizations can pose serious threats to the security of their host and home states (Williams, 2008). TOC challenges states' stability and undermines the democracy in many areas of the globe, especially in the weak states and where pluralist regimes are not consolidated (Stoica, 2016, p. 15). For example, at one time, Guinea Bissau had become a narco-state following the capture of the state by narcotic traffickers in cahoots with the states security forces. An additional concern is that a significant portion of TOC networks operate within weak states because they can operate with criminal impunity (Iwanenko, 2014, p. 25). Besides, transnational criminal activities pose threats to the political, economic and social stability and development. TOC can both promote instability and retard development (UNODC, 2011, p. 21).

The ever growing and transmuting nature of TOCs, particularly in the post-cold war era, have called for normative responses at global, regional and national levels. Accordingly, several multilateral treaties<sup>8</sup> have been negotiated by states on the most serious and rampant sorts of TOCs. These multilateral treaties directly or indirectly attempt to tackle the negative consequences of such organized crimes

<sup>8</sup> The major treaties on TOC negotiated under the auspices of UN include United Nations Convention against Transnational Organized Crime of 15 November 2000 (Palermo Convention); and the two additional protocols, Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children; and Protocol against the Smuggling of Migrants by Land, Sea and Air. Besides, there are other legal instruments that deal with TOC at global scale. These include the International Convention for the Suppression of the Financing of Terrorism 1999; Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition; UN Single Convention on Narcotic Drugs (1961), amended by its 1972 protocol; UN Convention on Psychotropic Substances (1971); United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988); and the UN Convention on Against Corruption 2003.

including, but not limited to, drug trafficking, all forms of human trafficking, trafficking in firearms, money laundering, terrorism, corruption, wildlife trafficking and piracy. These treaties identify transnational organized crimes as a threat to global peace and security; as activities corrosive to global development; as activities ensuing in massive human rights violations; and as activities that endanger the natural environment (Laan, 2017).

At Regional level, all regions including Africa, America, Asia, Europe and the Middle East have identified TOC as a regional security threat. Accordingly, they have adopted several legal instruments<sup>9</sup> that deal with many aspects of TOC. At national levels, the great majority of states have amended and adopted new laws in response to the growing threat of TOC (Ohr, 2010; Lewerenz, 2013; and Haken, 2011). In sum, transnational organized crime has gone global, but effective global responses have not been developed. As it could be established from preliminary research and pieces of literature, transnational criminal crimes in all forms including human trafficking, drug trafficking, wildlife trafficking, and trafficking in small arms have been rampant security issues for many world states across every continent. As Official reports by UNODC and IOM reveal, Ethiopia has been source country for illegal immigrants and a transit country for drug trafficking networks particularly from West Africa and a destination country in case of small arms trafficking (UNODC, 2009; IOM, 2015).

There are different approaches against TOC which countries use to establish their policies in order to tackle the problem of TOC. The approaches are developed based on the perceived impact of TOC in a specific sector (Kleemans, *Theoretical Perspectives on Organized Crime*, 2014). For instance, perceiving TOC as a danger or threat to the justice system in a country yields in responding to TOC based on legal control mechanisms. The different perspectives on the counter strategies of TOC are discussed as follows.

The Law and Order Approach provides that TOC seriously jeopardizes the justice system by impairing criminal investigation and prosecution process through corruption and impunity (Congram, 2013). Thus, according to this approach, TOC can only be dismantled through establishing an effective justice system free from corruption (Benson, 2008). Besides, it is reliant on access to intelligence, an ability to use sufficient force and counter-trafficking measures, as well as a strong

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<sup>9</sup> The major regional legal instruments that deal with TOC include the Council of Europe's Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, Nov. 8, 1991; Treaty on European Union, Provisions on Police and Judicial Cooperation in Criminal Matters; Convention relating to extradition between the Member States of the EU 1996; Convention on Mutual Legal Assistance in Criminal Matters between the Member States of the EU 2000; Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA); Inter-American Convention against Corruption; and Inter-American Convention on Mutual Legal Assistance in Criminal Matters; the Revised AU Plan of Action on Drug Control and Crime Prevention (2013-2017); ASEAN Leaders' Declaration on Drug-Free ASEAN 2015; ASEAN Convention Against Trafficking in Persons, Especially Women and Children; and the Arab Convention against Transnational Organized Crime.

policy framework and the public availability of knowledge relating to the risks and costs of illegal activities. This approach has been the most dominant and widely applied strategy for controlling TOC in many countries since the problem of TOC has for long been seen as the problem of the law enforcement only. However, this sector-specific view of counter TOC strategy has been seriously crippled. It needs to be combined with other approaches for its effective implementation.

The Enterprise Approach deals with TOC as an illegal enterprise which works based on the principle of demand and supply of illicit goods and services greatly diminishing the legitimate economy through tax evasion and unfair large revenue. This approach considers TOC as the extension of legitimate market activities into illegal spheres (Liddick, 2006). Illicit financial flows, illicit trade, fraud and counterfeiting serve as massive drains on the productivity of nations, for the potential for equitable and sustainable economic growth, and for the capacity of governments to provide services to their citizens (Kleemans, 2013). For example, recent studies have shown that illicit financial flows in some countries can equate to 25% of the value of all goods imported. According to this approach, controlling TOC is impossible without disrupting the established illicit markets. Thus, strategies should focus on destroying illicit markets rather than apprehension and punishment of criminals.

The Development Approach identifies TOC as a challenge to sustainable development. While organized crime has a substantial and multi-faceted impact on efforts to end poverty and reduce inequality, it has tangible and measurable impacts on the capacity of people to achieve sustainable livelihoods (SWP, 2014). TOC is an important development issue; it can undermine governance systems, increase levels of violence and insecurity and trap communities in cycles of poverty. However, the relationship between TOC and poverty is complex and multi-faceted, and simplistic assumptions about this relationship should be avoided (Tim Midgley, 2014).

The Security Approach proposes to fight TOC as a security threat to a state and its society (Carrapico, 2014). This approach takes TOC to the forefront of the political agenda. The basic message of the security approach is that people matter and that the focus has to be on their vulnerabilities, which can also mean that state structures, like the police and the judiciary, need to be strengthened — albeit with a view to securing human rights and ensuring democratic governance. The state has the primary function of protection, but the protection needs to be provided in such a way that the security of the citizens is in the foreground (Wolfgang Benedek, 2010).

