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TERMINAL EVALUATION REPORT

Development of a Drug Control Capacity in the Sea Ports of East and Southern Africa

Project numbers: RAF/B81, RAF/G13, RAF/H33

Mission Duration: 14th January – 4th February 2006

Visits to:

- **Kenya – Mombasa**
- **Tanzania – Zanzibar**
- **South Africa – Durban & Port Elizabeth**
- **UNODC - Pretoria**

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DRAFT ONLY

UNITED NATIONS INTERNATIONAL DRUG CONTROL PROGRAMME

Vienna

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1 EXECUTIVE SUMMARY

AWAITING COMMENTS ON DRAFT BEFORE INCLUSION

2 INTRODUCTION

2.1 Background and Context

Since 1993 drug trafficking through East and Southern African ports has given cause for serious concern. Because of this, it was decided to establish a project (RAF/B81) with the aim of developing a drug control capacity in sea ports of the area. Implementation started in 1997 and the project ran until 2001 with port anti-drug units established in Mombasa (Kenya), Dar-es-Salaam (Tanzania), Durban (Republic of South Africa) and Maputo (Mozambique). During the lifetime of the project a small team was also established in Djibouti. A mid-term evaluation carried out in 1999 found the project an overall success and recommended its extension. A new project (RAF/G13) commenced in 2002. This was essentially an extension of the original project and established new teams in Port Elizabeth, Cape Town and Johannesburg City Deep (RSA) as well as in Port Louis (Mauritius). In 2004 a second extension to the project (RAF/H33) was established with a view to extending the number of ports covered to include Zanzibar (Tanzania), Beira and Nacala (Mozambique) and Walvis Bay (Namibia).

The project is entirely dedicated to drug control work at seaports and in view of this the UNODC asked the World Customs Organisation (WCO) to execute it. A Chief Technical Advisor (CTA) was appointed by the WCO to manage the project and trainers were provided through the WCO at no cost other than travel claims and per diems.

Initially the project aimed to strengthen the anti-drug capacities of the selected ports by training and equipping staff to conduct intelligence analysis and profiling of vessels and cargo, to conduct searches, make detections and carry out follow-up investigations. Each port was to have established a Joint Port Drug Unit (JPDU) to carry out this work. Subsequently it was recognised that investigation was a separate specialism that did not fit comfortably into the scope of the project and this objective was therefore removed in 2001.

The training is conducted in three phases:

- The first consists of classroom based training for groups of approximately 20-25 students. This is aimed to provide a grounding in intelligence based selection of freight and vessels for search, including instruction in available information sources and the interpretation and analysis of information gathered. It also aims to provide students with a knowledge of search and examination techniques, including both best practise and health & safety issues. This phase of the training is used to evaluate the potential of the candidates with a view to recommending those that should be selected to form the JPDU.
- The second phase consists of practical on-site training for the selected team (normally 8-10 persons). This covers practical instruction in the techniques taught in the classroom phase and is conducted at the actual location(s) in which the JPDU is operating.
- The final phase is fellowship visits abroad and on cost grounds, has to be restricted to a limited number of the JPDU staff. The project aims at providing this for 3-4 staff in each location but in practise the number who have benefited from this phase has generally been lower. So far JPDU staff have been successfully placed in ports in Europe, North America and Africa for this phase of the training.

The third and current phase of the project also introduces an additional training objective. This recognises that the longevity of the project has meant that inevitable staff changes have led to a requirement for refresher training to be carried out at some of the established locations.

As well as training, the project provides the basic equipment required for the successful establishment of a JPDU. This varies from location to location depending on conditions and the level of the existing infrastructure in place. In essence the CTA attempts to ensure that each team has suitable accommodation, telephone and internet access as well as the basic clothing and equipment required to undertake searches of vessels or cargo.

The CTA and/or the trainers aim to conduct monitoring visits to each team every six months to identify and deal with any problems that are impairing their effective operation.

The final major objective of the project is to increase the cooperation, both internally and internationally, of the law enforcement agencies involved with anti-drugs work in each of the countries covered. To this end it aims to have teams that consist of representatives of all the appropriate agencies, normally police and customs, and to encourage closer and effective cooperation within each state involved, between the established JPDU's and between them and the wider international enforcement community.

Budgetary constraints and the requirement for refresher training at some established locations has led to the amendment of the original project plan for the third phase. The plan to establish a team at Walvis Bay, Namibia has therefore been dropped from the plan for RAF/H33.

The current project is due to terminate on 31st October 2006.

2.2 Purpose and Objective of the Evaluation

The purpose of the evaluation is to measure the achievements, outcomes and, where possible, impacts made by the project against the stated project objective:

“By the end of the project, to have strengthened capacities in at least twelve of the major ports in Eastern and Southern Africa (Phase 1: Mombasa, Dar es Salaam, Durban, Maputo, Djibouti; Phase 2: Cape Town, Port Elizabeth, Johannesburg Dry Port and Port Louis; Phase 3: Zanzibar, Beira and Nacala, refresher training in the first four named ports and training of new staff in Kenya and South Africa) to conduct intelligence analysis, risk analysis, commercial document analysis, container and vessel profiling (including export profiling under Phase 3), and container and vessel search in order to detect and seize suspect drug shipments arriving/departing by sea.”

It also determines the sustainability of the project's achievements against this objective.

The evaluator was asked to make recommendations regarding the future of the project. This has been done as it is now the responsibility of the UNODC to decide what future course, if any, the project should follow. Obviously all the conclusions and recommendations contained in this evaluation concerning improvements/changes to the project are only relevant should the project be continued.

2.3 Executing Modality

Although the project has been initiated and funded by the UNODC, its execution is the responsibility of the WCO. This organisation manages the day-to-day operation, the appointment and payment of the CTA and trainers and manages the budget. There are annual “tripartite” meetings between the UNODC, the WCO and the Law Enforcement administrations of the countries involved. These are designed to ensure the smooth running of the project and to ensure that all of the concerned parties are kept informed of its progress. The tripartite meetings are also where decisions regarding any changes to the project are made.

