

Civil Society and Organised Crime¹

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Summary

This briefing note summarises the GI-TOC's research and experiences in engaging with and supporting civil society responses to organised crime. This is provided in the context of the ongoing threats and shrinking space for civil society, and a need for policymakers and officials to understand civil society's role, value and potential. It is hoped that this briefing note can provide researchers and officials with a background briefing that could enable improved policy responses aimed at supporting civil society as part of whole-of-society efforts to prevent and counter organised crime.

1 This is a summary briefing note of evidence from GI-TOC's experience in researching and engaging with civil society on organised crime issues.

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Civil society and organised crime

‘Civil society’ is a collective term that, according to the World Bank (as cited in World Economic Forum, 2018), encompasses ‘community groups, NGOs, labour unions, indigenous groups, charitable organisations, faith-based organisations, professional associations and foundations, and advocacy groups’. These groups engage in a variety of roles such as providing services, campaigning for policy changes, tracking government compliance with international agreements, and participating in efforts to promote global governance. They play a particularly important role in advocating, supporting and monitoring implementation of international commitments to build peaceful and just institutions and societies (the aim of UN Sustainable Development Goal 16⁴), and in ensuring effective responses to transnational organised crime – as recognised by the then-Secretary General of the UN Kofi Annan in his introduction to the UN Convention against Transnational Organized Crime (UNTOC). Annan referred to the forces of ‘civil society’ as those from all sectors of life working against the ‘uncivil society’ of organised criminals, terrorists and other bad actors (United Nations, 2004).

This briefing note gives an overview of the nature, successes and challenges of civil society’s role in preventing and combating transnational organised crime, including in the context of multilateral policymaking and responses, and relevant international conventions, based on GI-TOC’s decade of research, unique perspectives and experiences in engaging civil society on organised crime. We make the following key observations:

1. Civil society organisations (CSOs) have a crucial role to play against organised crime, but the nature of both their activities and contexts is extremely diverse, making its role difficult to define.

2. The space for civil society to operate in is shrinking and under threat. Physical security concerns and a sense of being isolated from international support restrict the potential and effectiveness of CSO engagements and activities.
3. Renewed understanding of and support for the role that civil society plays in the policy and multilateral communities, to support the resilience of civil society and to help build its capacity to contribute to the whole-of-society responses which are needed.

What role does civil society play in efforts to prevent and counter transnational organised crime (TOC)?

The role that civil society individuals and organisations play in responding to and intervening in illicit economies is incredibly diverse and a lot depends on the political economy of the communities, regions and countries where they are active. But based on GI-TOC experiences and research, we find three broad categories of engagement:

1. Community-based, locally grounded: Ground-level actions to build community resilience to organised crime.
2. State-focused, ‘whole-of-society’: Engaging directly with authorities to support state responses to organised crime.
3. Bigger picture, beyond borders: Research, advocacy and engagement to catalyse community, national and international responses to organised crime.

4 See <https://sdgs.un.org/goals/goal16>

Box 1: Resilience Fund:

In March 2019, GI-TOC established the Resilience Fund, the aim of which is to counter the devastating yet diverse impacts of organised crime in local hotspots around the world. The Fund does this by identifying and supporting resilient communities that work, directly or indirectly, on impact areas rooted in unique contexts of instability caused or enhanced by organised crime and illicit economies. To date, the Fund has helped to sustain over 200 projects between individuals and NGOs across more than 50 countries in five continents to prevent and counter the impacts of organised crime at a local level, and puts in place capacity-building programmes and initiatives to connect civil society across the globe. The Fund provides support through small financial grants, capacity building and networking. The Fund fosters global, regional and local networks aimed at facilitating the exchange of experiences, insights, and lessons learned as a means of creating meaningful participation in diverse scenarios. The insights gained from the Fund's network of grantees inform the GI-TOC's ongoing strategies and programmes.

The Resilience Fund counts the following governments as its financial supporters since its launch – Norway, USA, UK, Germany, Netherlands and New Zealand.