An administrative approach to serious and organized crime involves preventing the facilitation of illegal activities by denying criminals the use of the legal

administrative infrastructure as well as coordinated interventions ('working apart together') to disrupt and repress serious and organized crime and public order problems (A.C.M. Spapens, 2015). An administrative approach applied in addition to or coordinated with the traditional instruments of criminal law is a potentially powerful tool to prevent and combat serious and organized crime.

The Integrated Approach provides that the global and complex challenge of TOC can only be addressed via a holistic approach involving different stakeholders at multiple levels, including local communities, and fostering efforts on several fronts including political commitment, law enforcement, prevention and cultural change through education -especially to curb demand for illicit products (WWF Global, 2015). The UN President of the General Assembly has held a high-level debate on the counter strategies on TOC and has underlined the importance of a comprehensive, multi-dimensional and collaborative approach to finding practical and sustainable solutions to counter organized crime throughout the world (Thomson, 2017). According to this approach, combating TOC can be effective if different actors and institutions at the national, regional and international levels engage in numerous activities at the prevention, containment and combat level, which include the sharing of information, police cross-border cooperation and the harmonization of legislation, to counter transnational criminal networks (Goehsing, 2006).

Ethiopia has responded to the problem of organized crime particularly through legal reform and adoption of new laws related to TOC. For instance, Ethiopia revised its penal code in 2004 in order to address crimes born out of advancements in technology and to stiffen punishments in some organized crimes including human trafficking, narco-trafficking, piracy, and corruption. Besides, a new proclamation<sup>10</sup> was proclaimed in 2015 to prevent and suppress human trafficking and migrant smuggling in Ethiopia. The Proclamation contains seven parts and 50 articles. It defines the offence of trafficking in persons, assisting and facilitating trafficking in persons as well as smuggling migrants. It details the penalties for each of the offences, which are increased when the victim of trafficking or smuggling is a child, a woman or a person with a disability, or suffers any psychological or physical harm or when the trafficker or smuggler uses drugs, medicine or weapons or is a person in the public service, a civil servant or a recidivist. The Proclamation also sets out procedures for the investigation of smuggling and trafficking offences as well as establishing procedures for the protection and rehabilitation of victims of trafficking. It establishes a Fund to prevent, control and rehabilitate victims of crimes of trafficking in human and smuggling of migrants and establishes a national committee to oversee the implementation of the law.

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10 Proclamation No.909/2015 Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants

The Ethiopian response on TOC seems to have focused on legislative reforms and law enforcement as a counter strategy. Besides, although there are various forms of organized crime in Ethiopia, the Ethiopian approach to control organized crime seems to focus more on human trafficking and drug trafficking problems leaving aside other transnational serious crimes, for example, wildlife trafficking, small arms trafficking and trafficking in antiquities or cultural properties which are common in Ethiopia. Thus, this paper strives to assess the theoretical and practical approaches; Ethiopia employs to tackle the problem of organized crimes and international criminal networks intending to identify the challenges and prospects of controlling TOC in Ethiopia.

### **Conceptual and Theoretical Perspectives on TOCs**

There is definitional ambiguity concerning Transnational Organized Crime (TOC). Transnational organized crime as an analytical concept and social phenomenon remain somewhat elusive. Despite significant efforts by scholars from a variety of social science backgrounds (Criminology, Sociology and Law) to explain its motives, structures and societal impacts, the study of organized crime is still in its infant stages and has not yet yielded a cohesive and cumulative body of knowledge (Schultze-Kraft, 2016). From the perspective of criminology, TOC is defined as ‘a continuing criminal enterprise that rationally works to profit from illicit activities; its continuing existence is maintained through the use of force, threats, monopoly control, and/or the corruption of public officials’ (Albanese, 2014). This definition emphasizes the reason why organized crime emerges and sustains within the context of national jurisdiction. It does not give an explanation on how these organized criminals operate across borders. From a sociological point of view, TOC is a non-ideological enterprise involving a number of persons in close social interaction, organized on a hierarchical basis, with at least three levels/ranks, to secure profit and power by engaging in illegal and legal activities (Abadinsky, 2010). According to this view, organized crime refers to a formal organization with a hierarchical power structure, a clear division of labour, and a network of resources that are focused on illegal activities or trafficking. From a legal perspective, TOC refers to those self-perpetuating associations of individuals who operate internationally for the purpose of obtaining power, influence, monetary and/or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption or violence (Peterke, 2016). Since there is no globally agreed definition of transnational organized crime, I subscribe to the definition provided by the United Nations Convention against Transnational Organized Crime (UNTOC) for my analysis. In fact, the convention does not directly define ‘transnational organized crime’ but rather, defines ‘Organized Criminal Group’ as follows:

Article 2. Use of terms: For the purposes of this Convention: (a) “Organized criminal group” shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.

Thus, according to this provision, it can be inferred that transnational organized crime is any serious transnational offence undertaken by three or more people with the aim of a financial or other material gains. The UN’s definition of TOC is universally accepted by practitioners as well as by academics and broadly illustrates the essential elements of transnational criminal networks (Goehsing, 2006). At the same time, it distinguishes transnational criminal networks from terrorist organizations or criminal gangs. The reference to “financial or other material benefit” is intended to exclude groups with purely political or social motives (Legislative Guides to the Convention and Protocols, 2004, p. 13). However, it does not consider the loosely structured and fluid nature of most organized crime syndicates. Smuggling networks in East Africa, for example, have loose formations which constantly change, depending on the desired criminal objective (UNODC, 2013). The definition of TOC provided by UNTOC slightly modified as follows will be used for this paper:

A structured group of three or more persons and/or [loose network of individuals or groups] that exists over a period of time, the members of which act in concert aiming at the commission of serious crimes in order to obtain a direct or indirect financial or other material benefit.

But, why should transnational organized crimes be controlled? In effect, what threats do TOCs pose and how can these be controlled and addressed? These are basic theoretical questions that demand a theoretical explanation. Traditionally, security has been defined in terms of national security only. National security is the safety of a nation against threats such as terrorism, foreign invasion, war, or espionage. But after the Cold War, the traditional concept of security, as a national security only, has been re-conceptualized to include human security perspectives to it. This establishes that TOC threatens both national security and human security. Transnational organized crime networks are potent threats to a state’s national security and human security because of a number of reasons (Srikanth, 2014). For instance, TOC violates the internal sovereignty of a state in promoting corruption, weakening state institutions and increasing criminal impunity.