Responsibility for backstopping the project rests with the UNODC ROSA office in Pretoria, RSA.

The reason for using an executing agency (the WCO) to run the project is that the Pretoria office does not have a technical law enforcement resource and therefore felt it appropriate to involve an organisation that does. One of the project objectives is to promote cooperation between the different law enforcement agencies involved in each country. The WCO is a ‘customs’ organization and this affects its, and therefore the project’s, credibility when dealing with other law enforcement agencies. Several representatives that I met of the South African Police Service (SAPS), at both local and national levels, expressed the opinion that they would find it easier to deal directly with the UNODC, who they perceive to be a ‘neutral’ organization, rather than the WCO.

2.4 Scope of the Evaluation

The required scope of the evaluation is set out in detail in the “Project Evaluation Terms of Reference”, a copy of which is included at Annexe A to this report.

In essence the evaluation included visits to four of the ports involved in the project (these were selected by the UNODC/WCO and not by the evaluator) along with informal interviews with the UNODC, the WCO, the CTA, the trainers, JPDU team members, law enforcement managers and representatives of private sector interests. This research was conducted to validate the project’s coverage, design, relevance, execution, efficiency, effectiveness and sustainability.

An earlier draft of the evaluation terms of reference also asked that the ‘indicators of success’ identified by the 2000 Tripartate Meeting be used to judge the outcomes of the project. As this was the only version of the terms of reference that I had access to prior to arriving in Pretoria my evaluation has used this approach. A full list of the Tripartate indicators of success can be found at Annexe B to this report.

2.5 Evaluation Methodology

The ports selected for the evaluator to visit were **Mombasa**, where refresher training was underway at the time of the visit, **Zanzibar**, **Durban** and **Port Elizabeth**. Unfamiliarity with the places and personnel involved meant that the evaluator had to rely on the local staff, the CTA or the WCO to arrange suitable interviews. Although the evaluator could define the type of interviewee required I had to rely on the good offices of others to make the appropriate local arrangements. It is therefore not possible to be completely confident that the views heard were truly representative. A list of the places visited and persons interviewed can be found at Annexe C to this report.

At each port visited the interviews with the JPDU, local managers and representatives of the private sector were used to assess how the project had performed against the Tripartate Meeting of 2000's indicators of success. In addition the opinions of the CTA and, where possible, the trainers were also sought. For those ports not visited as part of the evaluation process, interviews with the CTA were used to gain the information required to assess the performance against the indicators of success.

3 MAJOR FINDINGS

3.1 Overall Performance Assessment

In this section I have looked at the initial objectives of the project and assessed their current relevance and appropriateness. I also look at the coverage of the project as well as its design, execution and management.

3.1.1 Relevance & Appropriateness

The project initially arose because of a study carried out by the UNODC (then the UNDCP) in 1995. The study highlighted the large number of drug seizures that were being made in Western Europe and North America from containers or vessels that had either originated in or transited through Eastern or Southern Africa. Visits to ports in the area showed that law enforcement agencies were putting few or no resources into drug control. The 'African Seaports Project' was therefore put into operation with its primary aim being to strengthen the anti-drug capacities of selected ports.

The first question that this evaluation therefore needed to address was whether this objective remained valid in 2006. **I am satisfied that this is the case.** Evidence to support this includes my own knowledge of UK Customs intelligence. In the last 5 years this has included a noted increase in South Asian Heroin trafficking to the UK arriving in air traffic from airports in Eastern Africa. Although some of this has undoubtedly reached Africa by air the quantities suggest that it is probably also arriving in sea freight for redistribution. In addition the UK has noted an increase in reported Cocaine detections in Southern Africa, much of which is considered to have been in transit to markets outside the African continent. Indeed a seizure of 10kg Cocaine was made by South African police as recently as January 2006, the drugs having arrived in containerised sea freight at Cape Town. Further evidence can be seen in an article published in January 2002 (www.geodrugs.net) by the Centre for Geopolitical Drug Studies, which highlights concerns that Mozambique is becoming increasingly important as a transit and stockpiling territory for both imported and regionally produced illicit drugs.

3.1.2 Effectiveness & Efficiency - Coverage

The number of places covered by the project has expanded so that it now attempts to cover all the major seaports in Eastern and Southern Africa from Djibouti to Cape Town (the planned expansion to cover Walvis Bay has not taken place). It also covers the major Inland Clearance Depot for sea containers in RSA at City Deep, Johannesburg. **I cannot fault this coverage, which includes most of the containerised traffic of the region.** The only 'gap' is Somalia where I acknowledge that the unstable political situation means that it would be impossible to safely establish any meaningful controls. There are obviously smaller ports which are not covered but the program is designed to cover control of the type of freight and vessels

responsible for large scale commercial traffic. Anti-drug capacities at such smaller ports and wharves would require a different approach to the one used in this project.

3.1.3 Effectiveness & Efficiency - Training

The first principal ingredient is the provision of effective and relevant training. I have spoken to JPDU team members who have received the training, to their managers, who have seen the results of the training and to some of the trainers. I have also been afforded the opportunity to see some of the training taking place and gauge the reactions of the students to it.

All of the JPDU team members to whom I spoke were complimentary about the training, believing that it had provided them with exactly the right skills to do their work in the most effective way possible. The students whom I met undergoing training in Mombasa were also very enthusiastic. My observations during the sessions I attended indicated that the teaching points were getting across clearly and that the relevance of what was being learnt was understood by the students.

During interviews with Customs and Police managers in Mombasa, Zanzibar, Durban and Port Elizabeth I asked what parts of the project had ‘worked the best’. The most consistent answer was ‘the training’ and this emerged even when the persons interviewed were critical of the project in other areas.