The political feasibility of each category of intervention is dependent on the situation in the community, country and region concerned. But before explaining how CSOs carry out these activities, it is important to understand the context in which they operate and the value that civil society has. The Global Organized Crime Index⁵ (Global Initiative against Transnational Organized Crime (GI-TOC), 2022, pp. 47-48) shows that political and governance instruments are the primary tools used to combat organised crime, but that whole-of-society responses are needed for an effective and holistic response, importantly by strengthening civil society.

Civil society can reach communities and people that the state cannot reach. It can build trust with communities where law enforcement and state authorities cannot. It can provide data and evidence that is not available to states, and it can respond faster on the ground to organised criminal activities in some cases. Civil society can therefore both provide direct support to communities and provide states with information; and support them in prevention, prosecution and

community engagement activities. Furthermore, it can contribute to research, advocacy and broader engagement activities, including internationally, to raise awareness of specific criminal phenomena and effects and advocate for improved responses.

All of these activities can bring CSOs into conflict with state priorities, particularly where research and advocacy are concerned which might expose the connections between state, business and crime, or might highlight deficiencies in state responses (Tennant, 2022).

The Global Organized Crime Index notes that 'where actors embedded within the state are among the chief perpetrators of criminal activity, civil society actors routinely find themselves in the crosshairs of repressive government action'. (GI-TOC, 2022, pp. 47-48). The Index found that in 57 countries (out of 193 examined worldwide), resilience indicators were low while criminality indicators were high. For half of these 57 countries, the 'non-state actor' indicator of resilience, a proxy for civil society, either did not exist or was ineffective (GI-TOC,

5 In 2021, the Global Organized Crime Index was published by GI-TOC to assess levels of organised crime and the strength of countries' resilience to address the criminal threats they face. As the first tool of its kind, it offered a snapshot of these dynamics amid the circumstances created by the COVID-19 pandemic. Two years on, the second iteration of the Index (September 2023) has been expanded in scope and, for the first time, offers longitudinal data on criminality and resilience patterns for all 193 UN member states by comparing the results of the current Index with those of 2021. While the Index is an informative tool, its true value lies beyond the data and in how it can contribute to a global discourse on the evolving nature of organised crime and ways of strengthening resilience. See <https://ocindex.net/report/2023/0-3-contents.html>

2022, p. 105). In certain regional contexts, such as Africa, repression of civil society is to some extent matched by the strength of civil society networks (GI-TOC, 2022, p. 66). In the Americas, civil society is one of the strongest indicators of resilience against violent organised crime (GI-TOC, 2022, p. 74). But in specific countries, whether in Africa, the Americas or Asia, state instruments of repression remain effective in repressing non-governmental activism.

But what does this role of civil society in tackling organised crime look like in practice? Based on review of GI-TOC research and experience over time, we outline the nature of three categories of CSO activities, with some examples:

1. Community-based, locally grounded: *Ground-level actions to build community resilience to organised crime.*

Community resilience interventions can come in many forms, but at their core is the concept of providing support and services to victims and communities in the face of organised crime.

The most well-known form of civil society activity is victim support and assistance. For example, NGOs which support victims of human trafficking and labour exploitation are widespread and generally accepted parts of the ecosystem, even in authoritarian states, or states with otherwise closed space for civil society.⁶ In a similar vein, due to the ongoing proliferation of human smuggling, there is a burgeoning sector of NGOs who work to support migrants, either in camps, or in boats – putting themselves at risk to rescue those at sea. This is a less accepted activity, with civil society coming under pressure in Europe to cease these support activities (Reuters, 2023).

Looking to another form of transnational organised crime, since 2016, the GI-TOC has documented community responses to drug-related crime in Mexico (GI-TOC, 2017). These include, for example, Bosque A Salvo, a CSO that leverages the influence of local businesses to draw policy

attention and resources into neighbourhoods where organised crime groups recruit. Another example is Recuper-Arte, a non-hierarchical art collective that leads public activities such as cleanliness drives. A third is the weekly news publication Riodoce, which runs investigative stories on organised crime. In an extremely high-risk environment such as Mexico, CSOs still seek to provide a safe space for members of the community, to cope with the immediate trauma of violent criminality, restore a sense of normalcy and ultimately to alter cultural values, especially among young people, that glorify law-breaking (Gastelum & Tennant, 2021).