The conceptualization of TOC as a non-traditional or soft security threat warrants an analysis at three levels: international, national and individual. The analysis of TOC is different from the analysis of traditional or hard security threats because it does not directly jeopardize the territory and sovereignty of a state (Đorđević,

2009). TOC as a non-traditional security threat can be explained as a phenomenon which jeopardizes the identity of a state, which includes its form of government, policies and the way this state is perceived by other states in the sphere of international relations. At the international level, TOC undermines norms and institutions<sup>11</sup> on which the international system is founded and functions. At the national level, TOC can jeopardize the internal stability of a state through the influence on key political actors because of their incapability to effectively confront organized crime, or because of their involvement in various criminal activities. For example, in Colombia, the Medellín cartel posed a direct threat to the Colombian government and, despite the death of Pablo Escobar, the cost has been enormous (Williams, 2008). The Colombian judiciary has been decimated, violence has, at times, reached levels characteristic of small civil wars, and the threats posed by the narcotraficantes have dominated Colombian political and economic activities. The cartels have threatened the country's democratic values by killing journalists critical of their activities and corrupting the institutions of the state. This leads to public distrust on the part of civil society. In the end, TOC jeopardizes human security whereby a sense of insecurity is created. TOC does not represent a security threat only for weak states such as Ethiopia, Columbia, Bolivia, Afghanistan or Kazakhstan, but also for more stable and/or developing countries such as the USA, Germany, France or Mexico (Đorđević, 2009).

What strategies a country should follow to address the problem of TOC can be explained briefly based on change theories. Thus, the following six theories of change are used to address the question; (Deterrence; Severing the links between politics, the state and crime; Managed adaptation of crime to minimize negative impacts on violence, security and conflict; Cultural change; Economic transformation; and Global regulation). These theories of change seek to identify and make explicit the beliefs, assumptions and hypotheses about how change happens and below are their brief explanations.

**Deterrence Theory.** The theoretical logic underpinning deterrence emerges from classical theory, in which crime is considered a rational choice influenced by costs and benefits: as the costs of crime increase, crime will be deterred, particularly when its costs are certain and immediate and are experienced either directly or indirectly (Tim Midgley, 2014, p. 10). Deterrence strategies, especially when employed in conjunction with other approaches, can be effective in limiting the prevalence of TOC. However, they can also have significant unintended consequences on levels of violence. This remains the most dominant approach to addressing TOC, although that dominance is diminishing as the weight of evidence supporting newer approaches becomes stronger.

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<sup>11</sup> For example, TOC violates international norms such as state sovereignty and territorial integrity; besides, it undermines the global financial institutions specially the World Bank and IMF.

**Severing the Links Theory.** This theory expounds that politics, state institutions and crime have been closely associated with each other for many years, and the last 30 years have seen a significant increase in the scope and scale of criminal integration and capture of political processes and actors across many contexts (UNODC, 2013; Burcher, 2013). This relationship can be of mutual benefit to TOC and political actors: politicians can use organized crime networks to intimidate or manipulate opponents or the public, distort judicial or administrative processes, gain access to illicit revenue flows or buy votes and support across large parts of a country. TOC networks conversely can make use of political influence to protect or further their interests, for example, by using state resources, including the security services, to pursue and destroy competitors (ibid). According to this theory of change, If we increase accountability and transparency in how political and official decisions are taken, then the level of interaction between TOC networks and the state will reduce, because local people will be empowered to demand that politicians and officials respond to their needs (rather than to the needs of criminal groups), state actors will feel compelled to resist co-optation by criminal groups because of the risk of being exposed by oversight mechanisms, and their incentives to develop links with TOC will be reduced (Tim Midgley, 2014, p. 16).

**Managed Adaptation Theory.** This theory of change focuses on the prevention of harm rather than the prevention of the illicit activities themselves. Thus, it contends that if we encourage people engaged in illicit activities to access social welfare services, selectively target specific criminal actors or activities and seek negotiated settlements with some criminal actors, then the negative impacts of transnational organized criminal networks on violence, conflict and insecurity will be minimized (Schultze-Kraft, 2016, p. 26). This will happen because people will be more willing to engage with state service providers (including health, education and security and justice providers), resources will be freed up to target the most violent criminal actors whilst illicit activities will be confined to specific areas, thereby insulating the wider population from the negative impacts of the criminal networks on conflict.

**Cultural Change Theory.** This theory explains that TOC frequently depends upon strong linkages to at least part of the communities in which it is based. Accordingly, if we improve trust between security providers and local people, and convince local people of the positive benefits of withdrawing community support to TOC, then communities will reduce their support to TOC and governments will gain tactical advantages in their efforts to enforce the rule of law, because communities will see the benefits of providing better intelligence and greater bonds of trust will be developed between communities and governments (Tim Midgley, 2014, p. 26).

**Economic Transformation Theory.** TOC is often assumed to flourish in contexts where state capacity is weak or absent, and where institutional capacities to limit and prosecute violence are ineffective (Shelley, 2005). As states become more developed economically and stronger institutionally, it is assumed that their capacity to enforce laws and regulate crime within and across their borders will improve. Thus, according to this theory, if we can promote economic development in contexts heavily impacted by TOC, e.g. by promoting economic growth and diversification, improving equal access to economic opportunities and jobs, then the negative impact of TOC on conflict and insecurity will be diminished (ibid., 2014, p.30). This will happen because poor people will have access to livelihood alternatives which will preclude their involvement in illicit income-generating activities and because the state will have a stronger economic base from which to uphold the rule of law.

**Global Regulation Theory.** This theory explains that TOC networks are able to exploit the lack of global integration of the rule of law frameworks and institutions to evade capture or sanction, for example by basing operations in a country where the threat of sanction is low due to weak or under-developed legal frameworks (ibid, 2014, p.35). Equally, TOC networks may choose to base themselves in, or develop within, contexts where the capacity or willingness of the state to actively pursue them is poor.

