



Edited by: Etannibi E.O. ALEMIKA

THE IMPACT OF ORGANISED CRIME ON GOVERNANCE IN WEST AFRICA

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List of abbreviations

African Union – AU
Al Qaeda in the Islamic Maghreb – AQIM
Anti-Drug National Committee – CNLD
Central Office For The Control Of Illegal Trafficking Of Drugs – OCRTIS
Civil Society Organisations – CSOs
Economic Community of Central African countries – CEEAC
Economic Community Of West African States – ECOWAS
EU mission in support of the Security Sector Reform in Guinea Bissau – UESSRGB
European Agency for Borders Control – FRONTEX
Gambian National Narcotics Control Agency – NDEA
Gross National Product – GNP
International Labour Organisation – ILO
International Maritime Bureau – IMB
International Maritime Organisation – IMO
Joint Drugs Interdiction Task Force – JDITF
Liberians United for Reconciliation and Democracy – LURD
Mouvement National pour la Libération de l'Azawad – MNLA/ National Movement for the Liberation of the Azawad
Mouvement pour l'unicité et le jihad en Afrique de l'Ouest– MUJAO /Movement for the Unity of Jihad in West Africa
Movement for Democracy in Liberia – MODEL
Mutual Legal Assistance – MLA
National Agency For The Prohibition Of Traffic In Persons And Other Related Matters – NAPTIP
National Travellers Owners Association – NTOA
Niger-Delta People Volunteer Force – NDPVF
Non-Governmental Organisation – NGO
Protection of Children against Violence and Abuse – PEVA

Revolutionary United Front – RUF

Société Nigérienne des Produits Pétroliers – SONIDEP

The British Serious Organised Crime Agency – SOCA

The Economic And Financial Crimes Commission – EFCC

The Independent Corrupt Practices And Other Related Offences Commission –
ICPC

The Intergovernmental Action Group Against Money Laundering In West Africa –
GIABA

The International Criminal Police – INTERPOL

The Mano River Union – MRU

The National Agency For Food And Drug Administration And Control – NAFDAC

The National Cattle Identification Programme in Senegal – PRONIBS

The National Drug Law Enforcement Agency – NDLEA

The National Unit For Processing Financial Information – CENTIF

The West African Police Chiefs Committee – WAPCCO

United Nations – UN

United Nations Office On Drugs And Crime – UNODC

United States Centre For Immigration Studies – US-CIS

United States International Narcotics And Law Enforcement Affairs – US-INLEA

West Africa Commission on Drugs - WACD

West African Coastal Initiative - WACI

Preface

Reports by the UN Office for Drug Control (UNODC) suggest that, over the past decade, transnational criminal networks have infiltrated West African polities up to the highest circles. By means of coercion and corruption, criminal elements are realising enormous profits while gaining influence over bodies politic on both the local and national levels. The sheer value of illicit goods and services is consistently crowding out legitimate businesses. Politicians' and parties' need for campaign financing and votes make them dependent on the cartels – as does the need of businesses for venture capital. Those behaving with integrity are intimidated into collusion. As a result, societies, which had been no strangers to corruption before, are becoming ever more dependent on funding from criminal sources.

Weak state authority and conflict have been both conducive to and exacerbated by these developments. As has been vividly illustrated by recent atrocities in Mali, drugs, extremism, and a weak state make a dangerous blend. But Mali is not the only place in West Africa with easily inflammable enmities; where the state's monopoly of force or its ability to deliver public goods and services has been fading away; with feeble institutions and debilitated administrative capacities; where political will to change any of this has dwindled due to corruption – or resignation; or where, as a consequence, insurgent tendencies have been fuelled. Comparing West Africa to Central America, a future scenario of intensified criminal violence does not seem entirely inconceivable, either. Local variations aside, the accumulated effect on human security will likely be devastating.

The face of affairs does not suggest any easy answers. Despite several organisations' attempts to bring about more transparency, the data available remains limited. Factual evidence at least suggests that the areas of political and economic governance may be a starting point for policy development. In the area of law enforcement, co-operation among West African governments has been initiated, notably through the frameworks of the West African Coastal Initiative (WACI) and the Groupe Intergouvernemental d'Action contre le Blanchiment d'Argent en Afrique de l'Ouest (GIABA). Broader policies, such as the ECOWAS "Praia Plan of Action" and the "Abuja Declaration to address the security threats posed by drug-trafficking in the sub-

region” or the African Union’s “Plan of Action on Drug Control and Crime Prevention (2013-2017)”, however, have had limited effect to date. The recently launched, non-governmental West Africa Commission on Drugs (WACD) is vowing to foster more inclusive dialogue and addressing governance issues beyond law enforcement.

The Friedrich-Ebert-Stiftung has recognised the need to promote the discourse on organised crime, democracy, and human security and published several papers on the issue. The study at hand had in fact been commissioned in the year of 2011. The research team, comprising of experts from several sub-regions of West Africa, was met with numerous practical difficulties at the time. Their work, however, presents hitherto under-represented arguments, such as organised crime being rooted in “dysfunctional and unproductive” economic systems, which may be traceable even back to the structural adjustment programmes conducted by the IFIs in several countries of the region in the 1980ies and beyond. “Faulty political structures and weak state institutions” are identified as further causes for the region’s vulnerability to transnational organised crime as is an “undermine[d] state [...] legitimacy”, which “aggravate[d] contentious politics, political violence, [and] social fragmentation.” The authors prescribe an “evidence-led, multi-dimensional and sustainable approach which [would] combine[...] proactive social, economic and political measures with reactive law enforcement [...].”

The report’s findings have been discussed with stakeholders from official places and from civil society in the course of meetings in Dakar, Abuja, Berlin, and Brussels. Then again, it was hoped this paper would serve as a contribution to a discussion among citizens more than anything else. While some of the information presented here remains limited in scope and currentness, it was nonetheless decided to publish the manuscript on account of its topical value.

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Executive Summary

ETANNIBI E.O. ALEMIKA

There are several types of organised criminal activities and operatives in West Africa. These activities include drug trafficking, advanced fee and internet fraud, human trafficking, diamond smuggling, forgery, cigarette smuggling, money-laundering, arms manufacture, arms trafficking, and armed robbery as well as oil bunkering¹. Transnational organised criminal activities often involve collaboration among domestic and foreign criminal groups. Organised criminal groups infiltrate governments, businesses, political and economic systems. They undermine the effectiveness of these systems, sometimes through corruption and violence. It is imperative that enough effort is given to the understanding of the impact of organised crime on governance in West Africa.

Aim and scope of study

In this study, the following issues are addressed:

- Variety and trends of organised crime in West Africa;
- Impact of organised crime on peace, stability, development and the rule of law;
- Transnational linkages of organised crime; and
- Linkages between state institutions/politics and organised crime.

The focus of the study is different from the prevalent approach to the subject and reports on organised crime in West Africa, which have been more concerned with drug trafficking, human trafficking and scams directed at European and North American countries. Inadequate attention has been paid to other forms of organised crime. More significantly, there has been a lack of attention to the impact of organised crime on the fragile political, economic and social systems of the region. The responses by international, regional and national actors involved in developing and implementing measures against organised crime emphasise developing the capacity

1. UNODC 2005. *Transnational Organised Crime in the West African Region*. Vienna: United Nations Office on Drugs and Crime.

of law enforcement and judicial officials to enable effective interdiction and enforce the law. However, experience over the past two decades in many parts of the world indicates that reliance on law enforcement alone may not be an effective and sustainable enough approach. A broader understanding of actors, modes of operation, networks, of the nexus between organised crime and political systems, and the impact of organised criminal activities and actors on the economies and societies of West African countries is a prerequisite for developing a comprehensive and effective response to the activities of criminal networks.

Data availability

Data for this study were obtained primarily through secondary sources such as official reports of law enforcement agencies, academic publications, newspaper reports, and reports of governments and international agencies. These were supplemented by interviews with officials of relevant security and regulatory agencies and experts. Four researchers were responsible for the data collection and analysis in the following areas of West Africa:

- Gulf of Guinea (Moses U. Ikoh);
- Gambia, Guinea Bissau and Senegal (Alioune Badara Gueye);
- Mano River Union (Alphaeus Koroma); and
- Central Sahel – Burkina Faso; Mali and Niger (Boubacar Daouda Diallo).

The research was hindered by the paucity of reliable data on organised crime in the region. Reasons for this scarcity are deficits in the resources and time allocated to developing capacity for record management by enforcement and judicial agencies and research by scholars. This fundamental issue is of course beyond the scope of the present study, which aims principally at using existing data to explore the impact of organised crime on governance in West Africa.

Trends and patterns of Organised Crime in West Africa

The following major trends and patterns were observed based on information collected for this study.

- Substantial capacities for the local manufacturing of arms exist in Senegal, Ghana, Guinea and Nigeria. The products are clandestinely distributed through networks within the countries.
- Piracy and armed robbery against ships are increasing in the Gulf of Guinea as well as in other parts of West Africa.
- Drug trafficking continues to be a substantial and growing part of transnational organised criminal activity in West Africa.
- Corruption and money laundering are major problems through which organised crime operatives infiltrate and criminalise the state.
- There are cases where links could be confirmed between public officials and organised criminal activity, such as money-laundering, fraud and drug-trafficking.

Organised crime weakens government capacity by leeching away resources, capacity and legitimacy required for good and democratic governance. There is also a growing body of evidence on the infiltration of politics and economies in West Africa by members of organised crime syndicates. Top elected politicians or members of their families, security personnel, and other public officials have been indicted for involvement in organised crime over the past decade. In West Africa, organised crime thrives in the face of state weakness. This trend appears to be taking up speed in Mali, Guinea and Guinea Bissau. Countries emerging from conflict such as Liberia, Sierra Leone and Cote d'Ivoire are witnessing significant levels of organised criminal activity, which may yet threaten their transition to stability. Nigeria is facing the same challenges as well as threats of insurgency, ethnic and religious militia and criminal gangs, which have proved difficult to quell due to the proliferation of arms (used by insurgents and criminals, as well as political thugs employed for electoral violence) and contentious politics driven by struggle for the control of political and economic power (essentially for the purposes of looting public treasury and laundering the

2. Cf. pages 26-27 below for detailed list.

proceeds) by various groups at the national, state and local levels. Generally speaking, capacities to combat organised crime have been severely undermined by the association of organised crime and politics throughout the region.