I found evidence during my visits that the training could be improved in two ways:

1. The UNODC should consider providing management seminars for both regional and national managers affected by the project. This should be designed to explain the objectives of the project and the role of the JPDUs, as where there have been administrative difficulties these seem to have often been, at least partly, as a result of managers failing to understand these. Such seminars would need to be run on a regular basis as changes and administrative structures and management chains are a ‘constant’ in all organizations.
2. Managers in Zanzibar, Durban and Port Elizabeth all requested more training for the teams in the area of identifying and developing intelligence sources. Especially in RSA this concerns human intelligence sources, or the cultivation of informers. This is a specialist area but I nevertheless believe that, as the demand is there, the UNODC should investigate the practicality of providing additional training in this area. I recommend that detailed consultations with the law enforcement administrations in all the countries covered be carried out to determine exactly what form of training is required and how it could be delivered.

3.1.4 Effectiveness & Efficiency – Execution & Operation

One of the features of this project is that after each JPDU is set up, it receives regular monitoring visits from the CTA or the trainers. These are designed to address any problems that arise both in having the technical competency to carry out the work and retaining the logistical or administrative support required to work effectively.

In my opinion these monitoring visits are vital. The clearest example I can give of why this is so resulted from my visit to Zanzibar in the company of the CTA. One of the vital tools required to make sound, risk based selection of cargo or vessels for examination is the internet. A minor technical fault in Zanzibar had led to the team being without this for a number of weeks. The team leader had been doing everything in his power to get the problem

fixed but it was notable that within a few hours of the arrival of the CTA the long awaited part had arrived and been installed and the connection restored. On this occasion I can attest that the CTA did nothing other than be there. However I do believe that it was more than coincidence that his arrival coincided with the problem being fixed.

The JPDU team members and one of their line managers in Port Elizabeth suggested that it would add to the effectiveness of the teams if an experienced officer from elsewhere in the world could actually be embedded in the team for a period of several months. This person could provide day-to-day practical assistance and would have the effect of upskilling the team as a whole. **If suitable officers could be found and if they could be provided at no cost by their home administrations, I see this as a way of strengthening the effectiveness of the project and recommend that the UNODC consider it.**

The project budget is administered by the WCO. There had been criticism of the budget management in the last evaluation conducted in 1999. I asked the UNODC in Pretoria whether there were still any problems and they assured me that there were not. However it came to my attention in Mombasa that some expense claims submitted by the trainers for equipment, necessarily purchased during training, remained unpaid some 6 months after the expenses were incurred. This despite all the necessary paperwork having been submitted and accepted by the WCO in Brussels. Experienced trainers are a valuable commodity and it seems careless in the extreme to risk unsettling them by behaving in such a slipshod manner. I recommend that the UNODC liaise with the CTA and the WCO to ensure that this problem is addressed and does not re-occur.

3.1.5 Effectiveness & Efficiency – Inter-Agency Cooperation

An aim of the project has been to create anti-drug units that are staffed by officers from all the appropriate law enforcement agencies in the countries in which they are based. The legal powers of police, customs and other bodies vary from one country to another and it was thought desirable to ensure each team was staffed in a way that would give it access to the greatest amount of available intelligence, resource, support and expertise.

Within Djibouti, Kenya, Mauritius and Tanzania the JPDUs are staffed by both police and customs. Cooperation works well at an operational level even if the degree to which the teams are integrated varies depending on local circumstances and attitudes. In Mozambique, whilst some police officers have been involved in the training program, the team at Maputo and the embryonic Beira/Nacala team both consist solely of customs staff at present.

In RSA the situation is both more varied and complex. The Durban team initially was manned by officers from both the South African Border Police, the Police Organised Crime Unit and the South African Revenue Service (SARS). A reorganization of the police service has led to the first two being re-badged as the South African Police Service (SAPS). SAPS decided to downsize the Durban team in early 2005 and asked SARS to remove one of its two officers. As a result SARS withdrew both of its staff and the team now consists only of SAPS personnel.

In Port Elizabeth the team continues to be staffed by both SAPS and SARS, although local SARS management are considering replacing their single officer with another who will not have had the training. At City Deep, Johannesburg there has only ever been SAPS staff on the team. Meanwhile in Cape Town the JPDU has never been established as on two occasions when classroom training has been organized either SAPS or SARS or both have failed to provide any staff to go on the course.

Interviews with SAPS and SARS managers in both Durban and Port Elizabeth made it clear that enthusiasm for the African Seaports Project is not high. Interviews with senior managers of both services in Pretoria revealed that this is a national rather than a local problem.

In essence the African Seaports Project has succeeded and this success is now, perversely putting the future of the project in RSA in doubt. Success is beyond doubt as prior to the commencement of the project there was little or no examination of containerized sea freight carried out by either agency with a view to detecting drugs or any other prohibited goods. Both SAPS and SARS have now changed their operational priorities, in my opinion as a result of the establishment of the JPDU's and the success that these have had.

SAPS are planning to put large numbers of officers in ports, examining container freight. In Durban alone this will involve the purchase of 2 container scanners and the deployment of as many as 200 officers! SARS meanwhile are looking to parliament for a mandate to become involved in drugs investigation and prosecution, something that is currently the sole preserve of SAPS. In anticipation of this SARS has already established dedicated anti-smuggling teams which have a remit to examine freight and detect drugs.

At national level it is clear that both organizations are competing to become the pre-eminent South African anti-drugs law enforcement body and that neither will countenance cooperation with the other.

My notes of my interview with the SARS Head of Customs Operations Support provide the following information as to how that organisation saw drugs control work developing:

The national intention is for SARS to become the law enforcement agency for border points, with an anti-smuggling function that will be para-military in style. However at present SARS have no legal powers covering arrest and investigation and this is what they are trying to obtain at parliamentary level. They want to be established and recognised as South Africa's best and primary border policers. Legally the Customs Management Act gives SARS primacy in terms of cross border freight. SAPS cannot open import freight without Customs presence. He thinks it may come to SARS arresting police who try to do this. He cannot conceive how the police plans to flood ports such as Durban with additional staff to undertake preventive freight and vessel control can work. He talked of implementing Customs powers under the management act to prevent it.