One of the countries with the longest and deepest experiences of organised crime, and of civil society coordination against it, is Italy. As just one example documented by Gastelum & Tennant (2021) shows, community efforts to fight against extortion are a prime example of community resilience building (Gastelum & Tennant, 2021). This research highlighted the importance and effectiveness of civil society-led resilience building, through cultural and social advocacy, highlighting the ‘AddioPizzo’ movement as one example:

AddioPizzo was born as a civil society organization whose manifesto is to inculcate a collective cultural revolution against the mafia. While its mission is to encourage opposition to pizzo [extortion payments] among businesses and consumers, it also provides legal support and economic alternatives to businesses by promoting ethical consumerism to counter extortion, while educating for change, especially among the younger generations. The AddioPizzo approach to build resilience against extortion is based on the notion that this crime thrives if certain cultural factors are present. Taking a holistic approach that involved raising awareness about the problem and educating the community involved, AddioPizzo created a trust network amongst citizens in Palermo and actively involved the public and private sector.

(Gastelum & Tennant, 2021)

The examples available from Italy's experience are diverse and the country maintains a strong anti-mafia social movement, which has played a key role in ensuring the publishing of confidential documents on historical anti-mafia processes and trials, which are vital in ensuring a sustainable culture of transparency, accountability and justice – as a safeguard against mafia resurgence (Scaturro, 2022).

Looking at other manifestations of community-level actions, Tennant (2022) listed the below examples of diverse community-level engagement:

- In the US, research shows that local non-profit community groups played key roles to reduce gang-linked crime and violence in various urban centres from the 1990s to the 2010s (Sharkey et al., 2017).
- In South Africa, violence-reduction activists and initiatives (often connected to religious groups) have facilitated mediation and dialogue between gangs, despite the rise in illegal firearms, gang culture and the corruption that enables it (Burger, 2019). Whistleblowers and public interest lawyers have helped uphold the country's rule of law as it faces grave challenges of corruption and organised crime (Oliveira, 2022).
- In Guinea-Bissau, a country deeply affected by crime, corruption and instability related to transnational cocaine trade in the region, local radio and community activism have helped to disseminate information and advice to communities as they seek to counter the threat and engage with authorities to bring those responsible to justice (Bird & Gomes, 2022).
- In South Eastern Europe, civil society groups have become key protagonists in rehabilitating at-risk young people, and engaging in resilience-building activities, such as supporting the social reuse of confiscated assets.⁷

Throughout community-level interventions, GI-TOC's research has found that the role of women is key and that interventions led by women are more likely to be accepted by marginalised communities than those led by men (Bird, 2021).

2. State-focused, 'whole-of-society': Engaging directly with authorities to support state responses to organised crime.

Italy's experience of countering organised crime has included key moments, beyond the social movements aimed at community responses, when all of society pulled together against the common threat of organised crime. Anti-mafia community groups and national activist organisations remain strong in Italy today. At key moments in their history, civil society and state figures have worked together, sometimes pressuring one another, sometimes disagreeing, but always sharing a common objective (Scaturro, 2022). Demonstrating the risks and challenges of this kind of cross-society collaboration against a common threat, several leading members of their society's fight against the mafia were assassinated, including Giovanni Falcone, the judge who is credited with laying the intellectual and strategic foundations of the UN Convention Against Transnational Organized Crime (Tennant, 2020).

The GI-TOC has documented instances where CSOs helped reduce the scale of criminal activity by aiding law enforcement. CSOs in Southeast Asia have raised public awareness, especially among young people, of the harms caused by wildlife crimes, leading to greater stigmatisation of consumption of animal-based products and foods derived from protected species. They have organised citizen patrols of forests to deter poaching and contributed intelligence to interdiction efforts. In Vietnam, one CSO created an anti-poaching unit that over two years, assisted in the apprehension of 131 poachers (Dang et al., 2021). In the UK and US, where law enforcement is much better resourced, support from CSOs can improve intelligence collection particularly about online illicit markets (MacBeath, 2022).