Regional and international responses

West African countries are employing several legal instruments and agencies at the international, regional, and continental levels to strengthen their capacity to control organised crime within their borders. Such instruments include²:

- The United Nations (UN) Convention against Transnational Organised Crime
- UN Convention against Corruption
- The African Union (AU) Convention against corruption
- The ECOWAS³ Protocol on the Fight against corruption
- The ECOWAS Convention on Small Arms and Light weapons
- The ECOWAS Protocol on Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security
- The Intergovernmental Action Group against Money Laundering in West Africa (GIABA)
- The West African Police Chiefs Committee (WAPCCO)
- West African Coastal Initiative (WACI)
- West Africa Commission on Drugs (WACD)
- The West African bureau of the International Criminal Police Organisation (Interpol)
- The ECOWAS Convention on Mutual Assistance in Criminal Matters
- The ECOWAS Convention on Extradition.

There are several constraints in relying on these and other instruments to combat organised crime in West Africa, however. These include complicity of government officials and political office holders in some of the activities (especially corruption,

³The Economic Community of West African States.

money laundering and proliferation of arms); weakness of state anti-crime and judicial institutions; corruption by security agencies; lack of effective intelligence capability, and intelligence-sharing as well as coordination among security agencies within the region; and lack of reliable evidence on organised criminal activities.

The nature, type, scope, incidence and impact of organised criminal activity in the region are still not adequately captured and understood largely because of poor record keeping by law enforcement agencies and paucity of rigorous and comprehensive research. It is necessary to move beyond the prevailing approaches characterised by speculation based on few incidents and dynamics of international political economy to rigorous research aimed at acquiring and sharing useful knowledge on the subject matter. There is need to emphasize and support in-depth country studies rather than speculative region-wide information scoping which tends to lead to unverifiable (and likely exaggerated) estimates of the extent and impact of organised criminal activities. Support for enhanced capability for data recording, analysis, storage, retrieval and publications by law enforcement and judicial agencies in West African countries will be a worthwhile investment in understanding, preventing and controlling organised criminal activities in the region and globally.

Foreign governments and organisations that support combating organised crime in West Africa have tended to focus on measures aimed at alleviating the impact of organised crime in their home countries rather than their effect on the economy, polity and society at large of West African countries. This approach is inherently ineffective in the face of globalisation, of which the rapid expansion of both legitimate and illegitimate enterprises is one of the most dynamic elements. This identified gap has motivated the research at hand, which is intended to promote a comprehensive and evidence-led approach to combating organised crime in West Africa in a way that is beneficial to both the region and the global community.

CHAPTER I

ORGANISED CRIME AND GOVERNANCE IN WEST AFRICA: OVERVIEW

ETANNIBI E.O. ALEMIKA

Organised crime within and across borders constitutes a serious threat to national and global development and stability. Consequently, governments, organisations, scholars and citizens across the world have over the past three decades shown interest and concern about the growth and impact of organised crime in different parts of the world. Since the mid-1980s, the emergence and growth of drug trafficking, money laundering, trafficking in persons and arms as well as theft of mineral resources and piracy have increasingly attracted the interest and intervention of many countries and agencies.

The study reported in this publication is an exploratory investigation into the relationship between organised crime and governance in West Africa. It was commissioned two years ago with a view to addressing what was perceived as a serious gap in academic and policy discourse on organised crime in West Africa at the time. This gap pertains to lack of attention to the relationship between governance and organised crime. Organised crime tends to flourish where good governance is generally lacking. In dealing with organised crime, therefore, good and democratic governance should be strengthened, otherwise, narrowly focused law enforcement approach to the control of organised crime, especially drug trafficking, will be ineffective, as experience over the past three decades has shown, because it deals with symptoms rather than the root causes of such crimes.

This study was intended to draw attention to the gap and to create awareness about the need to address the problem of organised crime in West Africa by adopting a broader governance approach. It was designed to explore the impact of organised crime on governance. Weak governments lack the capacity required for the control organised crime, ranging from corruption, money laundering, drug and arms

trafficking to theft of mineral resources. Reasons for this problem include ineffective and corrupt bureaucratic structures that fail to deliver services; ill-equipped and corrupt criminal justice system and most importantly, the co-optation of state officials into organised crime business. In a mutually reinforcing pathway, organised crime weakens government by employing corruption to co-opt officials and to capture critical state agencies such as the electoral management bodies, parliament, armed forces, law enforcement services and the judiciary.

Dearth of information and poor record keeping were serious obstacles encountered in the course of conducting the study. The agencies responsible for the control of organised crime in many countries in the Region do not maintain a proper record keeping system. This problem affected the quality of the data collected for the study and invariably the rigour of analysis of the relationship between organised crime and governance in West Africa. Notwithstanding this limitation, the study provides information that point to the need to adopt a broader governance and development approach to combating organised crime. Luckily, in recent times, there has been an increasing appreciation of this approach, by many actors in the drug control field in West Africa, especially the United Nations Office of Drugs and Crime (UNODC); European Union⁴, in its drug control programmes in the Region and some NGOs⁵. One of the outcomes of recent initiatives is the establishment of West Africa Coastline Initiatives (WACI) aimed at enhancing coordination among the national law enforcement agencies across the coast states. A very significant development is the

4. A Conference on the theme "Improving responses to organized crime and drug trafficking along the Cocaine Route" was jointly organised by The European Commission, European External Action Service, Italian Ministry of Foreign Affairs and the Institute of Security Studies held from the 28-30 May, 2013 in Rome. Deliberations at the Conference emphasized the need to re-imagine responses to the problem of organised crime by going beyond the law enforcement approach.

5. On February 27th 2012, Friedrich-Ebert-Stiftung organised an Experts' Roundtable on EU's Role in Facing Global Security Challenges Organised Crime and Drug Trafficking in its office in Brussels to examine alternative approaches. The Foundation also organised an International Conference with the theme "Being tough is not enough – curbing transnational organized crime", in its office in Berlin, Germany on from February 28th – March 1st 2013.

establishment of the West Africa Commission on Drugs (WACD)⁶, which in its statement of mission and action plan enunciated the governance and development approach to combating illicit drugs and organised crime in West Africa. It is hoped that this publication and these recent efforts will create necessary awareness and stimulate appropriate policies and programmes, and thereby contribute towards the re-imagination of the symbiotic relationship between governance and organised crime.

1. CONCEPTIONS OF ORGANISED CRIME

The term organised crime is now used with caution because of the changing character of association of individuals involved in criminal enterprises. Some argue that the term is not very useful for analysing diverse activities and enterprises associated with illegal means to supply legitimate goods and services or employ illegal means to supply illicit goods. In the old fashioned criminological analysis, organised crime as a concept was derived from the structure of mafia organisations with hierarchical structure with layers of position and corresponding tasks and powers. In the literature, organised crime has been variously defined⁷. Some of the definitions are worth considering, with a view to appreciating both the value and limitation of the term in research and law enforcement.

According to Abadinsky:

Organised crime is a non-ideological enterprise involving a number of persons in close social interaction, organised on a hierarchical basis, with at least three levels/ranks, for the purpose of securing profit and power by engaging in illegal and legal activities. Positions in the hierarchy and positions involving functional specialization may be

6. This is an initiative of Kofi Anan Foundation and its mission is to develop multi-sectorial and multi-disciplinary approach to tackling organised crime.

Lupsha, P. A. 1983. *Network versus Networking: Analysis of an Organized Crime Group*. Beverly Hills, Ca. Sage; Cressey, D. R. 1969. *Theft of a Nation*:

7. *The Structure and Operations of organized Crime in America*, New York: Harper; Finckenaue, J. O. and Voronin, Y. A. 2001. *The Threat of Organised Crime*. Washington D.C.: National Institute of Justice; Albanese, J. 1989. *Organised Crime in America*, 2nd Edition, Cincinnati, Ohio. Abadinsky, H. 1990. *Organised Crime*, 4th edition, Chicago.

assigned on the basis of kinship or friendship, or rationally assigned according to skill. The positions are not dependent on the individuals occupying them at any particular time. Permanency is assumed by the members who strive to keep the enterprise integral and active in pursuit of its goals. It eschews competition and strives for monopoly on an industry or territorial basis. There is a willingness to use violence and/or bribery to achieve ends or to maintain discipline. Membership is restricted, although non-members may be involved on a contingency basis. There are explicit rules, oral or written, which are enforced by sanctions that include murder⁸

Another definition highlighted the following characteristics of organised crime:

- Participation of persons and groups of persons (organised either formally or informally) in transactions characterized by:
- An intent to commit, or the actual commission of, substantive crimes;
- A conspiracy to execute these crimes;
- A persistence of this conspiracy through time (at least one year) or the intent that this conspiracy should persist through time;
- The acquisition of substantial power or money, and the seeking of a high degree of political or economic security, as primary motivations.
- An operational framework that seeks the preservation of institutions of politics, government, and society in their present form. (IIT Research Institute/Chicago Crime Commission 1971, 264)⁹

Lupsha provides one of the most useful definitions of organised crime, including the attributes. He argues that “organised crime is a process - an activity possessing certain attributes and characteristics. As such it cannot be identified with any single temporal starting point” He identified the following key conceptual attributes of organised crime:

- On-going interaction by a group of individuals over time:
- Patterns in that interaction: role, status, and specialization.

8. Abadinsky, Howard (1990), *Organized Crime*, 4th ed., Chicago, p.6. .

9. IIT Research Institute & Chicago Crime Commission (1971), *A Study of Organized Crime*,

- Patterns of corruption of public officials, their agents, and individuals in private positions of trust.
- The use or threat of use of violence.
- A lifetime careerist orientation among the participants:
- A view of criminal activity as instrumental, rather than an end in itself.
- Goal direction toward the long term accumulation of capital, influence, power, and untaxed wealth.
- Patterns of complex criminal activity involving long term planning, and multiple levels of execution and organisation.
- Patterns of operation that are inter-jurisdictional, often international in scope. Use of fronts, buffers, and "legitimate" associates.
- Active attempts at the insulation of key members from risks of identification, involvement, arrest and prosecution.
- Maximization of profits through attempts at cartelization or monopolization of markets, enterprises and crime matrices. (Lupsha in: Kelly 1986, 33)¹⁰

Albanese rightly points out that "organised crime does not exist as an ideal type, but rather as a "degree" of criminal activity or as a point on the "spectrum of legitimacy"¹¹. This implies that organised criminal groups may, indeed, concurrently engage in legal and illegal activities and they may be more or less organised as a formal or informal organisation or network. Relationship may be limited to the duration of a single project or structured as on-going relationship or intermittently activated contracts that are shaped by the changing market forces.