My notes of my interview with SAPS Commissioner of its Border Services Division include the following:

SAPS priority is heightened border security and this includes narcotics – it is a core priority of the organisation. He said that SAPS must work hand in hand with other agencies, specifically SARS. However he referred to the primacy of police powers, saying they had the legal right to search goods or persons at ports with or without SARS cooperation, with or without a warrant. He referred to the 'Police Act' which he said gives them legal primacy within 10km of a port/airport/border.

It is my understanding that a new body, the Border Control Operational Co-ordination Committee (BCOCC), has been established by the RSA government to coordinate the efforts of all government departments/agencies with interests in border work. This body will appoint a port manager at each seaport to oversee coordination. I would view the BCOCC as the obvious body for the UNODC to contact should it decide to continue with the African Seaports Project in South Africa. However, again from my interview notes, I reproduce below what the SARS and SAPS senior managers told me regarding the BCOCC.

Firstly SARS:

I asked about the role of the BCOCC and the proposed port managers that would co-ordinate all agencies functions. SARS do not think the BCOCC has the mandate to do this as only SARS has the legal powers. Therefore SARS do not believe that BCOCC co-ordination can work.

Then SAPS:

I asked about the BCOCC. He said that it is not a Government Dept and has no powers. It is just a coordinator to ensure that all agencies work collectively. He said that the BCOCC Port Manager role is far from determined but that it will deal only with logistical and administrative matters. It will not impact on operational aims or procedures.

I conclude that at present SARS and SAPS are far more concerned with a power struggle over which organisation should be involved with anti-drugs work at the ports, than they are with cooperation between themselves or with any outside body. **I recommend that, should it decide to continue the project within the RSA the UNODC should deal only at Government minister level until or unless the situation within the country becomes resolved.**

It was also clear that SAPS managers, at both regional and national levels, regarded the WCO as a Customs organisation and thus saw it as being firmly within the SARS camp. All those asked said that they would prefer to deal with the UNODC, saying that it had more credibility because they felt it had no bias towards 'customs'. **I conclude that, at least in the case of the RSA, the UNODC needs to consider taking a more direct role in the running of the project.**

3.1.6 Effectiveness & Efficiency – International Cooperation

The Teams in Mombasa and Zanzibar have established links to international bodies such as the WCO and Interpol. However I was concerned to hear that they didn't have access to the WCO Customs Enforcement Network (CEN), which can provide excellent intelligence except through the RILO Nairobi. I was also concerned to establish that not all of the detections that are made are on the CEN seizure database. **I recommend that the CTA and the WCO investigate why this is the case and take steps to address the problem.**

The RSA teams can access Interpol intelligence but, in the absence of SARS cooperation have no access to the CEN system. The Port Elizabeth Team keeps in contact with the other JPDU's and can pass on urgent intelligence directly to ports or agencies abroad. The Durban team is now only allowed to communicate with outside bodies by following SAPS protocol that dictates all information must be authorized by the Divisional Head. No exceptions are tolerated by the Durban management who consider it more important that correct procedures are adhered to than urgent intelligence should reach interested parties within an acceptable time scale. To this end the JPDU's direct access to e-mail has been removed, with all communication having to go via the Durban SAPS Director.

My interview with the SAPS national management in Pretoria made it plain that the Durban policy is in line with national guidelines and that the Port Elizabeth situation exists only because of the goodwill and pragmatism of the local SAPS manager.

I conclude that the level of cooperation between the JPDU's and between themselves and the wider international intelligence community is acceptable, but with room for improvement, outside of the RSA. Within the RSA SAPS presents a considerable barrier to the prompt exchange of intelligence that would be an indicator of the success of the project. I recommend that should the project continue with the involvement of South Africa that the UNODC should consider this something to be raised with the South African Government at ministerial level.

The CTA and the trainers at Mombasa raised the idea of establishing a dedicated intelligence exchange for Africa based on the MARINFO model that operates in Europe. Whilst I see this as a worthy ideal I do not believe that it would be possible at present. There is not a sufficiently robust and well established infrastructure in place and the attitude of SAPS would mean that the RSA would have to be excluded. As Durban is the largest port in Africa and has considerable transit traffic on its way to other ports within the African Sea Ports Project I cannot see MARINFO Africa succeeding without the involvement of Durban.

3.1.7 Effectiveness & Efficiency – Private Sector Cooperation

All the teams that I visited report excellent cooperation from the private sector. All reported that they were receiving the manifests and arrival information that they required in order to operate efficiently. I gained the impression that, at Durban and Port Elizabeth, the receipt of manifest information was seen as the end of the responsibility of the private sector.

It is my experience that more detections from sea freight arise as the result of information than do from the analysis of manifest information. I believe that more could be done to develop contacts, brief agents and shipping line regarding the type of indicators the teams were looking for and elicit voluntary disclosures from the private sector. **I recommend that the training package puts more emphasis into this area.**

It is pleasing to be able to report that detections are being made as a result of information from the private sector. The Mombasa team received a tip-off from a clearing agent in 2005 that they suspected a container of ‘personal effects’ may have been miss-described. Examination by the JPDU resulted in the seizure of two Mercedes Benz motor vehicles and the collection of 1.9 million Kenyan Shillings in additional revenue and penalties. More historically the container with 11 ton hashish, found by the JPDU in Durban in 1999, was examined as a result of information from the shipping line.

I spoke to shipping agents in Mombasa and Zanzibar and to Port Authority staff in Durban and Mombasa. All were supportive of the principal of the port law enforcement agencies acting in partnership with them to combat drug smuggling. The owner of Margot Freight Services in Mombasa stated that since the JPDU had started and explained their objectives to him, he now advised importers to ensure that they “did things right”, telling them that they otherwise risked delays to the clearance of their goods. Although this rather begs the question “what did he do before the JPDU started”, if it is typical of the commercial sector’s reaction, then it is a good indicator of the success of the project.