⁷ See GI-TOC Resilience Balkans series, <https://globalinitiative.net/analysis/resilient-balkans-2/>

Tennant (2020) lists the following additional examples:

- A Canadian framework for collaborative community policing was developed when the police recognised that they could not reduce gang activity by law enforcement alone (Erickson et al., 2007).
- Mexico offers countless examples of community groups, such as mothers of the disappeared and art collectives, that have come together with researchers and journalists to reclaim public space from criminals (GI-TOC, 2017; Shirk et al., 2014).
- Elsewhere in Latin America, Ecuador launched a new strategy for public safety in 2007, in which the state and civil society worked together to fight crime through social inclusion. This included legalisation of youth street gangs, which led to a dramatic reduction in homicides (Brotherton & Gude, 2018).

Moving more into the online realm, civil society organisations have become key actors in engaging with the private sector and law enforcement in identifying and removing harmful content or criminal activities online. The Internet Watch Foundation is a civil society organisation which actively removes criminal online content (<https://www.iwf.org.uk/>). *This approach is mirrored by the GI-TOC itself, through its Market Friction and Monitoring Unit,⁸ which is 'dedicated to monitoring online marketing of endangered wildlife species and working towards innovative, effective strategies for disrupting wildlife trafficking' (GI-TOC, n.d.).*

3. Bigger picture, beyond borders:
Research, advocacy and engagement to catalyse community, national and international responses to organised crime.

Of course civil society does not just work at community level to provide assistance. It can provide research and advocacy and change policies

and practices through its work, including at the international level. The work of anti-corruption NGOs such as Transparency International, and other global and regional bodies focused on anti-corruption and criminal markets such as environmental crime and human trafficking, provide ample evidence of international policy engagement and advocacy, and of course GI-TOC's existence is a manifestation of the response to criminal markets from civil society. As has been documented in Tennant (2022) – this type of international advocacy is widespread across different international policy spaces.

At the level of academia, this type of activity also takes place in many areas, for example:

Across West Africa more, a vibrant and growing ecosystem of organized crime researchers and academics is engaged with national governments and international organizations, providing evidence and data to policymakers. Indeed, academics in all countries play a vital role in understanding criminal markets and dynamics, and contributing to improved policymaking through evidence, debate and engagement. (Tennant, 2022).

Challenges faced by CSOs

However important this work is, it is not carried out without challenge or threats from vested interests, including criminals and linked state actors, or without operational challenges that face all non-profit actors trying to make traction with limited funds and resources. The challenges faced by CSOs can therefore be divided into two broad categories:

1. operating challenges in countries and communities; and
2. political challenges to engaging internationally.

⁸ See <https://globalinitiative.net/initiatives/mmfu/>

A number of **operating challenges** affect the on-ground working conditions of CSOs.

Physical safety concerns: The GI-TOC's

Assassination Witness⁹ project has recorded how journalists, NGO workers and other activists often fall prey to deliberately targeted criminal violence. The prospect of justice being delivered in many of these instances is remote. During 2019 and 2020 a minimum of 2,700 people were eliminated in contract killings across a total of 84 countries (Kaysser & Oliveira, 2021).

As Kaysser and Oliveira (2021, p. 8) note, 'assassinations are not only a mechanism used by organized crime, but also a manifestation of interaction between the underworld and the upperworld'. When political interests are enmeshed with organised crime, a conspiracy of silence prevents objective investigation of high-profile killings carried out by criminal groups. In southern Africa, 'most cases do not make it through the criminal justice system: the investigations either dead end or the prosecutions get delayed, and it is difficult to determine what happened to the case. It is therefore necessary to closely monitor these court cases to better understand where and why they are getting held up in the process.' (Thomas, 2021).

Accessing sustainable funding: An imbalance exists between international NGOs, urban-centric CSOs and those based in more remote or harder to access community-based organisations, in terms of access to funding versus access to people. International and urban CSOs are more adept at winning grants due to their ability to handle the requisite administration, but local, grassroots CSOs which are closest to the needs and target populations, and which understand the needs of the population best, may not have the access, visibility and administrative and financial structures required to secure grants (Amerhauser & Kemp, 2021, p. 7).