The primary goal of individuals and organisations involved in organised criminal enterprises is to make money or derive profit and wealth from the supply of illegal or prohibited goods and services or through the supply or provision of legal goods and services by illegal means. Other crimes committed in the pursuit of such supplies and

10. Lupsha in Kelly, Robert J. (Ed.), *Organized crime - Cross-cultural studies*, Totowa, New Jersey, 10 - 31.

11. Albanese 1989: 5.

provisions are instrumental – complementary or subsidiary – to the main money – making activities. Criminal groups are organised in different ways, depending on the nature of their services and goods as well as their clients, and the linkage among them.

Several conditions that are conducive to the growth of organised crime have been identified in the literature¹². They include:

- economic factors - ineffective economic management, inappropriate (excessive or weak) regulation of economic activities, large informal economic sector, wide socio-economic inequality and widespread deprivations;
- political factors - weak state regulatory capability over economic activities, lack of citizens' support for the laws and policies of government, political instability and conflicts and widespread political corruption that tends to facilitate collaboration between organised criminal groups and politicians;
- legal factors – ineffective and corrupt enforcement and judicial agencies; excessive legal regulation of enterprises, and widespread corruption among security and judicial officials.

2. ORGANISED CRIME IN WEST AFRICA

Organised crime has been identified as a major threat to West African economies and polities as well as global peace. Some of the factors responsible for the growth of organised crime in West Africa are colonial pattern of exploitation and trade; widespread corruption among post-independence rulers that created economic mismanagement and political crisis, structural adjustment policies that led to high unemployment, impoverishment and exclusion of significant proportion of the population, especially among the youth; weak regulatory framework; corrupt and inefficient enforcement and judicial officials¹³. There are no adequate and reliable

¹²Williams, P. and R. Godson. 2002. "Anticipating organized and transnational crime" *Crime, Law & Social Change* 37: 311–355, and Jay Albanese (ed.), *Contemporary Issues in Organized Crime* (Monsey, New York: Willow Tree Press, 1995)pp. 35–60.

¹³ Alemika, EEO. 2009. *Nature and pattern of transnational Organised Crime in West Africa*. OA Onafowokan and OD Oche (eds.) *Transnational crime and security in West Africa*. Badagry, Lagos: Foreign Service Academy, pp. 9-26.

information and statistics on the incidence of organised crime in West Africa. Existing data and especially quantitative estimates on the scale and trend of organised criminal enterprises are grossly unreliable as they are derived from interdictions and arrests. Thus, some figures and estimates of drug trafficking and other forms of organised crime provided by agencies and foreign governments concerning the flow of organised crime within and through West Africa are largely wild guesses. In the absence of reliable information, it is a herculean task to determine the precise impact of organised crime on governance within or outside West Africa.

This does not mean that the effects of organised crime are not noticeable in the various countries in West Africa but rather that they are unquantifiable. The impact of organised crime such as corruption and money laundering in West Africa are noticeable in the manifestations of the following:

- Violent conflicts over resources and political instability driven by competition to control political power and use it for corrupt enrichment;
- Widespread social deprivation - poverty, unemployment, illiteracy, physical and mental disabilities, high morbidity and mortality rates; absence of social services (education, health care, housing, etc.);
- Lack and/or deterioration of infrastructure and public utilities such as electricity, portable water, road and rail networks/linkages.

The effects of organised crime of corruption, drug trafficking, oil theft (bunkering) and money laundering are noticeable in Nigeria and to a lesser extent in Ghana and Senegal where private jets, expensive houses, cars and commercial property such as plazas and hotels are being acquired by either faceless entrepreneurs or persons without publicly verifiable commensurate sources of income.

These problems are growing in scope and severity because a significant proportion of budget allocations for preventing and solving the problems through provision of relevant services and facilities are often stolen and laundered both within the countries and outside the region to Europe, North America and Dubai.

2.1. Political, Economic And Social Contexts Of Organised Crime In West Africa

The study of any social phenomenon requires understanding of its political, economic and social contexts. Otherwise the derived explanations will be invalid or at best superficial. The study of the flow and impact of organised crime in West Africa is no exception. Therefore, we provide a sketch of the political, economic and social contexts in the region that constitute the drivers as well as the outcomes of organised crime.

West African countries are Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, The Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo. With the exception of Mauritania, these countries are all members of the regional body known as the Economic Community of West African States (ECOWAS). Some of the features of the political environment are as follows: All the countries, with exception of Liberia, were colonized by various colonial powers, especially by Britain and France, from mid to late 19th century until the 1960s. Successive post-colonial governments – civilian and military - have been generally autocratic. Most of the countries have experienced military rule often for a long period (including Nigeria, Ghana, Burkina Faso, and Benin). Most have also experienced protracted political instability and several have experienced civil war (including Nigeria, Liberia, Sierra Leone, and Cote d'Ivoire). Transition to liberal democracy started from the past three decades and has not been consolidated but rather stagnated at the level of periodic rites of fraudulent election. Each of the countries comprises several ethnic and religious groups with varying levels of literacy and access to modern infrastructure as a result of the nature of pre-colonial social organisation, contact with colonial rule and colonial domination, and post-colonial contentious politics. There is a lack of consensus among the political élite on law, policies and decisions required for the entrenchment of good governance and democracy. The use of public resources to aggrandize self or relations and cronies is entrenched in most of the countries.

Security and the rule of law are weak in the countries and vital state institutions, including security, criminal justice and regulatory agencies are often captured by primordial or sectarian interests thereby subverting the emergence and sustainability of a capable state. Porous borders, large sections of which are ineffectively patrolled exist in most countries. There are also several ill-equipped, uncoordinated, antagonistic and corrupt security officials at the national borders. Professional, independent and adequately resourced security and criminal justice systems are generally lacking. There is a problem of proliferation of firearms used by militias, rebel groups, bandits, political thugs and cross-border smugglers. Violent conflicts over elections and access to government services and resources among religious and ethnic groups as well as regions are pervasive. There is a growing culture of impunity at all layers of society especially among political and economic power-holders and some of the countries have been or are becoming vulnerable to acts of terrorism, infiltration by terrorist groups and insurgents.

The economic context of the region reflects the cause and effect of underdevelopment and bad governance. Some countries are very well endowed with natural resources, such as oil and diamond, though majority of the population are engaged in progressively unproductive traditional agricultural production system. The industrial and manufacturing sector is small and shrinking in many countries due to conflicts, importation of foreign goods in the absence of appropriate local industrialization policy, resulting to dependency of foreign capital and consumer goods. There is a large informal sector in production and commercial transactions. Investment in the real sector and infrastructure is low. Corruption in the form of mismanagement and theft of public funds and nepotism are widespread in the public sector while fraud is prevalent in the private sector.

The foregoing political, security and rule of law, and economic contexts intertwine with a social context characterized by (a) youthful and growing population without matching growth in economy to provide employment; (b) deterioration of social services-- especially education, health care, and housing – to cater for a growing

population; (c) wide inequality in access to basic social and welfare services as well as wealth in countries where majority are absolutely poor; (d) aspiration and taste for Western lifestyle by young people and diminishing influence of traditional social control and safety-nets, which are fuelling drug use and abuse, internet scam, illegal migration and human trafficking.

The foregoing conditions produce an environment that is conducive for criminal enterprises such as drug trafficking, dumping of fake and substandard goods, corruption and money laundering, illegal exploitation and theft of mineral resources involving extensive collaboration between indigenous public officials and private entrepreneurs on the one hand and foreign corporations and entrepreneurs on the other. Criminal activities involving collusion among multinational corporations, government officials and local entrepreneurs have been reported in some West African countries.¹⁴

2.2. Structural Adjustment Programmes And Organised Crime In West Africa

To fully understand and explain the trends, patterns and impact of organised crime in West Africa, the consequences of structural adjustment programmes (SAP) introduced in some of the countries from the early 1980s must be factored into the discourse. It is not an accident that global awareness and concern about organised crime in West Africa, especially drug trafficking, also began in the 1980s.

The SAPs foisted on the countries during the 1980s and 1990s by the International Monetary Fund (IMF) and the World Bank with the complicity of many advanced capitalist states destroyed the economic and social progress made in many of the countries after independence from colonial rule. Many of the structural adjustment policies led to government downsizing or withdrawing the provision of social services.

14. In Nigeria for example, the National Assembly exposed inflation of contracts involving Julius Berger, a German construction company. Several other companies, such as Halliburton and Siemens have been indicted for corruption in the country. Foreign airlines, including British Airways, have also been indicted for price-fixing.

Since then the governments in West Africa no longer regard the provision of social services as a primary duty, thereby creating a huge population of deprived and excluded citizens. Some of the programmes led to privatization or sale of public enterprises; majority of such enterprises closed down after their assets were stripped by the buyers in many countries, especially Nigeria.

The SAPs conceived and implemented for West African countries by IMF and the World Bank created loss of jobs and diminishing employment opportunities, reversal of industrial development, exclusion of majority of the population from vital social and welfare services (especially education and health care) and a fragile state. The implementation of the programmes also entailed currency devaluation and annihilation of professional and middle class, which led to brain drain and increase in illegal migration by young persons. These developments created favourable conditions for the entry and entrenchment of organised crime.

2.3. Variety Of Organised Crime In West Africa

Several forms of transnational criminal activity by organisations and individuals in West Africa have been reported in the literature¹⁵. The major forms include:

- Corruption and money laundering in West African countries, and in Europe and the United States of America.
- Human trafficking across West African countries, and from West Africa to the Middle East and Europe.
- Drug trafficking – West African countries are used as transit routes for cocaine and heroin. However, cannabis is produced in some West African countries and traded within and beyond the region.
- Arms trafficking into and within the West African region.
- Advance fee fraud with propositions emanating from West Africa (especially Nigeria) to Europe and North America.

15. UNODC 2005. Transnational Organized Crime in the West African Region. Vienna: United Nations Office on Drugs and Crime and UNODC 2009. Transnational Trafficking and the Rule of Law in West Africa: A Threat Assessment. Vienna: United Nations Office on Drugs and Crime.

- Internet fraud including identity theft.
- Smuggling of used cars. For example, used cars are imported from Europe into the Republic of Benin and smuggled into Nigeria.
- Smuggling of prohibited or controlled goods such as pharmaceutical psychotropic drugs, chemicals, etc.
- Piracy, especially in the Gulf of Guinea.
- Armed robbery, especially automobile-hijacking. Gangs of robbers, for example, snatch expensive cars from their owners in Nigeria which are then taken to neighbouring countries such as Benin, Togo and Chad.
- Smuggling of goods out of West Africa:
 - diamonds from Sierra Leone through Liberia and Guinea;
 - oil and precious stones from Nigeria;
 - gold from Ghana;
 - rubber and timber, for example from Sierra Leone;
 - ivory and timber from Equatorial Guinea.
- Vices (gambling, prostitution, etc.).
- Fraudulent trade practices, including dumping of sub-standard products and misrepresentation; illicit foreign exchange transactions (including money laundering) and siphoning of assets from Africa to developing economies (for instance over-invoicing, under-invoicing, abuse of investment concessions, tax and duty evasions, etc.).
- Dumping of toxic materials.