The introduction of the International Shipping & Port Security Code (ISPS), which obliges port management to assess the security risks of the ships and cargo using their facilities, means that Ports are becoming more actively involved in collecting information and maintaining security. This creates an opportunity for law enforcement agencies, whose objectives will, to an increasing extent, coincide with port security. **I recommend that the project investigates the best way to ensure that all JPDUs make the best of the opportunity afforded by the ISPS code and considers how to integrate this into the training program.**

3.2 Attainment of Objectives

In this section I look at the measures of attainment that have been found during the evaluation and attempt to judge the success or failure of each location in terms of the ‘indicators of success’ promulgated by the Tripartate Meeting of 2000. These indicators, along with a

summary of how the ports involved in the project have performed against them, are set out in Annexe B.

The indicators of success show that the planned teams, with the exception of Walvis Bay, which was dropped from the schedule, and Cape Town, will or have been successfully established. Training has been completed, teams are retaining trained staff, suitable accommodation has been provided and relationships with the private sector have been established.

The majority of the teams have been staffed with officers from both the Police and Customs services. In Mozambique the role of the Police is still largely peripheral but nevertheless it is encouraging to see that Police officers are amongst the students receiving training for the new Beira/Nacala team. This would indicate that the right steps are being taken to ensure that a joint agency team can eventually become established. Unfortunately in the RSA, Customs are only involved with the team in Port Elizabeth, after pulling out of the Durban team and never taking up places at City Deep or Cape Town.

In all the ports, including Cape Town where a JPDU has never successfully been established, it is clear that the profile of anti-drugs work has been raised enormously. All of my interviews indicated that the local Police and Customs administrations were far more aware of the potential for drugs smuggling in sea freight than they had previously been. In addition all also realized the potential that sea freight had for the smuggling of other prohibitions and restrictions, with firearms and ammunition of particular concern.

It is also clear that in the RSA the concept of 'preventive' freight control is now firmly established as a high organisational priority in both the Police and Customs services, which it clearly was not before the project commenced in 1997. So much so that the numbers of staff employed by both SAPS and SARS in this line of work is rising dramatically and each organisation sees itself as best suited to carry out controls. This means that for the moment neither SAPS nor SARS are particularly keen to commit resource to a team made up of officers from both organisations. Whilst this is discouraging it should not be forgotten that it is also a measure of the achievement of the African Seaports Project that it has raised the profile of anti-drugs work. This is true to such an extent that, rather than having to drive an administration into completing such work, the project is now forced to stand back to avoid getting knocked over by its exuberant, if apparently ungrateful, progeny.

I conclude that the lack of teams, with the exception of Port Elizabeth, staffed jointly by SAPS and SARS personnel in South Africa is in effect one of the clearest measures of the success of the project.

3.3 Achievement of Project Results and Outputs

This section considers the 'hard' outputs of the project, principally what has been found and where. It also considers the less quantifiable results such as the impact on criminality, the effects on inter-agency and international cooperation, the commercial impact.

Each of the teams that I visited was recording the number of examinations it was carrying out and details of any detections that it made. The CTA believes that this will also be the case with the other teams. The WCO asks each team to send in details of its examinations and seizures quarterly and compiles figures for the project as a whole. The figures for the four years from January 2002 to December 2005 are contained in Annexe D to this report.

It is clear that not all teams are submitting their figures. I recommend the WCO/UNODC take steps to ensure that this is corrected. Whatever other measures of achievement apply to a project such as this, the most important indicator of success is what has been found. I consider it disappointing that the WCO cannot provide accurate data and that the UNODC to have allowed this to have happened.

The figures that I do have indicate 18 drugs or drugs related (precursors etc) detections in the last four years. Given the size of the ports, the conditions under which some of the work has to be carried out and the newness of some of the teams I consider this to be extremely encouraging. However I note that 12 of these detections were made in 2002 and that there have only been two in the last 2 years. However with numbers as small as this no interpretation of the data could be considered statistically sound.

Given the uncertainty concerning the reliability of the overall detection data, I feel that details of certain of the seizures made by the JPDU's give a better indication of the quality of the project's outputs. The following examples are drawn from the four ports that I visited and demonstrate how the methodology and techniques taught as part of the African Seaports Project have worked. Examples like these are a good indication of the success of the project.

Use of manifest and cargo risk profiling:

- In Mombasa work by the JPDU profiling import containers led to the examination of a consignment which proved to be negative. The containers in question were later exported and a large detection of cocaine was made from them in Antwerp. This case achieved considerable notoriety because members of the JPDU were arrested as Kenyan law assumes that law enforcement officers who examine goods in which drugs are later found to have been present without finding anything, must be complicit in the smuggling. Subsequent investigations point to it being most likely that the drugs were not in the containers at all when they entered Kenya but were loaded in the country. Whatever the case, the selection of these containers in the first place proves that the JPDU was targeting consignments correctly.
- In 2005 the Port Elizabeth JPDU selected a consignment of 'soap' for examination because their manifest checks and subsequent enquiries had revealed that the importers 'factory' was actually an empty warehouse and the address was already flagged on police systems as 'suspect'. When the container was examined 2.2 tons of a chemical used in the manufacture of the drug MDMA (Ecstasy) was found.

Liaison with international law enforcement bodies:

- The Zanzibar JPDU read an Interpol message concerning cars stolen in the UK and used the internet to track a suspect container to Zanzibar, where it had arrived manifested as 2nd hand machinery and domestic electrical appliances. Their examination revealed two high-value motor vehicles and two motorbikes, all with British registrations. The Tanzanian authorities made arrests but no charges were pressed as it was realized that the best chance for a successful prosecution lay in the UK where the cars and bikes had been stolen. The vehicles have been shipped back to Europe and the British Police are investigating at present.