These theories of change are used by a majority of the approaches and strategies that are employed to address transnational organized crime. Thus, I will use these theoretical frameworks to analyze the challenges and prospects of the Ethiopian approaches to counter-transnational organized crime.

## **The Global Trends of TOCs**

Over the past two decades, as the world economy has globalized, so has its illicit counterpart. The opening of markets and rapid expansion of global trade has allowed for TOC networks to transport contraband goods (including people, drugs, arms, counterfeit goods, etc.) more easily and cheaply than ever before (Tim Midgley, 2014). The global impact of transnational crime has risen to unprecedented levels. Criminal groups have appropriated new technologies, adapted horizontal network structures that are difficult to trace and stop, and diversified their activities. The result has been an unparalleled scale of the international crime.

The recent trends of illicit activities within organized crime in various areas in the world (North America, Central and South America, Western Europe, Eastern Europe, Africa and the Gulf States, Asia and Oceania) are briefly discussed as follows.

In North America (the United States and Canada), Colombian cocaine cartels, Jamaican Posses, Russian organized crime groups and Chinese Triads all have a strong and growing presence in the United States and are involved in large-scale drug trafficking, money laundering, smuggling people across the borders and loan sharking (Sabrina Adamoli, 1998, p. 34).

Central and South American countries are melting pots for organizations such as the Cartels, Italian and US Mafia, Lebanese and Nigerian syndicates and even newcomers from Eastern Europe (Marine, 2010). The criminal activities range from the production and sale of illegal drugs to support for terrorist groups, smuggling of cars and people, engaging in financial and banking fraud, smuggling of embargoed commodities, and laundering huge amounts of illicit money.

Western Europe is a cross-roads for criminal groups operating internationally. From the West, Colombian cartels (with their allies like Galicians in Spain and the Mafia in Italy co-operate with the cartels to import and distribute cocaine in the whole of Europe); From the South, Nigerian groups and other groups from the Maghreb area are involved in the importation of hashish; From the East, Chinese Triads have established stable communities in Spain, the Netherlands, the United Kingdom, Italy, Austria, Belgium and Portugal. The main activities of these organized groups include drug trafficking, migrant smuggling, local extortion, illegal gambling and prostitution rackets (Rees, 2017).

In South East Asia, there is widespread drug production and trafficking, prostitution, gambling, fraud, smuggling, trafficking in migrants with a view to their exploitation, and significant levels of money laundering. This is mainly due to the presence of well-established international organized rings throughout the region. Most of these organizations are internationally notorious and raise severe problems at the global level because of the transnational nature of their activities. Chinese Triads and Japanese Yakuza are the best-known groups operating in the sub-region (Williams, 2008).

Turning to the control of drug markets in the African continent, the power of Nigerian criminal organizations, together with Namibian, South African and Zambian groups, should not be minimized. These powerful criminal organizations (especially the Nigerian ones) are also very active in other criminal fields like the smuggling of goods, fraud, and vehicle thefts (Vorrath, 2015). For instance, Nigerian criminal enterprises continue to expand their operations, not only throughout the continent, and especially in West Africa, but also in North and South America, Europe and Asia. In Africa, Nigerian traffickers use Ghana, the Ivory Coast, Senegal and South Africa as springboards for the transporting of heroin and cocaine to Europe and the United States (Alemika, 2013).

There are organized criminal groups in the Horn of African region who are engaged primarily on human trafficking, smuggling of migrants, small arms trafficking and wildlife trafficking. As it concerns organized human trafficking, Ethiopia is identified as a source and transit country (UNODC, 2013). Many Ethiopians, Eritreans and Somalis are engaged in human trafficking and migrant smuggling enterprises in three main routes in the Horn: the Eastern route, that links the Horn with Arab countries; the Southern route, that extends from the Horn region to South Africa as a primary destination; and the Northern route, that connects the Horn region with European countries as final destinations (Goitom, 2015). Besides, Ethiopia is mentioned as a transit country in drug trafficking cases. Several drug traffickers, particularly from Nigeria, have been arrested as they transit at Bole International Airport (UNODC, 2013). Thus, organized crime has become a security concern for all regions in the world in general and Africa and Ethiopia in particular.

### **TOCs as a Security Threat**

TOC has been identified as one of the global, regional and national security threats, particularly in the post-cold war era. The international community recognizes that organized crime and its attendant activities (drug trafficking, money laundering, extortion, fraud) pose a dire threat to global stability (Nagle, 2002, p. 8). Some researchers identify Transnational Organized Crime (TOC) as one of the ‘transnational threats’ to the world today including terrorism, the illegal drug trade, illicit arms trafficking, transnational organized crime, uncontrolled refugee migrations, and environmental damage (Tuathail, 2007, p. 6).

Transnational Organized Crimes have manifold security implications. They greatly jeopardize the national security of governments in that they put the licit trade and financial transactions in danger (Williams, 2008). Transnational Organized Crimes are against human security in that they violate virtually all forms of human rights and environmental integrity (UNODC, 2011). These crimes undermine states’ abilities to provide citizens with basic services, fuel violent conflicts, and subject people to intolerable suffering.

Although the actual impacts of transnational organized crimes are hardly calculated, they have a direct or indirect impact on governments, society and the physical environment at global, regional and national levels. The real threat of organized crimes can be understood on the direct and the indirect impacts they pose on states, businesses and the community. Almost all forms of transnational organized crimes have direct or indirect effects. For example, drug trafficking directly affects those drug addicts, their families and the community they live in; Trafficking in children and women for sex and labour, directly violates the human rights of children and women; illegal smuggling of migrants increases the

number of undocumented refugees in the host countries, and such immigrants usually do not get any legal protection even though they are harshly treated by the smugglers themselves and security officers; natural resource smuggling drives ecosystems to the brink of extinction; and trafficking in firearms in conflict zones directly fuels the scale of such conflicts (Adeniyi, 2017). The indirect impacts of transnational organized crimes cannot be easily understood even by crime investigation and prevention authorities unless they are proactive and well trained in how TOCs operate. Some researches show that illicit money (proceeds of organized crimes) are usually invested to boost the economy; however, such economic growths are only nominal, temporary and unhealthy (EU, 2015). Besides, most transnational criminal organizations lie behind the veil when it comes to state-sponsored corruptions and terrorist activities. For example, TOCs form part of the illicit economies in West Africa particularly in Liberia, Sierra Leone and Guinea (Vorrath, 2015); TOCs are at the heart of the war economies at Great Lakes Region in Central Africa (UNDOC,2011); and TOCs are linked to some terrorist groups that operate in Somalia (Picarelli, 2011).