3. IMPACT OF ORGANISED CRIME ON GOVERNANCE IN WEST AFRICA

Some of the political, economic and social consequences of organised crime in West Africa are:

- Increasing linkages between politicians, public officials and organised crime entrepreneurs;
- Infiltration of the executive and legislative arms of government by organised crime entrepreneurs – some members of the legislative and executive arms have

been indicted and/or convicted for corruption and money laundering (for instance in Nigeria);

- Increasing effort to capture state institutions, especially the legislature – in Nigeria, many former governors who were indicted for corruption and money laundering have won elections and are currently members of the national parliament while their trial in the courts suffer delay and unending adjournments. In some countries, protection of organised criminals by security agencies/officials have been reported (for instance in Guinea Bissau);
- Corruption and laundering of the proceeds in foreign banks, purchase of houses in Europe, Dubai and North America deplete resources needed to provide employment and social welfare services, build trust in government and consolidate democracy, thereby aggravating state incapacity and fragility, unemployment, crime and political instability in various countries;
- Drug trafficking engenders drug use, abuse and addiction or dependency with consequences on public health and safety.

4. RESPONSES TO ORGANISED CRIME IN WEST AFRICA

Hitherto, reactive legal enforcement focusing on interdiction, arrest and harsh punishment of offenders has been the preferred response recommended by foreign governments and international organisations, and which has been adopted and implemented by national governments in West Africa. However, the problem has not abated, partly due to the inherent problems associated with the approach and partly due to ineffective capacity to ensure high rates of interdiction, arrest, prosecution and conviction—which penology has demonstrated is a necessary condition for achieving specific and general deterrence.

There is the need to recognize that organised crime in the region is rooted in economic systems that are dysfunctional and unproductive, and faulty political structures and weak state institutions which do not guarantee democratic and good governance and the rule of law and are incapable of providing required social welfare services, employment and public goods. These elements of the political economy undermine

state capability and legitimacy and aggravate contentious politics, political violence, social fragmentation and the struggle for the capture of the state by various groups including criminal networks. Evidence-led, multi-dimensional and sustainable approach which combines proactive social, economic and political measures with reactive law enforcement measures should be adopted.

Organised crime in West Africa has attracted several conferences and meetings by various organisations and groups. However, the subject remains largely not well understood. Consequently recommended measures against the problem have not produced the desired result of winning the war against organised crime enterprises and entrepreneurs in the region. Fortunately, organised crime in the region has not been associated with the sort of violence that is witnessed in Southern and Northern America countries.

Efforts to determine the scope of the problem have attracted fictional and unsubstantiated estimates by some international agencies and foreign governments. The UN Security Council meeting on organised crime in West Africa illustrates the diverse perspectives on organised crime in West Africa. On 21 February 2012, The Security Council met to consider matters related to peace and security in Africa, focusing on the impact of transnational organised crime on peace, security and stability in West Africa and the Sahel region. After the meeting it issued a statement (S/PRST/2012/2) in which it:

“expresses concern about the serious threats to international peace and stability in different regions of the world, in particular in West Africa and the Sahel Region, posed by transnational organised crime, including illicit weapons and drug trafficking, piracy and armed robbery at sea, as well as terrorism and its increasing links, in some cases, with transnational organised crime and drug trafficking. The Council stresses that these growing international threats, particularly in West Africa and the Sahel Region, contribute to undermining governance, social and economic development and stability, and creating difficulties for the delivery of humanitarian

*assistance, while threatening to reverse peace-building advances in the region”.*¹⁶

It therefore “called for system-wide United Nations action to help combat the spread of illicit weapons and drug trafficking, piracy and terrorist activity in a cross-section of fragile countries”¹⁷.

A concept note placed before the UN Security Council at the meeting and which was prepared by the President of Togo, who held the 15-nation body's presidency for the month noted that “there have been flagrant innovations in the West African criminal markets”. This was attributed to “the revenues of criminal service providers — arms traffickers, document forgers, pharmaceutical and DVD counterfeiters, couriers and protection providers — intertwine with the transatlantic cocaine trade and other forms of lawless activities in the region”¹⁸. Significantly, the note to the Council observed that “it appears that the underlying problem is not geographical but rather one of governance”¹⁹. The UN Secretary-General was reported as recommending to the Council that “The Governments of the region would need the support of regional organisations and the wider international community to build and sustain the required capacity in information-sharing, prevention, investigation, law enforcement and border management”. He advocated that the support “should unfold in parallel with creating alternative sustainable livelihoods and addressing the challenges of poverty, human insecurity and underdevelopment”²⁰. He also identified a major dimension of organised crime in West Africa, as the growing maritime-related organised crime such as piracy and the use of vessels for “drug trafficking, illicit fishing, illicit toxic waste dumping, and illegal or clandestine immigration or migration”²¹.

16. Statement S/PRST/2012/2, issued on February 21, 2012. Available online at www.un.org/ga/search/view.doc.asp?symbol=s/2012/83, accessed February 5, 2013.

17. Ibid.

18. Ibid.

19. The Security Council in its Statement S/PRST/2012/2 of February 21, 2012; see also www.un.org/ga/search/view.doc.asp?symbol=s/2012/83, accessed February 5, 2013.

20. Statement of the UN Security Council (S/PRST/2012/2), on February 21, 2012.

21. See Background section in the Statement of the UN Security Council (S/PRST/2012/2), on February 21, 2012.

Yury Fedotov, Executive Director, United Nations Office on Drugs and Crime, in his contribution was reported to have observed that “the transnational challenges in the region had evolved from social and criminal problems into threats to security, stability, and development”. He was also reported to have claimed that “The West African transit route fed a European cocaine market, which, in recent years, had grown four-fold, reaching an amount almost equal to the United States market” and “estimated that cocaine trafficking in West and Central Africa generated some \$900 million annually”. However, the basis for the estimate was not demonstrated, reinforcing a tendency by several international agencies, foreign governments and researchers to manufacture estimates of the size of proceeds from organised crime in West Africa without empirical substantiation. This tendency is an obstacle to the understanding of the nature, scope, variety, impact and linkages of organised crime in the region.

Three serious defects in the diagnosis of organised crime in West Africa can be identified. First, there is absence of reliable evidence and a general lack of concern for this gap. Estimates are manufactured as a fiction without verifiable empirical substantiation. Such estimates serve as a means of diplomatic coercion of the weak countries by the strong ones, which are the markets for trafficked persons, cocaine and heroin. Second, beyond mere listing of forms of organised crime, inadequate attention has been given to organised crime that lack transnational reach, no matter their impact or threat to national economy and polity. This accounts for the disproportionate attention given to trafficking in persons, narcotic drugs (principally heroin and cocaine), and money laundering to the neglect of crimes such as trafficking in and counterfeiting of pharmaceutical products; dumping of sub-standard products, and arms trafficking from developed countries to less developed countries. In essence, the fight against organised crime is not equally mutually beneficial. It often involves diplomatic coercion of less powerful states to divert resources to police organised crime that affect the developed countries to the relative neglect of problems that affect the economies, polities and societies of the weak countries.

Third and related to the second defect is that a disproportionate attention is given to estimation of the flow of organised crime through West Africa to Europe and North America. It is the preoccupation or obsession that often leads to fictitious estimates of the drugs and number of persons trafficked from or through the region. There are very few attempts to understand and respond to the socio-economic and political root-causes of organised crime in West Africa as well as the impact of such crimes and contingent operators and networks on the polity, economy and society of the countries in the region. This defect has led to the implementation of limited policy tools for combating organised crime. Law enforcement and para-militaristic measures have been preferred. Carrier and Klantschnig noted the sensational reporting of the drug situation in Africa and argued that the approach adopted to fight drugs on the Continent has led to repression, corruption and failure to solve the “real problems surrounding the production, trade and use of drugs” in Africa²².

The preferred militaristic approach engendered a failure to address the fundamental source of serious criminal activities in the region, which are the historically distorted polities, economies and social relations since the colonial era that currently manifest as contentious politics, dysfunctional and unproductive economies that are unable to produce employment, goods and services required by citizens, and inter-group hostilities and conflicts that result in proliferation of non-state armed groups and violence engendered by the struggle for access to scarce resources. As a correction to these defects, Francisco Caetano Jose Madeira, the Special Representative of the Chairperson of the African Union Commission for Counter-Terrorism Cooperation, in his contribution at the UN Security Council Meeting on organised crime in West Africa, of February 21, 2012 cautioned that “confronting crime was not only about patrolling borders and waters” but also providing “alternative economic opportunities ... for the most vulnerable sections of the population by addressing the underlying socio-economic conditions that gave rise to crime, poverty, environmental degradation and social exclusion²³”.

22. Carrier, N. and G. Klantschnig 2012. *Africa and the War on Drugs*. London: Zed Books, p.2.
 23. The Security Council in its Statement S/PRST/2012/2 of February 21, 2012; see also www.un.org/ga/search/view.doc.asp?symbol=S/2012/83, accessed February 5, 2013.

5. RECOMMENDATIONS

In terms of programmatic and pragmatic actions, the following are recommended:

- Greater attention to understanding of the dynamics, variety, actors and linkages of organised crime in each of the countries in the region, as well as between West African countries and other countries in other parts of Africa and the world;
- Greater attention to understanding the impact of organised crime on the political, economic and social systems of West African countries so as to determine which crimes and groups of actors constitute the greatest threat to governance, economic development and security;
- Wider interest and support by foreign governments and international organisations for efforts to combat organised crime, which negatively impacts on the political, economic and social development of West African countries instead of a narrow focus on trafficking in drugs and persons to European and North-American markets. Such approach would engender robust and mutually beneficial international collaboration capable of addressing the socio-political and economic roots of organised crime;
- Greater investment in research as well as improved information management by relevant security, regulatory and judicial agencies to provide reliable evidence for planning, implementation and management of operations aimed at combating organised crime in the region;
- Greater investment in and support to formulating social, economic and political policies and programmes which would alleviate the conditions that create an environment conducive to the activities of organised criminal groups and networks;
- Promoting and building partnerships for advocacy aimed at strengthening developmental and democratic values, laws, institutions and programmes that can withstand the onslaught of organised criminal actors and networks.

Combatting organised crime as well as terrorism requires comprehensive and multi-sectorial policies that are based on common, consistent, collaborative and

coordinated strategic evidence, analyses and actions. Critical thinking, empirical evidence, concern for global economic well-being, peace and political freedoms are necessary ingredients of any effective approach to combatting transnational organised crime and terrorism.