Cooperation with the private sector:

- The 11 tons of Hashish seized by the JPDU in Durban in 1999 was examined in the first instance because of information from the shipping line.
- On another occasion the same team identified a suspect consignment through their own manifest checks, only to discover that it had been transhipped onto another

vessel and had already left the port. Having realized that the nature of the destination port was such that law enforcement intervention there couldn't be relied on, the Durban team asked the shipping line to 'short land' the container and return it to Durban. It is a testament to the good relations established with the private sector that the shipping line obliged, especially as, when the examination was finally carried out in Durban, nothing was found!

I found no definite evidence that the work of the JPDU's is having an impact on regional criminality. It could be argued that a decline in the number of seizures is an indication that traffickers have switched to other routes or modes of transport. I could not support this view as the numbers of detections are too low to lend themselves to valid statistical analysis. Fluctuations in the 'market' price of drugs in the region could also be an indicator. However this is not wholly a 'consumer' area, with much of the drugs traffic being export or in transit, meaning 'street price' analysis cannot be used to judge the success of smuggling.

Inter agency cooperation between police and customs in Mauritius, Tanzania and Kenya has been improved as a result of the establishment of the JPDU's in Port Louis, Mombasa, Dar Es Salaam and Zanzibar. Cooperation has also been in evidence in Djibouti and looks like it may develop in Mozambique. Operational level cooperation has been good in the RSA but has failed completely at regional (with the exception of Port Elizabeth) and national levels. Responsibility for this lies within the RSA and cannot be attributed to any failing on the part of the African Seaports Project.

None of the representatives of shipping agents or port authorities with whom I have spoken have said that the project has had a negative commercial effect. The shipping agents in Zanzibar would still like to be notified of, and allowed to attend, any examination (they see this an essential anti-corruption measure) but seem to have accepted that this will not be the case with the JPDU.

3.4 Implementation

The implementation of the African Seaports Project has been carried out by the WCO, through Peter Clark from the WCO Enforcement Division in Brussels. The WCO appointed a Chief Technical Advisor, Philip Connolly, who has been responsible for implementation on the ground. The WCO and the CTA have arranged for the provision of trainers, have overseen the training program and carried out the negotiations locally in order to obtain the accommodation and logistical support needed to make the JPDU's operational. The CTA, sometimes assisted by the trainers most familiar with the project, has carried out the monitoring visits, which are undertaken to assure the effectiveness of the teams once they have been established. He has also been responsible for local purchase of equipment, such as basic tools and safety clothing, for the teams.

I consider that this arrangement has been very efficient, thanks to the dedication and professionalism of the CTA. A good working relationship between Peter Clark and Phil Connolly has been established, which has led to an ideal project management team. One that is small, focused, experienced and efficient, with clearly understood areas of responsibility.

I have a concern that such a small management team makes the project vulnerable to disruption. I recommend the UNODC ensure that plans are in place to allow management continuity in the event of any unforeseen contingency.

Within the RSA, Police managers state that they find it unsatisfactory to have to deal with the WCO, as it is a Customs organization. At both national and local level they said they thought the UNODC should undertake day-to-day management itself, saying this would make the project more credible to Police organisations. This may be a genuine concern but I believe that it is largely just SAPS seeking justification for their ‘policy’ of competition, rather than cooperation, with Customs. No Police managers outside the RSA raised this with me as a concern. **Nevertheless the UNODC should consider the suitability of the WCO as the facilitating organisation for the project.**

3.5 Institutional and Management Arrangements

Day-to-day management of the project is carried out on behalf of the UNODC by the WCO and the CTA. An annual ‘Tripartate Review Meeting’ considers the achievements of the project and makes recommendations for future action. This meeting is attended by representatives of the UNODC, Law Enforcement Managers from the countries involved in the project, the CTA and the WCO. There is normally also some representation from the established JPDUs. This Review meeting gives the opportunity for all parties involved to put forward proposals to improve or alter the project. It also gives the UNODC an opportunity to ensure that the project is developing in an appropriate manner and gives them a ‘backstopping’ opportunity.

Outcomes of such meetings have had major effects on the direction and form of the project. For example recommending extension to new ports or recommending, in the case of the 2005 meeting, dropping the extension to Walvis Bay, in favour of providing refresher training for existing teams. The Tripartate Review Meeting of March 2000 recommended that representatives of all the JPDUs meet to enhance the communication and cooperation between them, to exchange experiences, trends and intelligence sources and to receive training updates. As a consequence these co-ordination meetings have been held annually since 2002. The UNODC is represented at this meeting, which provides a further opportunity for project backstopping.

I am content that the existing institutional and management arrangements are suitable for the project in its current form. If the UNODC decide in the future to take a more direct role in the project themselves then these arrangements will need to be reassessed.

4 OUTPUTS, IMPACTS AND SUSTAINABILITY

4.1 Outcomes & Impact

The project aimed to strengthen the anti-drug capacities of selected ports in Eastern and Southern Africa, by training and equipping staff to conduct intelligence analysis and profiling of vessels and cargo, to conduct searches and make detections.

Teams have been, or are in the process of being, established at all the ports selected by the project management, with the exception of Walvis Bay, Namibia and Cape Town, RSA. The first was dropped from the project when research showed that the level of traffic was lower than had been expected and because the project management decided that the limited budget would be better spent on refresher training for established teams. The second has not been set up due to lack of cooperation from local management.

All the teams have been trained and equipped, with the exception of Beira/Nacala, where this process is underway and should be completed in April 2006, and Cape Town for the reason given above.

The establishment of the teams has led to regular intelligence led searches being conducted of both vessels and freight, where previously little or no work of this kind was carried out. This in turn has resulted in detections of drugs and their precursors at every port where a team has been established with the exception of Zanzibar (which has been in existence for less than a year). The teams have also discovered other prohibitions and restrictions (counterfeit cigarettes, intellectual property rights infringements, CITES, unlicensed firearms) as well as discovering additional revenue to the tune of at least \$0.75 million.