Transnational organized crime has expanded dramatically in size, scope, and influence. Transnational organized criminals are threatening the national interests of world states by: Co-opting some governments and weakening governance in others; forging alliances with government elements including security services and big business figures; undermining competition in strategic markets; providing funding and logistical support for terrorist/insurgent activities; stealing intellectual property; expanding narco-trafficking and engaging in arms smuggling and human trafficking; using cyber technologies to perpetrate sophisticated frauds; using facilitators who operate in the licit and illicit worlds and provide services to criminals and terrorists alike (Albanese, 2014). In years past, TOC was largely regional in scope, hierarchically structured, and had only occasional links to terrorism. Today's criminal networks are fluid, striking new alliances with other networks around the world and engaging in a wide range of illicit activities, including cybercrime and providing support for terrorism (Shelley, 2005).

Virtually every transnational criminal organization and its enterprises are connected and enabled by information systems technologies, making cybercrime a substantially more important concern. TOC threatens international peace and security by taking advantage of failed states or contested spaces (Ohr, 2010); forging alliances with corrupt foreign government officials and some foreign intelligence services (Lewerenz, 2013); destabilizing political, financial, and security institutions in fragile states (UNODC, 2013); undermining competition in world strategic markets (Nagle, 2002); using cyber technologies and other methods to perpetrate sophisticated frauds; creating the potential for the transfer of weapons of mass destruction (WMD) to terrorists (Zabyelina, 2013); and

expanding narco-trafficking and human and weapons smuggling networks (Oucho, 2016). Terrorists and insurgents increasingly are turning to criminal networks to generate funding and acquire logistical support. TOC also threatens the interconnected trading, transportation, and transactional systems that move people and commerce throughout the global economy and across national borders of states.

Although it is next to impossible to list and explain all types of transnational organized crimes in this paper, it is imperative to identify some of the most prevalent organized crimes in the world in general and as it pertains to the security threats in Ethiopia. The most serious transnational organized crimes that affect or threaten security in Ethiopia include money laundering and terrorist financing, human trafficking, drug trafficking, trafficking in firearms, wildlife trafficking, cybercrimes, and piracy (Picarelli, 2011, p. 14).

### **Responses on TOCs: Global, Regional and National Levels**

The ever growing and transmuted nature of TOCs, particularly in the post-cold war era, have called for global, regional and national normative responses. Transnational organized crime is a global threat that requires a coordinated multilateral approach in a large number of areas. More recently, the UN has linked the fight against transnational organized crime to achieving the Sustainable Development Goals (SDGs) by 2030 (Laan, 2017, p. 13). Accordingly, several multilateral treaties have been negotiated by states on the most serious and rampant sorts of TOCs. These multilateral treaties directly or indirectly attempt to tackle the negative consequences of such organized crimes including, but not limited to, drug trafficking, all forms of human trafficking, trafficking in firearms, money laundering, terrorism, corruption, wildlife trafficking and piracy. These treaties identify transnational organized crimes as a threat to global peace and security; as activities corrosive to global development; as activities ensuing in massive human rights violations; and as activities that endanger the natural environment (Laan, 2017). At global level, there are five major international agreements that underpin and provide near-global scope to the efforts to combat TOC and corruption: first, United Nations Convention against Transnational Organized Crime of 15 November 2000 (Palermo Convention); second, the UN Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (Firearms Protocol); third, Protocol against the Smuggling of Migrants by Land, Sea and Air; fourth, Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children; and fifth, the United Nations Convention Against Corruption. Besides, there are other related legal instruments that deal with TOC. On trafficking in wildlife, the Convention on International Trade in Endangered Species of Wild

Fauna and Flora (CITES) is the main instrument; on piracy, the United Nations Convention on the Law of the Sea (UNCLOS) of 10 December 1982 provides for some rules; on migrant smuggling issues, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 18 December 1990, Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) (ILO) Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention of 25 September 1926 (Slavery Convention) prohibit migrant smuggling; on human trafficking, Convention on the Rights of the Child of 20 November 1989; and Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography of 25 May 2000 provide legal obligations on member states to outlaw human trafficking. On money laundering, the 1998 UN Political Declaration and Action Plan against Money Laundering provides general obligations on states to fight money laundering. Although these instruments fail to exhaustively identify various types of TOCs and clearly define them, they provide directions for member states to adopt national laws against organized crimes to foster global regulation on TOCs. At Regional level, all regions including Africa, America, Asia, Europe and the Middle East have identified TOCs as regional security threats. Accordingly, they have adopted several legal instruments that deal with many aspects of TOC. At national levels, the great majority of states have amended and adopted new laws in response to the growing threat of TOC (Ohr, 2010; Lewerenz, 2013; and Haken, 2011).

Accordingly, Ethiopia has also responded to TOC by amending the existing criminal law and adopting new laws<sup>12</sup> on various crimes related to TOC including laws on human trafficking, money laundering, cybercrimes, telecom frauds, terrorism and corruption. In sum, transnational organized crime has gone global, but effective global responses have not been developed. The absence of an effective response hinders social and economic development, including potential economic loss for governments, and has direct consequences on the environment as well as national and international security (WWF/Dalberg, 2012). Law enforcement has historically been a matter primarily of domestic concern (Ohr, 2010, p. 40), but the transnational nature of the transnational organized crimes and the complexity of the criminal networks today demand an international

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12 The new laws adopted in Ethiopia which have significance for controlling TOC include: Proclamation No.734/2012 International Convention for the Suppression of the Financing of Terrorism Ratification Proclamation; Proclamation No. 652/2009 Anti-Terrorism Proclamation; Proclamation No.209/2000 to Provide for Research and Conservation of Cultural Heritage; Proclamation No.735/2012 Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition Ratification Proclamation; Proclamation No.736/2012 Protocol Against the Smuggling of Migrants by Land, Sea and Air Ratification Proclamation; Proclamation No.737/2012 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children Ratification Proclamation; Proclamation No.742/2012 United Nations Convention on the Law of the Sea Ratification Proclamation; Proclamation 780/2013 Prevention and Suppression of Money Laundering and Financing of Terrorism; and Proclamation No. 881/2015 Corruption Crimes Proclamation; Proclamation No. 761/2012 Telecom Fraud Offence Proclamation; and Proclamation on anti-terrorism Proclamation No. 652/2009.

cooperation on the investigation and prosecution of perpetrators for the effective control of TOCs.