CHAPTER II

ORGANISED CRIME IN THE GULF OF GUINEA WITH A FOCUS ON NIGERIA

MOSES U. IKOH

Nigeria is the most populous country in Africa with a population of about 160 million people. The country has nearly four hundred (400) ethnic groups²⁴. The country is the hub of economic activities in the Gulf of Guinea. Christianity and Islam are the dominant religions. Nigeria gained independence in 1960 from Britain. Nigeria shares land borders that extend up to 770 kilometres with the Republic of Benin to the west, around 1,500 kilometres with the Republic of Niger to the north, 1,700 kilometres with Cameroun to the east, 90 kilometres with Chad to the north-east, and 850 kilometres of maritime border with the Atlantic Ocean to the south.²⁵ Effective policing of these borders have been severally questioned.²⁶ The Republic of Benin has a total of 1,989 km of land border with Togo, Burkina Faso, Niger and Nigeria as well as 121 km of coastline on the Gulf of Guinea.²⁷ These borders are very difficult to secure. The lagoons, creeks and rivers are sometimes used by criminals in speed boats to facilitate cross-border crimes, which range from narcotics/drugs trafficking to human trafficking, firearms trafficking, smuggling (including car theft), armed robbery, oil bunkering and money laundering. Organised criminal activities in the Gulf of Guinea largely target Nigeria. Therefore data for the analysis in this section is largely on organised criminal activities in Nigeria and its neighbours in the Gulf of Guinea. Types of organised criminal activities and their impact on governance in the area are examined.

24. Otite, O. (1990) *Ethnic Pluralism and Ethnicity in Nigeria*. Ibadan: Shaneson C. I. Limited.

25. A. Ayisi & I. Sall, "Combating the proliferation of small arms and light weapons in West Africa" *Handbook for the training of Armed and Security Forces*. United Nations Institute of Disarmament Research, Geneva, 2005.

26. *Ibid.*

27. Solomon Ekenyong, "Social inequalities, collusion and armed robbery in Nigeria cities." *British Journal of Criminology*, 29 (1): 107-133, 1989.

Since the early 1980s, Nigeria has recorded several types of organised criminal activities. Many of these activities persist in spite of the efforts of successive governments to combat them with support from foreign governments and agencies. The common types of trans-border and domestic criminal activities by groups and networks are drug trafficking, money laundering, corruption and fraud, trafficking in persons especially women and children, smuggling of firearms, kidnapping and armed robbery, oil theft, and piracy. Organised criminal groups become transnational when they move persons, goods and services across sovereign national borders in a manner devoid of acceptable norms and standards.²⁸ Nigerian citizens have been arrested for drug trafficking in many countries. A report by the United States International Narcotics and Law Enforcement Affairs (US-INLEA) observes that Nigerian criminal enterprises are organised and active in at least 60 countries around the world. They launder money in Hong Kong, buy cocaine in the Andes, run prostitution and gamble rings in Spain, and corrupt legitimate businesses in Great Britain with their financial crime.²⁹

The United States Center for Immigration Studies (US-CIS) believed that the Nigerian Mafia is well organised and sophisticated. Investigators who uncovered 'classes' where Nigerian criminals train new recruits into credit card, bank and insurance frauds also discovered phony Nigerian companies that exist only to reply to credit inquiries and provide reference and employment confirmation.³⁰ However, the United Nation Office on Drugs and Crime (UNODC) provides a relatively more accurate picture as it observes in a report that Nigerian criminal enterprises have very loose network which are fragmented but with business oriented features.³¹ They are project-based with

28. Awunah David Ngorngor, "Effective methods to combat transnational organized crime." *The Criminal Justice Perspective*, 3(1):45-58.

29. Jonathan Victor, "Statement before the US Parliamentary Subcommittee on Africa international relation." *The Statement discusses international narcotic trade as it relates to Africa and the Nigeria criminal enterprise activities in the United States.*

30. David Sim Cox, "The Nigerian criminal network: Feasting on America's innocence and slipshod ID system." *Police Department and the Immigration and Naturalization Service.* Los Angeles, 1989.

31. UNODC 2005. *Transnational Organized Crime in the West African Region.* Vienna: United Nations Office on Drugs and Crime.

features typical of legitimate traders and business people. Employees and recruits are organised along familial and ethnic lines; acquaintances or relatives of the original associates. In order to ensure secrecy, loyalty and trust, employees and recruits are drawn from similar ethnic groups, clans or villages. They are equally made to swear an oath of secrecy governing the terms of their agreement.³²

Recent developments in Nigeria suggest the creation of transnational links between different organised criminal groups. For example the Pakistani drug cartels seem to have established relationship with Nigerian drug dealers, thus opening up new market for the distribution of heroin in the country.³³ A report by the US Department of State observed that groups involved in human trafficking are often highly successful because of their links with other transnational criminal gangs. Traffickers in arms, drugs and other contraband often provide traffickers in person with safe and tested routes, access to cash and known corrupt officers to bribe.³⁴

1. MAJOR TYPES OF ORGANISED CRIMINAL ACTIVITIES IN THE GULF OF GUINEA

There are several types of organised criminal enterprise in the Gulf of Guinea, especially in Nigeria, which have attracted the attention of the public and government in the country, and the international community. The more common forms of such illicit activities are drug trafficking, money laundering, human trafficking, firearms smuggling, oil bunkering or theft, armed robbery, and kidnapping.

1.1. Drug Trafficking

Drug trafficking is a rampant form of organised criminal enterprise in Nigeria and its neighbouring countries in the Gulf of Guinea. A recent report by the UN Security Council stated that Cotonou port in Benin is being used by drug couriers for transshipment of large quantities of cocaine and heroin from South America to Europe. For

32. See Article 2(a) of UNOCTOC.

33. Kelvin Osa-Okunbor, "NDLEA impounds N120 Million heroin in MM Airport". The Nation, March 2, 2012.

34. See UNODC report on "Transnational organized crime in the West African Region." United Nations, New York, 2005.

instance in April and June 2011, security agencies seized a shipment of 200 kg of heroin and 450 kg of cocaine respectively in the port.³⁵ The UNODC also reports that 200 kg of heroin and 500 kg of cocaine destined for Benin were seized in Pakistan and Colombia in April and May 2011, respectively. There is also a booming trade in cannabis, which unlike heroin and cocaine is produced in West Africa. Amphetamine-type stimulants (ATS) originating in Nigeria and Asia are also widely trafficked and consumed in Benin.³⁶

In Nigeria, drug trafficking came into official prominence in 1983-84 following the arrest, trial, conviction and execution of two couriers. Since then, drug trafficking has become a major cause for worry in the country. Neither heroin nor cocaine (the two most popular narcotic drugs) is produced in Nigeria. Nigerian therefore exists as a transit route to other part of the world. Unlike the Colombian, Mexican and Italian mafia who can transport very large quantities of narcotics at a time, the Nigerian syndicate imports smaller quantities at a time using one of the three convenient methods: stuffer and swallow, shotgun or luggage-store. The stuffers and swallows secrete narcotics in their bodily orifices or swallow them wrapped in condoms, for later retrieval. With the shotgun method, several couriers are hired to carry drugs using the same route at the same time (for instance an airplane) without one knowing the other(s). If a narcotics search at the airport finds one of them, the others are likely to proceed without being searched as the attention of the officers is shifted to the suspect. The luggage-store method has several variants. The courier would hide the drugs in his or her luggage and wait to collect it on arrival at the airport. He could use false bottom suit case, soles of shoes, motor spare parts, car tyres, bumps and seats, postal services, foodstuff, etc.

According to UNODC analysis of 1,400 detected cocaine couriers on flights originating in West Africa between 2006 and 2008, 57 per cent of the couriers were

35. See UN Security Council, "Report on assessment mission on piracy in the Gulf of Guinea (7th to 24th November, 2011)." S/2012/45.

36. Ibid.

Nigerians, and were couriating drugs from every country in West Africa except Guinea-Bissau.³⁷ In Nigeria traffickers use mostly the Lagos/Kano/Abuja international airports via London, New York, Amsterdam and Frankfurt.³⁸ Apart from air courier, most of the cocaine routing through West Africa come across the Atlantic Ocean into the Bight of Benin and then routed to Togo, Benin, Ghana and Nigeria. Alternatively, traffickers had used Guinea Bissau and Conakry as well as Sierra Leone and Mauritania as additional air destinations. The drugs (especially cocaine) could arrive in cargo ship and then offloaded into smaller vessel for distribution along the West African coast. Analysts believe that the existence of weak laws and corrupt security officers make the routing of these drugs by traffickers through the region attractive.³⁹

1.2. Money Laundering

Money laundering is a derivative crime which is driven by proceeds from other crimes such as drug trafficking, oil bunkering, advance fee fraud and cyber-crime. It is often an attempt by organised criminal syndicates to legitimise the proceeds of their criminal activities.⁴⁰ Money laundering appears to go through a wide variety of methods. First, cash is introduced into the financial system by some means (placement), the second involves carrying out complex financial transactions in order to camouflage the illegal sources (layering), and then the final stage entails acquiring wealth generated from the transaction with the illicit fund (integration).⁴² Some of these steps may be omitted as organised criminal groups such as drug traffickers often repatriated money from abroad by direct purchase and resale of luxury items like cars and jewelleryes. Others may pass the money through complex international systems of legitimate businesses or banks, while others could use the money for legitimate businesses capturing like acquiring controlling interest in a bank through share

37. UNODC, "Transnational Organized Crime in West Africa, 2005". See also the 2006 World Drug Report. Vol. 2 Statistics (p.285). Geneva.

38. Abdullali Y. Shehu, "Economic and Financial Crimes in Nigeria: Policy Issues and Options." Abuja. 2006.

39. Ibid.

40. Awunah Donald Ngorngor, *op.cit.*

41. Richard Harowitz, "The global anti-money laundering regime: a short review." Cayman Island, 2010.

42. Ibid.

purchase. There is also the bulk cash smuggling which involves smuggling cash to another country where it will be deposited in a financial institution such as offshore banks with greater bank secrecy.⁴³

1.3. Arms Manufacturing And Arms Trafficking

Firearms smugglers have flooded the Gulf of Guinea with dangerous weapons. In Nigeria and Benin Republic porous borders facilitate this trade. Civil wars in several countries in the region have also created markets for illicit firearms. A comprehensive police report on arms intercepted in Nigeria is not available, but in 2001, 1,103 firearms were intercepted. The figure rose to 3,100 firearms in 2003 and 5,405 firearms and 420,281 rounds of ammunition in 2004.⁴⁴ In 2005, the police intercepted and destroyed 6,348 illegal firearms and discovered 225 firearms in 2006.⁴⁵ In 2009, The Punch newspaper reported the seizure of 41 assorted shotguns and 364 rounds of live ammunition by the police. In June of the same year, a Ukrainian plane loaded with Committee which attempted to reconcile the militant factions of Ateke Tom and Dokubo Asari in the Niger Delta area succeeded in recovering and destroying only 854 guns, 1,353 rounds of ammunition, 2 grenades and 11 pieces of explosive.⁴⁷ Both militant leaders were political bodyguards to Governor Peter Odili of Rivers State in the 1999 governorship elections.