Cooperation between Police and Customs has increased in Mauritius, Djibouti, Kenya, Tanzania and Mozambique and has also improved, at least at an operational level, in the RSA. In all the ports I visited good relations with the private sector have been established and these have directly led to detections, including large commercial consignments of drugs.

Most of the established teams keep in regular contact with each other, allowing the rapid exchange of intelligence. A more formal forum for this also exists in the annual 'Port Anti-Drug Coordination Meetings' enabling the exchange of intelligence, best practice and trend information as well as allowing the teams to draw issues and suggestions to the attention of the CTA and the WCO representative. The Port Elizabeth Team produces a regular newsletter "United Africa", with intelligence information and articles of relevance to anti-drugs work in the region. **This is an excellent idea and should be encouraged by the African Seaports Project.** It is a sad comment on the current attitude of law enforcement agencies in the RSA that the SAPS officer who produces United Africa has to do it in his own time and at his own expense.

Access to international bodies, such as Interpol and the WCO, allows the teams to further their intelligence gathering function. I have, however, been disappointed to find that not all detections are being reported to the WCO CEN database. **I recommend that WCO establish how the information flow from the teams to the RILO Nairobi to the CEN database is failing to work and take the appropriate steps to correct this.**

The overwhelming impact that I have observed during this evaluation is that the control, for the purposes of drugs interdiction, of sea freight and vessels has become an established priority within the law enforcement administrations of the countries I have visited. A priority that they acknowledge did not exist before the African Seaports Project was put into operation.

4.2 Sustainability

In the RSA anti-drugs work at sea ports is now a core priority of both Police and Customs and both bodies are in the process of expanding their operations in this area. Although there is recognition of the input that the African Seaports Project has had, especially in the area of training neither SAPS or SARS will countenance input to a program that would oblige them to cooperate with each other. However it is clear that the RSA has the resources and infrastructure that will ensure that this type of work continues, whether or not the UNODC continues to be involved.

In the other countries, law enforcement management are keen for the project to continue but acknowledge that this would be difficult without the continued input of the UNODC. Capital resource is difficult to find and the expertise to deliver the training does not yet exist within any single administration. As the JPDU's continue to become established and gain experience this expertise may eventually become available and the project become more self-sustainable. However without the cooperation of the RSA there are not currently enough staff with the correct skills to deliver the current training program without outside assistance.

The Kenyan and Tanzanian administrations both see the provision of training as crucial. Ideally they would like to take trained JPDU staff and place them in other locations around their countries, allowing them to share their expertise. The effect of this would be to create a continuous demand for the African Seaports project to carry out more training to replace the JPDU staff that have been moved.

I conclude that the project is not yet in a position to be considered self-sustainable.

5 LESSONS LEARNED

The training in three phases works. The teams and their managers, even those in the RSA, without exception praised the training that had been delivered.

The project has been running for 9 years and this sort of time scale has produced the need for refresher training for the teams that have already been established to be built into the project plan.

The lack of top-level formal agreements between the UNODC and the participating administrations hampers efforts to overcome procedural disagreements, where such things arise. The long time-scale of the project means that structures and personnel have changed in some administrations. This leads to situations where the current administration feel no sense of ownership for or responsibility to the project. It is therefore evident that not only do agreements need to be put in place at the outset of the project but that these need to be revisited regularly to ensure that they remain applicable as situations alter.

I concur with the view of the last project evaluation that the CTA was well selected. There is a danger that, after 9 years, his knowledge and expertise have become so crucial to the project as to make it unviable without his input. I believe that the UNODC needs to demonstrate that it has a contingency plan to deal with finding a temporary or permanent replacement should the need arise.

The training concentrates on providing skills that are applicable to all anti-drugs work involving ships and cargo. Not all of the locations have the same sort of traffic. There are some large container ports, such as Durban and Mombasa, other smaller ones like Maputo, Port Elizabeth, Port Louis and Dar Es Salaam. There are also places, like Zanzibar, where container traffic is very light indeed. Although I accept that anti-drugs detection is similar for all sorts of traffic (de-briefing drugs seizures of all types generally shows the same sorts of indicators being present time after time), there is nevertheless a different sort of approach required in some circumstances. Whilst commercial sea freight is undoubtedly as much of a risk in Zanzibar as elsewhere there is likely to be a greater risk associated with 'un-canalised' traffic here, where small craft arriving unannounced or using uncontrolled wharves, beaches, off-shore islands are a greater cause for concern. Both the Police and Customs managers in Zanzibar thought that they needed more help in this area and **the UNODC should consider what additional training or equipment might assist the JPDU here.**

Although each JPDU needs to be slightly different in order to deal with the particular circumstances of its location, infrastructure and management, they will nevertheless have many things in common. A problem discovered or dealt with in one place is likely to have relevance to the other teams. **I therefore think it essential that formal liaison between the active teams continues through the annual 'Port Anti-Drug Unit Co-ordination Meetings'.**

Drug trafficking in Eastern and Southern Africa is not restricted to the sea ports. The approach developed by this project could apply to other types of entry and exit points as the mail seizures made in Durban and City Deep indicate. **If the UNODC is involved in other initiatives (air/land boundaries, container security initiative) then issues of compatibility and integration must be considered.**

The region does not yet have the infrastructure or resource to operate a MARINFO type system of intelligence exchange. The attitude of the SAPS to the exchange of intelligence (they will not allow it other than through a laborious protocol and will not countenance direct contact between 'their' teams in the RSA and others) means that a MARINFO system involving South Africa could not work.

If the project is to continue it may have to do so without the participation of the RSA.

Interagency cooperation works at an operational level, often despite of, as well as thanks to, management intervention.

Inter-agency cooperation works best when the different law enforcement agencies are committed to it.