Government officials take different stances towards different types of CSOs. Those that assume a watchdog role are viewed with greater

suspicion (and often hostility) than those which engage in service provision (Amerhauser & Kemp, 2021, p. 9). Recommendation 8 of the Financial Action Task Force has also been responsible for much of the difficulty faced by CSOs (Knoote & Malmberg, 2021). It advised governments to regulate financial flows to the non-profit sector. States henceforth faced a lower burden of proof before they could block funding to organisations deemed politically subversive. Smaller NGOs were more likely to be flagged as 'suspicious'. Such NGOs have reported difficulties with basic financial transactions. CSOs led by women, which play a distinct and vital role in many community-level efforts, have been particularly affected. This in turn has adversely impacted community resilience, as the ability of these CSOs to operate is curtailed and in many countries they are already at a disadvantage in terms of accessing financial institutions and resources. Such obstacles exacerbate the challenges they already face (Knoote & Malmberg, 2021).

Political challenges to engaging internationally mirror the challenges faced at the local level. The multilateral space for engagement on organised crime is illustrative of the tightening restrictions.

Article 28 of the UN Convention Against Transnational Organized Crime (UNTOC) calls for state parties to consult with civil society experts about trends in criminal activity and the actors involved in each jurisdiction (Tennant, 2022). It also calls for processes by which the progress of anti-crime efforts can be tracked.

Yet, in practice, there has been a slow watering down in the language and practices used by the UN. As Tennant (2022) notes: 'At the 2000 Vienna Congress [UN Crime Congress], member states agreed that civil society representatives were 'partners and actors', alongside governments, in the field of crime prevention and criminal justice. By Bangkok in 2005, civil society had been relegated to "contributing" to efforts, "within the rule of law"'. And by Kyoto in 2021, states were elevated to the principal actors, with a reduced recognition of civil society (Tennant, 2022).

9 See <https://globalinitiative.net/initiatives/assassination-witness/>

This is a sad reflection of the reality of closing civil society space around the world, as states who are suspicious of or hostile to civil society activities and organisations in their own countries exert their will through the multilateral system. In some cases, states are actively opposed to civil society, and proactively seek to shut out civil society access to the multilateral system – including on the sensitive topics of organised crime and corruption. Some simply do not want their policies and responses to these topics, which they see as internal security issues, to be the subject of public debate. Others might not have a strong position but are willing to go along with a strong push against civil society, following the lead of strong countries within their political or regional groupings at the UN (Tennant, 2022). Given the pre-eminence of state-embedded actors in organised crime (GI-TOC, 2022), it should not be surprising that some states at the multilateral level seek to shut down any movement towards increased transparency and accountability on their anti-organised crime policies. This has the knock-on effect that even states who do understand and value the role civil society can play then face an uphill battle in opening up space and debate – which in turn hinders the effective implementation of measures and policies to which the vast majority of UN member states have signed up.

Conclusion

CSOs face a vast range of operating and political challenges in areas of high criminal governance, and they, in effect, have to fend off a dual threat. This threat emanates from criminal actors (as well as corrupt officials) on the one hand and state repression on the other. With such difficulties, any organisational capacity for investigating and tracking criminal activities is limited, and therefore the value of civil society as a key plank in the whole-of-society response that is needed is weakened or lost, including in the multilateral system, which currently cannot claim to uphold the vision of ‘civil society’ outlined by Kofi Annan at the adoption of the UNTOC.

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The Serious Organised Crime & Anti-Corruption Evidence (SOC ACE) research programme aims to help 'unlock the black box of political will' for tackling serious organised crime, illicit finance and transnational corruption through research that informs politically feasible, technically sound interventions and strategies. Funded by the UK's Foreign, Commonwealth & Development Office (FCDO), SOC ACE is a new component in the Anti-Corruption Evidence (ACE) research programme, alongside Global Integrity ACE and SOAS ACE. SOC ACE is managed by the University of Birmingham, working in collaboration with a number of leading research organisations and through consultation and engagement with key stakeholders.

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