Analysts have pointed to a two-way arms circulation in Nigeria: intrastate and interstate. The intrastate movement of arms is characterized by the way weapons change hands from legal to illegal possession, while the interstate movement refers to illegal cross-border movement of arms.⁴⁸ An example of intrastate arms movement

43. UNODC, "Transnational organized crime in West Africa" op.cit.

44. O. Yishau, *Armed Robbery or gun robbery: Violent crime in Nigeria*, Spectrum Books, Ibadan, 2005. See also www.nytimes.com/2003/08/17/magazine/17BOUT.html. The article gives an account of how Victor Bout, the World number one arms dealer operates; his allies and connection with African criminals.

45. Radio Nigeria, Channel 1 (Lagos), transmitted 13 September, 2010. Nigeria and Niger Republic pledged closer cooperation to combat terrorism and trans-border crime.

46. See for instance, Punch Newspaper of 13th April, 2005, and Daily Trust of 19th June, 2009.

47. K. Fagbemi & O. Nwankwo, "The Aguleri and Umeleri violence." In *Hope betrayed: A report on impunity and State sponsored violence in Nigeria* (pp.: 67 – 91). Geneva, World Organization Against Torture, 2002.

48. See "Small arms Survey". Gunpolicy.org. industry" Cape Town, p.1.

involved arms deals in 2008 by a Nigerian army Major and five other soldiers who sold 7,000 army guns for N100 million to Niger Delta militants.

In July 2010, Nigerian security men seized 13 containers at the Apapa Wharf in Lagos containing assorted arms including mortars, grenades and light ammunition. These small arms and light weapons were disguised as glass, wood and plates of stone en route to the Gaza Strip. An ex-militant who volunteered information during this survey revealed how arms were acquired through trade by barter during the height of the Niger Delta crisis: 'The ships that came for oil bunkering usually brought arms and ammunition. Part of the bunkered crude oil was exchanged for arms while part would go for cash'. In many other instances traffickers who brought arms in small boats through the creeks would pack them in waterproof sacks and attach them to the bottom of the boat.⁴⁹

1.4. Human Trafficking

Human trafficking problems are widespread in West Africa and are significantly contributed to by Nigerians with operational bases in Benin, Togo, Ghana, Guinea, Mali and South Africa⁵⁰. According to a UNODC report, Nigeria is a source, transit and destination country for internal and external trafficking. Nigerian citizens in Europe sustain a flourishing trade in prostitution. Many of the girls and young women are recruited in Edo and Rivers States as well as in urban areas of Lagos, and are taken to Italy and the Middle East. Children are often taken to work for little or no salaries in shops or fields in foreign countries⁵¹. Cases of child trafficking for prostitution or pseudo-pornography have also been reported.⁵²

Closely related to human trafficking is the emerging organised crime of sale of babies. The crime which is perpetrated by private hospitals mainly in the South-East and the

49. Interview with an ex-militant. The interview conducted as a part of the survey on the acceptability of amnesty elicited information on arms' acquisition by militants and how the funding for them was raised.

50. Afonja. O. Assessment of Trafficking in Persons in Nigeria, Obafemi Awolowo University, Ile Ife, November, 2001. See also, Miriam Songolo, "The trafficking of women into the South African Sex Industry" Cape Town, p.1.

51. See UN Security Council, Report of the United Nations assessment mission on piracy in the Gulf of Guinea (7th to 24th November, 2011). S/2012/45.

52. Ibid.

South-South zones of Nigeria involves recruiting pregnant girls (known in their in-group language as accidental mothers) to deliver the babies for a fee. Thereafter the girls are restricted within the hospital/maternity and are catered for until the babies are delivered. Soon after delivery, the babies are sold to waiting parents. According to NAPTIP, a male child attracts as much as between N300,000.00 (US\$2,000) to N500,000.00 (US\$2,333) while a female one goes for between N150,000.00 (US\$1,000) to N200,000.00⁵³. In 2008 alone, NAPTIP documented 20 such cases involving very big hospitals and maternities in the country. NAPTIP also discovered a crime syndicate which steals babies delivered by teenagers and sells them outside the country. In one incident a three-year old baby called Abu was rescued from the abductor in Togo in 1999, having been stolen from his mother at the Seme border area.⁵⁴

1.5. Advance Fee Fraud

Advance fee fraud (popularly called 419) is named after section 419 of the Nigeria Criminal Code which seeks to punish offenders for 'obtaining by false pretence' or 'offer by trick'. A Nigerian Police Superintendent describes 419 as 'an organised syndicated criminal venture between dubious unscrupulous Nigerians on one hand and unsuspecting gullible/greedy collaborators, on the other. Scam letters and forged documents are mostly used in perpetuating this crime.'⁵⁵

The origin of 419 is traced to the abuse of administrative requirement for the importation of goods during the 1970s and early 1980s. Through the collusion of government officials and foreign businessmen, imported goods were over-invoiced, resulting in the transfer of huge resources from the country without supply of goods and services.⁵⁶ A typical 419 scam artist would present a case of over-invoiced contract

53. See "Nigeria retains Tier 1 Position in the fight against TIP" op.cit.

54. Sesan Olufowobi, "Three year old Nigerian rescued from Human Traffickers in Togo, united with family. "Saturday Punch, April 18th, 2009. P.6. see also Sesan Olufowobi, "Bittersweet end to stolen 3 year-old search for family. Saturday Punch, February 7, 2009, pp.8 & 9.

55. See Awunah Donald Ngorngor, op.cit.

56. E.O. Alemika, "Narcotic drug control policy in Nigeria". Development Policy Center. Ibadan, 1998.

which payment is still hanging in a particular government Ministry or Department and propose to transfer the money to the target's bank account. Percentage on how the proceeds will be shared is stated. Once the target makes a favourable response, he or she will be requested to send a small amount of money to facilitate the remittance or pay for the processing. Once the victim sends the money the first time, several other fees are gradually revealed in the pretext that they would be used to bribe officials or pay stipulated taxes. As each charge is paid by a gullible victim a new fee is unfolded until the victim gets tired and backs out or raises alarm.

1.6. Armed Robbery

Trans-border armed robbery activities have severally been reported in Nigeria. The robbers take advantage of the porous borders to specialize in the theft of cars. In Benin, armed bandits usually target government vehicles used to convey staff salaries.⁵⁷ In a report by the UNODC,⁵⁸ some criminal gangs in Nigeria which include ex-combatants from the neighbouring countries engage in highway robbery and dispossess Nigerians of their expensive cars, and then move across the border to Niger or Chad where the vehicles are either dismantled and sold as spare parts or wholly sold to unsuspecting customers. Nigerians also suffered from the activities of Hammani Tidjani's criminal gang from the Republic of Benin. Tidjani and his gang specialized in car-jacking and theft. The gang would move into Nigeria in a convoy and rob Nigerians of their cars and thereafter move back to their base in Benin. For several years the gang operated unhindered because of collaboration with security officials in Benin Republic. Before Tidjani, there was another trans-border armed robbery gang led by Shina Rambo who also had his operation base in Benin Republic.⁵⁹

1.7. Oil Bunkering

Oil bunkering (theft of crude oil) in Nigeria is predominantly carried out in the Niger Delta region where crude oil is produced. A survey in 2008 revealed that there were

57. See UN Security Council Report (7th to 24th November, 2011), S/2012/45, op.cit.

58. See Amado Philip de Andres, 2008, op.cit.

59. A. Arabamen, "The fight against armed criminals: How we fare' Police Bulletin, 89:21 – 23. Lagos, 2001.

606 oil and gas fields, 5,284 wells, 7,000 kilometres of pipeline, 10 export terminals and 275 flow stations in the region.⁶⁰ Oil and gas operation is currently going on in more than 50 per cent of the 3,000 communities in the Niger Delta region. According to an ex-militant who volunteered information during this study, finding a pipeline to tap illegally is not difficult if you have the equipment. But contrary to available literature it is not all bunkered oil that are sold to foreigners. Some of the stolen oil are transferred into drums and taken to local refineries located in the creeks. After refining, the products are taken to roadside markets for sale to motorists⁶¹. Attempts to checkmate this practice have resulted in the destruction of several illegal refineries by the Joint Task Force (JTF).

Bunkering syndicates are highly armed and have links with foreigners including Moroccans, Venezuelans, Lebanese, Chinese and Russians who own ships that would load crude oil and deliver them for refining in Ghana, Cameroun and Côte d'Ivoire. In its recent publication on trans-border trafficking, UNODC suggested that bunkered Nigerian crude oil have been sighted in Rotterdam spot market⁶². The Federal government estimates that some 300,000 barrels of crude oil are being bunkered daily in the country⁶³. At the height of the Niger Delta crisis, bunkered crude was exchanged for arms, drugs and cash. As the leader of the Niger Delta People Volunteer Force (NDPVF), Muhajeed Asari Dokubo, once admitted, bunkered oil was sold to raise funds for the struggle⁶⁴. In January 2005, two senior naval officers, Samuel Babatunde Kolawale and Francis Agbiti were found guilty by the military court for involvement in crude oil theft and aiding international syndicate that specialized in oil bunkering. In July 2007, ten Naval officers including a Rear Admiral were indicted for oil bunkering⁶⁵. According to a UNODC report, some members of the JTF in the Niger

60. See Amado Philip de Andres, 2008, *op.cit.*

61. See interview with ex-militant, *op.cit.*

62. UNODC Report compiled by Amado Philip de Andres, 2008, *op.cit.*

63. Alex Vines, "Light weapon proliferation in West Africa". *Annual Review of Research*, Vol. 4, University of Chicago Press.