6 RECOMMENDATIONS

All of the following recommendations are made on the assumption that the project will continue. Should this not be the case then this section of the report may be disregarded.

Seminars, designed to explain the project and the roles and responsibilities of the participants, should be delivered at suitable intervals to the appropriate regional and national managers in the countries taking part. This should ensure that they understand what is required and give them a sense of 'ownership' for the project. (section 3.1.3).

Additional training in the identification and development of intelligence sources should be delivered. The skills required should be determined in consultation with the law enforcement agencies in the participating countries (sections 3.1.3 & 3.1.7).

Consideration should be given to the idea of embedding suitable experienced staff from elsewhere in the world within the JPDUs, to provide day-to-day practical assistance and advice until the team gains the experience and confidence to operate independently (section 3.1.4).

The adoption of the ISPS code at ports around the region presents opportunities for the JPDUs as their objectives and those of port security will coincide more closely. This should be reflected in the project training (section 3.1.7).

Training tailored to specific needs should be given in locations where local circumstances dictate that this is advisable. Conditions at Zanzibar, for example, indicate that training in

anti-drugs work on ‘un-canalised’ traffic is a greater priority than at the other locations (section 5).

The UNODC should ensure that the WCO pays legitimate expense claims in a timely manner (section 3.1.4).

The attitude of the law enforcement agencies in the RSA is such that the UNODC will need to deal with the government at ministerial level should it wish to continue the project in that country. The UNODC should consider taking direct responsibility for this rather than letting the WCO facilitate (section 3.1.5).

The CTA and the WCO should take steps to ensure that all relevant detections made by the JPDU appear on the WCO’s CEN database (sections 3.1.6 and 4.1).

The UNODC should raise, at ministerial level, the South African Police Service refusal to allow the prompt and direct exchange of intelligence with other agencies both inside and outside the RSA (section 3.1.6).

The WCO must ensure that comprehensive data regarding the work done by the JPDU, the detections that they make and any additional revenue that arises from these is collected (section 3.3).

A contingency plan needs to exist, which will allow the project to continue to operate, either temporarily or permanently, in the event of the CTA or the WCO facilitator being unavailable (section 3.4).

The UNODC should consider taking direct control of the project in order to improve the chances of cooperation from the South African Police Service (section 3.4).

The newsletter Africa United, produced by a member of the Port Elizabeth JPDU in his own time and at his own expense, is an excellent idea. The project management team must do everything necessary to ensure that this becomes officially recognised and that official backing to produce it is given by the officer’s administration (section 4.1).

The ‘Port Anti-Drug Unit Co-ordination Meetings’ are essential and should continue (section 5).

The African Seaports Project cannot be dealt with in isolation. If the UNODC is involved in other initiatives (air/land boundaries, container security initiative) then issues of compatibility and integration must be considered (section 5).

I recommend that the project continues but consider that an overhaul of the project design involving the administrations of the countries involved (at the highest level) will be necessary to ensure the continued and enthusiastic participation of all parties (section 7).

7 OVERALL CONCLUSIONS

The objectives of the project remain valid and the coverage of it is appropriate to the achievement of these objectives.

The project has worked well and been successful.

Teams have been established, largely along the lines anticipated.

Training has been delivered and the high quality of it is attested to by both results and by feedback from the trainees and their administrations.

Drugs detections have been made, other prohibited or restricted goods have been seized and additional revenue has been raised.

The degree of inter-agency cooperation has been increased in all the countries taking part, even though there are now causes for concern in the RSA.

The profile of anti-drugs work in seaports has been raised within the administrations of all the countries involved.

7.1 The Way Forward

The UNODC needs to make certain choices with regard to the future of the African Seaports Project. These choices need to be made taking into account the views of the persons who have been closely involved in the administration of the project; the WCO and the CTA; the views of those operating the project, the JPDU team members and their local managers; the views of the administrations in the countries where the project is running (especially with regard to their own law enforcement priorities); and the findings of the evaluator set out in this report.

In my opinion the choices are as follows:

1. Discontinue the project and consider it job well done.

Advantages: The administrative burden to the UNODC and the WCO can be removed, whilst the undoubted success of the project will reflect well on both organizations. It is likely that anti-drugs work will continue in some form in some locations.
Disadvantages: It is probable that the anti-drugs work in the ports outside the RSA will decline as the benefits of the training recede and the infrastructure established deteriorates without the advantage of UNODC funding and WCO administration.

existing coverage.

Advantages: The structure in order to run the project is already in place and the teams largely in place and operating.
Disadvantages: The current weaknesses will continue. It is unlikely that the RSA law enforcement agencies will contribute in any meaningful way.

Advantages: The structure in order to run the project is already in place and the teams largely in place and operating. The Administrations are enthusiastic and will continue to back the project.
Disadvantages: This would mean that the largest container ports on the continent were not taking part. Would it be politically damaging to the UNODC to be seen to exclude the RSA, even giving the reluctance of their LE agencies to participate?

Advantages: This could provide an integrated and comprehensive anti-drugs structure for all the participating countries.
Disadvantages: The administration of just a seaports project is difficult. I cannot see how an integrated project could be run

boundaries as well).

without a massive increase in the administration structures. The sort of budget required may also be a problem.

5. Carry on with the project after a radical redesign carried out by the UNODC at government level with all the countries involved. Top level government support and agreement will be required or the RSA will not be able to form a part of it.

Advantages: The structure to run the project is already in place. Formal agreement with the administrations should establish a sense of 'ownership' that will increase cooperation of the agencies involved.

Disadvantages: The need to re-negotiate the terms of the project with so many separate administrations may make it impossible to arrive at a structure that everyone agrees with. The time scale involved in completing such negotiations may be very long, leaving the project in limbo for a long period.

It is the opinion of the evaluator that the fifth option represents the best way forward for the project but I acknowledge that the decision can only be made by the UNODC.