## **The Ethiopian Approach on Controlling TOCs**

### ***The Impending Issues***

There are common impending issues that restrain the national and international effort to tackle transnational organized crime. In the first place, by definition, transnational crime crosses borders. But the law enforcement institutions that have developed over centuries were constructed to maintain order primarily within national boundaries (Ohr, 2010). Secondly, in many states, political institutions have strong links to transnational crime, and citizens in numerous communities across the world rely on international criminal groups to provide basic services or livelihoods (Burcher, 2013; Iwanenko, 2014). Thus, policymakers are lenient on how to deal with transnational organized crime as long as it benefits the society. Thirdly, addressing transnational organized crime requires solid data to gauge the challenge and effectiveness of responses (Haken, 2011), but data on transnational organized crime is notoriously difficult to gather and is often politicized. Despite these impending issues, the subsequent section addresses the theoretical and practical challenges and prospects of counteracting TOC in Ethiopia.

### ***The Challenges of Controlling TOCs***

There are several challenges that the Ethiopian approach poses in controlling transnational organized crimes. This section attempts to pinpoint the forefront problems.

The Inadequacy of Laws. Ethiopia has signed and ratified many international treaties in relation to TOC including the United Nations Convention against Transnational Organized Crime; the UN Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (Firearms Protocol); the Protocol against the Smuggling of Migrants by Land, Sea and Air; the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children; and the United Nations Convention Against Corruption; the United Nations Convention on the Law of the Sea ; International Convention for the Suppression of the Financing of Terrorism; IGAD Convention on Mutual Legal Assistance in Criminal Matters; and the IGAD Convention on Extradition. Besides these legal instruments, Ethiopia has adopted a criminal law that punishes national and transnational organized crimes that would otherwise seriously jeopardize the peace and security of the Ethiopian society.

However, there is a discernible gap in the Criminal Code of Ethiopia in that it fails to properly address crimes born of advances in technology and the complexities of modern life that ensued in the wake of globalization. Although the FDRE Criminal Code incorporates transnational organized crimes such as trafficking in women and children ( Article 597), drug trafficking (trafficking in Narcotic or Psychotropic substances)( Article 525), trafficking in natural resources (including soil, minerals, forest products, animals, plants, etc.)(Art 353), prohibited traffic in arms (Article 481), piracy (Articles 273, 670-671,673-674, 683(c), the hijacking of aircraft (Article 507-510), and money laundering (Article 684), the Criminal code does not adequately deal with such crimes with the degree of seriousness they deserve. That is, the punishments provided in the code are not proportionate to the gravity of these crimes. The FDRE Criminal Code does not define ‘Transnational Organized Crime’. Nor does it define ‘Organized Crime’. However, it outlaws and punishes any individual or a group of individuals who engage in criminal activities in partnership with ‘illegal associations’, ‘gangs’, or ‘association of evil doers’. Besides, though the code identifies ‘criminal organizations’ by different nomenclatures including ‘illegal/unlawful associations’, ‘organization of gangs’, and ‘association of evil doers’, it fails to define or at least characterize what such criminal organizations are. Although the new proclamation on Human Trafficking and Migrant Smuggling<sup>13</sup> in Ethiopia provides a clear set of procedures for investigation and prosecution of organized crime, the FDRE Criminal Code of 2004 fails to provide comprehensive, substantive and procedural rules for the investigation and prosecution of other major forms of organized crimes.

In a nutshell, the following are the major challenges for the enforcement of laws against TOCs in Ethiopia; firstly, the lack of clear definition of ‘transnational organized crime’ and ‘criminal associations or organizations’ which makes the interpretation and application of such laws by the Court difficult, because the criminal law employs ‘strict’ and ‘narrow’ rule of interpretation. Secondly, the Ethiopian criminal law does not cover a range of new and heinous sorts of transnational organized crimes and does not prescribe adequate punishment in accordance with the degree of severity. Thirdly, Ethiopia has negotiated only a few number of bilateral and multilateral treaties with those host, transit and destination countries for the extradition of perpetrators who engage in transnational organized crimes to minimize the degree of criminal impunity. The Ethiopian counter approach on TOC seems to be law and order approach in which the law enforcement plays the central role. Reducing the problem of TOC only the problem of the law enforcement will not be sustainable. In fact, though Ethiopia has limited law enforcement and minimal criminal penalties, about 45 Nigerians have been convicted and detained in Ethiopia for alleged drug trafficking and related offences (Adamoli, 1998). But, sufficient laws against

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13 Proclamation No.909/2015 Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants

TOC and the strictest law enforcement measures against organized criminals may not be enough. I argue that an evidence-led integrated approach combining proactive preventive social, economic and political measures with reactive law enforcement measures should be developed, adopted and implemented.

**No Guiding National Strategic Document on TOC.** Combating transnational criminal and trafficking networks requires a multidimensional strategy that safeguards citizens, breaks the financial strength of criminal and terrorist networks, disrupts illicit trafficking networks, defeats transnational criminal organizations, fights government corruption, strengthens the rule of law, bolsters judicial systems, and improves transparency (Iwanenko, 2014, p. 15). But, Ethiopia does not have a national counter-TOC strategy that follows a multidimensional and holistic approach in dealing with TOCs. Besides, the Ethiopian approach has been focusing entirely on the legal control of individuals or organized criminals rather than disrupting illicit markets, fighting institutional corruption and severing the organized criminal networks that foment transnational crimes in Ethiopia. Ethiopia has adopted some laws and established some institutions on some organized crimes instead of addressing the broad spectrum of TOC in the country. For example, there are laws and institutions established to tackle the problem of human trafficking and drug trafficking as organized crimes in Ethiopia while other forms of TOC are not adequately covered in the legal and institutional framework.