64. Judger Sebastian, "Blood oil" *Vanity fair*, February, 2008.

65. UNODC, "Transnational organized crime in West Africa," *op.cit*

Delta region often moonlight for criminal gangs and participate in sharing the money realised from sale of bunkered oil.⁶⁶

1.8. Piracy

Piracy off the West African coast poses a great threat to the security of several, particularly along the coast of Nigeria, Benin, Ghana, Togo and Cote d'Ivoire. Increasing cases of attack and hostage-taking on ships have been reported in the Gulf of Guinea between 2005 and 2012. Seized oil tankers were redirected to chartered tankers that received stolen oil, while valuable cargos were later sold in the black market.⁶⁷ By 2009, the International Maritime Organisation (IMO) reported 46 incidents of piracy in the Gulf of Guinea and 47 in 2010. 25 of the reported attacks in 2010 occurred off the coast of Nigeria, six off the coast of Ghana, five off the coast of Cameroon, four off the coast of Cote d'Ivoire, three off the coast of Democratic Republic of Congo and one off the coast of Liberia. In 2011 there was dramatic increase to 64 incidents. 21 of the attacks occurred off the coast of the Republic of Benin, while 14 attacks took place off the coast of Nigeria. Togo experienced seven attacks and Ghana had two. The Democratic Republic of Congo reported four attacks, while Cote d'Ivoire had one attack. Analysts observed that robust anti-piracy operations launched by Nigeria must have shifted pirates target to more vulnerable countries like Benin, whose major port of Cotonou is located 19 nautical miles from the Nigerian coastal border.⁶⁸

Piracy activities in Nigeria are traced to Niger Delta militants and some other opportunistic criminals.⁶⁹ A chronology of selected attacks in 2009 shows that on January 4, pirates hijacked the French ship Bourbon Leda with five Nigerians, two Ghanaians, one Cameroonian and one Indonesian. The ship was freed on January 7. On January 21, pirates attacked a diesel tanker, MT Meredith, and kidnapped a Romanian, who was released a day later. On January 23, an Exxon tanker, MV Ngoni,

66. Ibid.

67. Scott Baldur, *op.cit.*

68. Associate Press (27.02.2012), "UN says piracy off Africa's West Coast is increasing, becoming more violence." Available: www.washingtonpost.com/world/africa/un-says-piracy-west-coast-is-increasing-becoming-more-violent/story.html.

69. Halle Dunn, "Oil pirate of the Niger Delta". Canadian Forces College, JCSJ 35/PCEMI 35.

was attacked. The tugboat was seized. On April 21, another ship, MV Ilena Mercan, belonging to a Turkish company was attacked and two crew men kidnapped. On November 24, pirates hijacked the Liberian-flagged ship, MV Cancalle Star, off the coast of Benin and killed a Ukrainian officer before robbing the ship. On December 1, the Ghanaian Navy intercepted the oil tanker, MV African Prince, a week after it was hijacked; the pirates escaped after killing the ship's chef.⁷⁰ On March 13, 2010, a Chinese fishing vessel was hijacked off the Bakassi Peninsula, Cameroun. Seven fishermen were abducted. The kidnappers demanded a ransom and later released the passengers on March 18. On September 23, three Frenchmen were kidnapped from a vessel belonging to Bourbon Company off the coast of Nigeria, and on August 3, 2011, two Panamanian-flagged tankers were attacked off Benin's coast although the ships were not hijacked.⁷¹ In an interview with the Vice President of the Nigerian Trawlers Owners Association (NTOA), Magaret Onyema-Orakusi, she reported that pirates often seized fishing trawlers and took them into the creeks of the Niger Delta, where they spent days offloading the catch, and sold to ready buyers.⁷²

The International Maritime Bureau reports on pirate attacks in Nigerian waters between 2003 and 2011 reveals an initial downward trend. But the good years (2003-2006) were followed by bad years (2007-2009). Although there was a decline in 2010, the number of attacks in 2011 suggests an upsurge in piracy (Fig. 1).

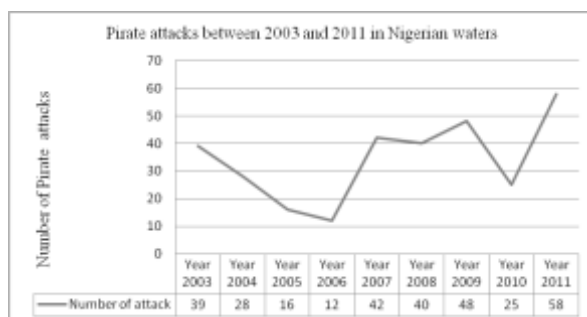


TABLE :REPORTED CASES OF PIRATE ATTACKS IN NIGERIAN WATERS 2003-2011

(Source: IMB Annual Statistics)

70. Scott Baldauf, op.cit.

71. International Maritime Bureau, "Summary of Piracy Center Report." Available: <http://web.archive.org/web/20071011013535-10-17>.

72. Halle Dunn, op.cit.

2. TRANSNATIONAL LINKAGES OF ORGANISED CRIME

The transnational linkages of organised crime in West Africa are presented in Table 1. The table summarizes the patterns of transactions with regard to different organised criminal activities in West Africa.

TYPES OF ORGANISED CRIMES	BORDER ZONES	GROUPS/ACTORS INVOLVED	TRANSIT COUNTRY	DESTINATION COUNTRY
Arms Manufacturing	Ghana	Blacksmiths, local industries	Benin, Cameroon, Niger, Atlantic Ocean	Nigeria
Arms Trafficking	Ghana, Guinea, Sierra Leone, Liberia,	Oil bunkers, Middlemen, Returning peace keeping soldiers	Ghana/Benin/Chad/Cameroun, Ukraine, Romania, Serbia	Nigeria
Drugs	Ghana, Benin, Cote d'Ivoire, Air Couriers, Oil bunkers	Narcotics dealers, Middlemen	India, Pakistan, Ghana/Benin, Cape Verde Island, Ethiopia, Kenya, Egypt.	Nigeria, South Africa, Europe (Spain, Portugal, the Netherlands), UK and USA
Advance fee fraud	Ghana, Cote d'Ivoire, Sierra Leone	Advance fee groups and syndicates	Banks, Nigeria	Nigeria, other countries where 419 groups are resident
Money laundering	Ghana/Cote d'Ivoire, Sierra Leone	Fraud gangs, Wealthy Businessmen, Politicians	Banks	Europe, UK, Asia and USA
Human trafficking	Benin/Cote d'Ivoire, Togo, Burkina Faso	Traffickers, Middlemen	Ghana, Benin, Morocco	Europe, UK, other West African Countries
Counterfeiting drugs	Ghana, Benin	Middlemen, Pharmacists	India, China	Nigeria
Petrol mafia	Benin/ Cameroun/ Chad/Niger	Middlemen, Businessmen	Border towns, Atlantic Ocean	Benin/ Cameroun/ Chad/Niger
Oil bunkering	Gulf of Guinea, Atlantic Ocean	Militants, Politicians	Atlantic ocean	Morocco, Venezuela, Russia, Ghana, Cote d'Ivoire, Cameroun
Organ harvesting/ Diya	Niger/Benin/ Chad	Middlemen	Niger/Benin/ Chad	Nigeria, Saudi Arabia
Armed robbery and smuggling	Benin/Chad/ Cameroun, Niger	Gangs, Middlemen	Benin/Chad/ Cameroon, Niger	Nigeria

TABLE 1 : TRANSNATIONAL CRIME LINKAGES WITHIN AND BEYOND THE REGION
(compiled by author)

3. ORGANISED CRIME AND GOVERNANCE

Participation in democratic governance requires electioneering campaign and elections. Criminals can therefore bankroll the political ambition of their members and capture power. When corrupt people and organised gangs sponsor candidates for elections and those candidates are successfully elected into positions of authority, it could weaken the democratic process and corrupt government institutions. There is evidence of linkage between organised criminal gangs and politicians, public bureaucratic officials and military personnel in Nigeria. A member of Nigeria's National Assembly, Morris Ibekwe, was convicted for advanced fee fraud.⁷³ His accomplice Emmanuel Nwude was an ex-member of the Board of Union Bank established by the British Colonial Administration, and a leading shareholder in G. Cappa construction company. Dozens of former state governors, elected politicians and top public officials are currently indicted and being prosecuted by Nigeria's Economic and Financial Crimes Commission (EFCC) for corruption and money laundering. A former state governor, James Ibori of Delta state, his wife and sister are currently in jail in Britain for money laundering. Two other former state governors in Edo and Bayelsa states were also convicted in Nigeria for similar offences. Thus, evidence of links between public officials and organised crime is beginning to emerge in Nigeria.

4. RESPONSES TO COMBAT ORGANISED CRIME

Successive Nigerian governments since the 1980s have responded to the increasing incidence and threat of organised crime by enacting laws and establishing institutions to combat the crimes. The critical laws and institutions are as follows:

- The National Drug Law Enforcement Agency (NDLEA) Act No. 48 of 1989, for the control of illicit drugs such as cannabis, cocaine, heroin, and psychotropic drugs;
- The National Agency for Food, Drug Administration and Control (NAFDAC) Act No. 19 of 1993, to regulate and combat adulterated drugs and food products;

73. See for instance, UNODC Report, 'Transnational organized crime in West Africa, 2005, op.cit.

- The Code of Conduct Act 1989, which requires public officials to periodically declare their assets and establishes a bureau empowered to sanction defaulters;
- The Advance Fee Fraud and Other related Offence Act No. 13 of 1995, to combat the menace of scams associated with obtaining by false pretence;
- The Independent Corrupt Practices and other related Offences Act 2000, intended to combat official corruption;
- The Economic and Finance Crimes Commission (EFCC) Act 2002, intended to be a tool for combating corruption, economic and financial crimes in all sectors of the Nigerian society;
- Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003, empowers the agency created under the law to investigate, prosecute and punish those involved in offences of human trafficking and child labour.
- As organised crime becomes increasingly transnational, the need for regional and international cooperation through joint taskforces and law enforcement becomes necessary. Some of the regional and international responses have been in the form of conventions, protocols, mutual legal assistance, multi-lateral and bi-lateral agreements between countries and national law enforcement agencies. Some of the critical instruments are:
 - The United Nations Convention against Transnational Organised Crime, which provides a plan for the fight against organised crime.
 - The UN Convention against Corruption.
 - The African Union Convention against Corruption, which seeks to strengthen cooperation between State parties and provides access to mechanisms required to prevent, detect, punish and eradicate corruption and other related offences.⁷⁴
 - The ECOWAS Protocol on the Fight against Corruption, which criminalizes corruption and seeks to develop self-regulating codes for professional conduct both in the private and public sector.

74. See "Report of the 37th Ordinary Session of the Assembly of Heads of State and Government of the OAU held in Lusaka, Zambia, in July 2001" as well as the "Declaration adopted by the First Session of the Assembly of African Union held in Durban, South Africa, in July 2002." Both the Report and the Declaration relate to the New Partnership for Africa's Development (NEPAD), and call for a coordinated mechanism to combat corruption.