**Weak Institutional Cooperation.** The prevention and control of TOCs in Ethiopia require a strong cooperation among all stakeholders at domestic, international, regional and global levels. At a domestic level, there are several stakeholders including governmental institutions, NGOs and other civic organizations who are directly or indirectly engaged in the prevention and control of TOCs in Ethiopia (UNODC, 2013). For instance, the formal Criminal Justice Organs of the government (primarily including the institution of the Advocate General, the Courts, the Police and the Prison Administrations) are vested with the legal authority and general tasks of preventing and controlling all sorts of crimes including TOCs to bring about law and order in Ethiopia. Besides the formal justice organs, there are several NGOs and other non-state actors who are earnestly engaged in the prevention and control of TOCs in Ethiopia. Though some of the TOCs are victimless, most TOCs extremely violate human rights; jeopardize the whole financial system of the country; and endanger the environment and the ecosystem (Olson, 2018). For instance, there are numerous NGOs mostly international NGOs<sup>14</sup> who are actively engaged in the protection

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14 HRW - Human Rights Watch; AHR - Advocates for Human Rights; AI - Amnesty International; ECLJ - European Centre for Law and Justice; EWHRA - Ethiopian Women's Human Rights Alliance; HRLHA - Human Rights League of the Horn of Africa; Forum on Street Children-Ethiopia (FSCE); Save the Children; CARE, Catholic Relief Services, and the World Vision are some of the NGOs operating in Ethiopia assisting the fight against TOC as human rights and development problem.

and safety of the most vulnerable segments of the community in Ethiopia. There is no consultative forum for all stakeholders against TOC in Ethiopia to make synergies and combine efforts to counter TOC (Clark, 2000). Thus, disjointed efforts, a lack of understanding, and limited motivation to participate characterize the current state of affairs on combating TOC in Ethiopia. At the international level, although organized crime has become an international phenomenon, there is limited communication, coordination and cooperation between justice agencies and governments in general worldwide when it comes to organized crime-fighting issues (Lewerenz, 2013).

**The Complexity of TOCs.** Transnational Organized Crimes are too complex in nature to be easily understood by ordinary criminal justice organs, law and policy makers and other stakeholders who collaborate to combat them (Ohr, 2010; Shaw, 2015). Ordinary crimes are easily understood and generally rather visible to prevent and control by the regular justice organs (ibid). However, transnational organized crimes involving governmental corruption, business fraud, bid rigging and price fixing, price overcharging, stock and bond manipulations, computer hacking, etc. are rather invisible and require audits, specialized skills, precise investigations of financial transactions and a corresponding grasp of complex accounting and business matters (Burcher, 2013). There are four hurdles here: first, the ordinary police and law enforcement organs in Ethiopia are not even aware of the problem of transnational organized crimes- most police are assigned to investigate traditional crimes, not transnational organized crime (UNODC, 2013); second, although the investigation, detection and apprehension of TOC requires superior skills and experience, there is a short supply of well trained and experienced police investigators (UNODC, 2013); third, even though there are public prosecutors who are highly educated, trained and experienced in dealing with other forms of organized crimes including terrorism, corruption and computer crime cases, these prosecutors lack the required skills and experiences when it comes to prosecuting transnational organized crime; and fourth, the judges in Ethiopian courts are not in a position to effectively handle cases involving transnational organized crimes in their complexity. Particularly, they have difficulty in evaluating digital evidence, expert testimonies, and forensic evidence which are crucial in deciding organized crimes<sup>15</sup>. I have personally observed this when I would work as a public prosecutor at the Hadiya Zone Justice Department.

**Corruption in the Public Sector.** Organized crime has the ability to take advantage of the corruption within the justice system (Reinares, 1998, p. 10).

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<sup>15</sup> Most cases in organized crime investigation, prosecution and trial depend on evidences from electronic and digital sources. However, the Courts in Ethiopia do not have the necessary technological devices to retrieve and make use of these evidences. Besides, there is extremely limited technology as it pertains to forensic evidence collection and presentation to the Court during trial.

Compromising just one component of the system can effectively neutralize the entire system. Transnational organized crime depends on high levels of systemic and institutionalized corruption (Shelley, 2005, p. 7). Poverty and weak governance also increase the potential for corruption, rendering Eastern Africa, including Ethiopia, a relatively attractive region to transnational organized crime (UNODC, 2013, p. 3). For instance, many organized groups<sup>16</sup> in Ethiopia send thousands of people primarily to Arab countries, Europe and South Africa for work. In 2012, about 85,000 people mostly unskilled labourers and domestic workers from Ethiopia arrived in Yemen (ibid). Many Ethiopian, Eritrean and Somali agents and organized groups are engaged in this business without a licence from their home. Countries. Public sector corruption has shown a significant increase in Ethiopia as of 2007 (Pathak, 2007). Thus, Corruption in the public service sector will definitely foment TOC in Ethiopia unless action proper action is taken to reduce it.

**Convergence of Terrorism and TOC.** The line between terrorism and TOC has become increasingly blurred as these organizations discover common interests and learn from one another. Indeed, terrorism and TOC comprise a new, hybrid threat rather than two separate problems (Iwanenko, 2014). Terrorists have discovered the advantage in using existing TOC logistical networks, while TOC organizations are increasingly relying on violent tactics learned from their terrorist counterparts. Additionally, TOC provides significant funding and resource support to terrorist activities (Reitano, 2015). Unlike in the case of TOC, Ethiopia has adopted very stringent anti-terrorism and anti-corruption laws<sup>17</sup>. Besides, Ethiopia has ratified the International Convention for the Suppression of the Financing of Terrorism<sup>18</sup>. This guarantees a strong legal framework for legally controlling the organized criminals. However, it is extremely difficult for the Ethiopian government to sever the complex networks of international terrorists and transnational organized criminals without adopting a guiding strategic document at domestic level and strong cooperation with other partners at international level.

### *Ethiopia's Capacities and Prospects for Controlling TOCs*

Mutual Legal Assistance Treaties (MLATs). Much of the success of the fight against TOCs depends on enhanced mutual legal assistance and extradition processes. Given the variety of legal systems, languages and political interests in the world such matters are not simply resolved. To assist member states in seeking solutions in these areas, the UN has developed two model treaties for countries to use as they

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16 Many organized crime syndicates particularly ethnic Eritreans, Somalis and Ethiopians are active especially in human trafficking and migrant smuggling routes (the Eastern and Northern routes) in the horn of Africa region.

17 Proclamation No. 881/2015 Corruption Crimes Proclamation; and Proclamation on anti-terrorism Proclamation No. 652/2009.

18 Proclamation 780/2013 Prevention and Suppression of Money Laundering and Financing of Terrorism

negotiate arrangements. The United Nations Model Treaty on Mutual Assistance in Criminal Matters and the United Nations Model Treaty on Extradition are designed to recognize differences in legal systems and suggest bridges between them (EU, 2015). International extradition treaties remain the most effective legal mechanism to obtain the return of international fugitives. Ethiopia has so far ratified several extradition treaties with some Intergovernmental Authority on Development (IGAD) members<sup>19</sup>. Ethiopia has signed the IGAD Convention on Extradition. This enables the country to cooperate with other IGAD member states in arresting and prosecuting perpetrators. Besides, Ethiopia has signed a bilateral treaty with some Arab countries<sup>20</sup> on labour and cooperation for the prosecution of trafficking in persons. This will help minimize international impunity of organized criminals.

In addition, states party to the UN Convention against TOC are required to promote training and technical assistance that will facilitate extradition and mutual legal assistance (UNODC, 2013). Thus, Ethiopia as a UN member and signatory of the convention has the duty to promote the training of police, prosecutors, judges, and others in justice sector; on the other hand, the country has a privilege to get legal assistance from other members. UNODC also supports national institutions to build capacity in all sectors of judiciary, police, investigation, prosecution and imprisonment. For instance, with technical assistance from UNODC, it developed a national drug control master plan for 2009-2013. Ethiopia is a source country for men, women, and children subjected to trafficking in persons, specifically in conditions of forced labour and forced prostitution. The government made progress over the past year in addressing transnational trafficking through significantly increasing law enforcement efforts. Due in part to the establishment of the Human Trafficking and Narcotics Section in the Organized Crime Investigation Unit of the Federal Police, there was an increased emphasis on investigation and prosecution of international trafficking crimes, although the continued lack of investigations and prosecutions of internal trafficking crimes remains a concern.

Expanding the Presence of Ethiopian Law Enforcement Agents Abroad. Ethiopia is expanding its law enforcement presence in other countries to work with the host countries to respond to the growing need for controlling transnational organized crimes and terrorism. For instance, Ethiopia is working in collaboration with the United States and other partners to tackle the problem of terrorism in Somalia. In 2006, Ethiopia made a military intervention to attack the Islamic Court Union and Al Shabaab (a terrorist group based in Mogadishu). Accordingly, Besides, Ethiopia has been sending law enforcement agents to some Arab countries including Saudi

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<sup>19</sup> Ethiopia has signed extradition and Mutual Legal Assistance treaties with Sudan; Kenya, and Djibouti.

<sup>20</sup> For instance, Ethiopia has signed the Security Cooperation Agreement between the FDRE and the Republic Yemen. Besides, Ethiopia has signed labor exchange agreement with Jordan, Qatar, Kuwait, Lebanon, the United Arab Emirates and Saudi Arabia.

Arabia and Kuwait where many Ethiopian women work as domestic servants to work on joint operations. The Ethiopian law enforcement agents have dealt with the host country law enforcement organs to protect the rights of Ethiopian workers and to jointly address the problem of organized human trafficking and smuggling of migrants from Ethiopia to these countries (Bereket, 2017).

INTERPOL in Ethiopia. INTERPOL is the world's largest international police organization, with 190 member countries (INTERPOL, 2017). It has a high-tech infrastructure of technical and operational support to help members meet the growing challenges of fighting transnational organized crime. It works to ensure that police around the world have access to the tools and services necessary to effectively detect and investigate organized crimes. To this effect, INTERPOL provides targeted training, expert investigative support, relevant data and secure communications channels for police worldwide. The government of Ethiopia and the International Criminal Police Organization-Interpol signed an agreement for the opening of a special representative office in Addis Ababa in January 2016 (ENA, 2016). This will definitely enhance the Ethiopian police to prevent organized crimes in Ethiopia effectively.

**Legislative Reform.** The laws that deal with transnational organized crimes in Ethiopia are both incomplete in scope and lenient in punishment. This fact has been identified by many pieces of literature and international organizations that work on TOC (Oucho, 2016; UNODC, 2013; Adamoli, 1998). However, after 2001, the Ethiopian government had made a serious attempt to adopt new laws and amended the existing laws that dealt with organized crimes. For example, the Penal Code of 1960 was revised to include new forms crimes such as computer crimes and to reinforce the punishments on different crimes including corruption, drug trafficking, trafficking in children and women, etc. Besides, Ethiopia has signed and ratified many international legal instruments that will buttress the country's incessant efforts to tackle the problem of transnational organized crime.

## Conclusion

The following short conclusion can be drawn. First, there is a gap in the juridical definition and the philosophical dimensions of TOC. This will greatly hamper the current effort on the harmonization of national laws of countries and the global regulation of TOC. Second, although there are efforts made by the Ethiopian government to establish the legal and institutional framework to effectively address the problem of organized crimes in Ethiopia, these efforts face many challenges including insufficiency of the existing laws, lack of national strategy on counter TOC, weak institutional cooperation, and the institutionalization of corruption. Finally, TOC is a complex and multifaceted phenomenon that is deeply intertwined with social, political and economic dynamics of societies at

local, national and global levels. The existence of linkages between the various levels of the system within which TOC operates also suggests that holistic security strategies which draw on different approaches are more likely to be effective in tackling organized crimes than legal control based on deterrence theory of change. However, the Ethiopian approach to countering TOC does not seem to have a holistic and strategic approach which is informed by an understanding of the dynamics of TOC.

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## About the Author

**Biruk Paulos** holds a Bachelor's Degree (LL.B) in Law from Jimma University, Faculty of Law in 2009; and Masters Degree (LL.M) in International Law from Ethiopian Civil Service University, Institute of Federalism and Legal Studies (IFLS) in 2014. He has been practising law as a lecturer of laws at Dilla University School of Law. Biruk is a founding member of Ethiopian Law Society for Development (E.L.S.D), a charity organization. Currently, he is a PhD candidate at the Institute for Peace and Security Studies (IPSS) in Addis Ababa University. International law and security studies are the areas of his research interest.