- The ECOWAS Convention on Small Arms and Light Weapons, which seeks to regulate and control the transfer, import and export of small arms and light weapons, their ammunition and other related materials.⁷⁵
- The ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, which promotes close cooperation among the security services of member states as well as the harmonization of domestic laws in accordance with relevant ECOWAS Convention on Mutual Assistance in Criminal Matters, and Extradition;
- The Intergovernmental Action Group against Money Laundering in West Africa (GIABA), established as a specialised institution with the objective of protecting the economies of ECOWAS member States by combating money laundering, corruption and terrorist financing, and working with national central banks and financial institutions in the region.
- The West African Police Chiefs Committee (WAPCCO), an association of police chiefs in the region with the objective of designing strategies for combating trans-border crime.
- The International Criminal Police (Interpol), which promotes the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries.
- The ECOWAS Convention on Mutual Assistance in Criminal Matters and the ECOWAS Convention on the Extradition, aimed at enhancing collaboration between criminal justice agencies of member countries.
- The Nigeria-Benin Joint Patrol Programme, codenamed 'Operation prosperity' which began on 28th September, 2011 for the purpose of combating trans-border crime along Benin's coast.

Despite the available laws, instruments and agencies to combat organised crime and the successes recorded in some cases, the threat of organised crime persists in Nigeria.

75. A. M. Kamara, "Implementing the Moratorium on Light Weapon," in A. Ayissi & I. Sall (Eds.). *Combating the proliferation of small arms and light weapons in Africa*. UNODC, Geneva, 2005.

Corruption has continued to ravage the country like a virulent cancer. The UNODC blames the lack of impact on the complexity of the Nigeria society and the lack of capacity building for judicial officers and other institutions charged with complementing the anti-corruption crusade of the EFCC.⁷⁶ Information on human trafficking reveals that out of the 262 new investigations initiated by NAPTIP in 2011, only 12 convictions were achieved. The low rate of conviction suggests lack of diligent investigation and prosecution. This observation is also common with cases prosecuted by the NDLEA.⁷⁷ Corruption and money laundering cases need thorough investigation to gather sufficient evidence to sustain a trial and conviction. Better prosecution and incorruptible judges are also called for. In an earlier interview with Itse Sagay,⁷⁸ he acknowledged the existence of corruption in the judiciary and the obstacle that corruption has posed on successful prosecution of high profile cases.

The ECOWAS Moratorium on the Importation, Exportation and Manufacture of Light Weapons, which was replaced with the Convention on Small Arms and Light Weapons in June 2006,⁷⁹ appears to have very little impact on the control of arms trafficking in West Africa. The Head of Department of Collective Defence and Security in Africa reveals that an estimated 1000 people are killed daily by illegal small arms and light weapons (SALWs) bearers in West Africa.⁸⁰ A recent raid by the security forces in a Boko Haram hide out in Kano state of Nigeria resulted in the recovery of 10 AK47 rifles, one tear-gas gun, 107 rounds of 7.2mm special gun, 26 magazines, 27 assault rifles and 29 rounds of ammunition.⁸¹

There is also some noticeable constraint in the enforcement of some regional, international and mutual assistance treaties. Speedy trials of trans-border criminals are often threatened by the requirement of proof beyond reasonable doubt.⁸² Equally, the utility of mutual legal assistance (MLA) is often confronted with lack of

76. Interview with Mariam Sissoko, UNODC Representative in Nigeria, op.cit

77. Interview with the Head of Anti-Human Trafficking, NIS, op.cit

78. Itse Sagay, "EFCC has given us hope" In *Our Milestone*, 1 (1): 46-48, 2010.

79. The Convention becomes legally binding upon entry into force; the Moratorium was a political agreement which could not be enforced.

80. See Nigeria Minister's Report, "Gun runners kill 1,000 West Africans each day." *This Day*, 11th August, 2006

81. Somali Net, "At least 8 million illicit guns loose in West Africa," 28th June, 2006.

82. Interview with Miriam Sissoko, op.cit.

cooperation, confidence and mistrust by requested states, poor communication between the requesting and the requested states especially when diplomatic relations are not cordial. Scholars also observe other constraints including a lack of understanding of what the requesting state wants in terms of evidence and information provided, bank secrecy, and outdated laws of evidence.⁸³ The UNODC blames the inability to overcome some of these constraints on lack of capacity by developing countries, including Nigeria.⁸⁴

5. RECOMMENDATIONS

In order to combat organised crime in Gulf of Guinea especially in Nigeria, the following measures are recommended:

- Capacity building of the manpower and building strong institutions devoid of political interference: Reducing the scale of corruption should not stop at establishing institutional frameworks but should include human capacity building. Periodic training of officers on the art of investigation as well as prosecution will address technical problems that hinder successful prosecution. Equally, judges need training on how to handle these cases. It has been suggested that many judges who lack the capacity on how to handle these cases resort to long adjournments,⁸⁵ thus sending the wrong signals to the public. The institutions should be allowed to operate within the context of the laws that set them up, without political interference.
- Expand intervention programmes that target illicit arms trade: millions of surplus weapons from Ukraine, Serbia, Romania, etc., have been smuggled into Nigeria and West Africa through land and sea borders in recent times; preventing arms trade requires effective monitoring and patrol of the borders. Relevant security services including border patrol, customs, immigration, NDLEA need not only vehicles but also advanced equipment and training that will assist in effective

83. Abdullahi Y. Shehu, 2006, *op.cit.*

84. Interview with Miriam Sissoko, *op.cit.*

85. See interview with Itse Sagay, *op.cit.*

monitoring and control of water ways, seaports, airspace and land borders. International support and collaboration is also needed to ensure that West African countries acquire the capacity to use and maintain such equipment properly in curbing organised crime.

- Strengthening national law enforcement: Bilateral law enforcement and multilateral agreements and conventions are limited to the extent that it is the prerogative of the countries in the Gulf of Guinea to implement and enforce the provisions of these agreements by adopting relevant legislation and policy and establishing appropriate structures. Even when the legislation and policy are in place, the necessary resources such as man-power for effective implementation may be lacking. Ability to investigate and prosecute organised criminals from outside national borders requires frequent briefing and updating of security operatives about similar laws and regulations operating elsewhere. Thus, law enforcement officers in the region may not have effective tools to combat evolving organised crime and its threats.
- Addressing the factors that promote the proliferation of organised crime: Foreign governments and relevant international organisations working to combat organised crime should address extraneous factors. For instance oil bunkering will not thrive if the demand side is plugged; and small arms and light weapons will pose lesser threat as weapons of choice for crime if the supply side is plugged. Existing joint security patrol in the Gulf of Guinea should be strengthened to checkmate the activities of pirates and drugs peddlers. Equally important are the regulation of the status of migrant labour, enhancing transparency in financial transfers and limiting the supply of counterfeit and fake drugs.

CHAPTER III

ORGANISED CRIME IN THE GAMBIA, GUINEA-BISSAU AND SENEGAL

ALIOUNE BADARA GUEYE

The Gambia, Guinea Bissau and Senegal are contiguous countries in West Africa. Data for the assessment of the incidence of organised crime and its impact on governance were collected in December 2011 through several sources: interviews with experts and officials of relevant agencies such as the police, gendarmerie, customs and judiciary as well as lawyers, traders, leaders of Non-governmental organisations (NGOs), journalists, academicians, and religious, cultural and traditional leaders. Additional sources of information were academic journals and official reports, newspapers, magazines and internet resources.

Several types of organised criminal activities are reported in these countries and their impacts are beginning to manifest in investment in real estates, the banking system and governance. Drug trafficking is the most common form of organised crime. It is widespread and poses the greatest and most immediate threats to the political, economic and social stability and development in these countries. The incidents of money laundering is also a growing threat in these countries, especially in Senegal and the Gambia where it is facilitated by booming real estate development and tourism industries respectively. Unless effectively addressed, money laundering will become a major challenge for the fragile and dependant economies of the countries surveyed. Organised criminal activities around illegal migration seem to be under control and on the decline, but the underlying socio-economic conditions responsible for it are still prevalent, if not worsened.⁸⁶ Cattle rustling are a major problem in rural areas and the groups involved in the crime are often armed and pose a threat to the state as their

86. It is the case of the crisis in the fisheries sector.

activities may lead to violent conflicts between communities or support for rebel groups that may emerge within the countries. It is already generating potential conflicts in the border area between Senegal and Guinea Bissau and tends to worsen the already fragile security situation. Child trafficking for the purpose of begging for alms is another form of organised criminal activity in these countries and which is tied to religious, social and cultural practices, which complicate the implementation of control measures.

1. MAJOR FORMS OF ORGANISED CRIME

The most common organised criminal activities in the countries under focus are drug trafficking, money laundering, illegal migration, child trafficking and cattle rustling.

1.1. Drug Trafficking

Drug trafficking is the most prevalent and serious form of organised crime in the Gambia, Guinea Bissau and Senegal. There are four major drugs involved in organised crime. These are Indian hemp (marijuana or cannabis), cocaine, heroin and pharmaceutical drugs. Indian hemp, which is infrequently discussed is the most common drug and locally cultivated, unlike the other drugs which are imported. Indian hemp is cultivated, sold and consumed by the local people. The number of consumers is estimated at between 11,380,000 and 31,840,000 people in West and Central Africa for the age bracket 15-64 years.⁸⁷ The drug was introduced into West Africa through contact with Arabs around the thirteenth century but became widespread in the region since the end of the Second World War with the return of West African soldiers deployed to South Asia⁸⁸ by the colonial governments. Its cultivation spread rapidly across countries in the region, due to easy adaptation of the plant to diverse ecological conditions and the possibility of combining it with other systems of cropping (vegetables and maize). When cultivated together with other crops or as a single crop (often on limited or degraded land areas where it is difficult to

87. UNODC World Report on Drugs 2011 p.24

88. Jean-François WERNER Urbanisation et déviance. *Études anthropologiques sur la drogue au Sénégal* Cah. Sci. Hum. 29 (1) 1993: 3-32.

grow other crops), Indian hemp generates revenues far above those from locally known crops.⁸⁹

The increased use of Indian hemp can be explained by many factors. It is relatively affordable compared to other drugs such as cocaine or heroin and it is therefore the drug of choice for a significant section of the youth in urban areas that are facing high levels of unemployment. The cultivation of Indian hemp and trade in the drug has serious impact on governance. It is often grown in areas with a low presence of security institutions, inaccessible and in conflict. This is the case in Southern Senegal, in the Casamance where Indian hemp production is proven⁹⁰ as well as in border areas between Senegal and the Gambia. In addition, the mode of consumption makes it preferable to users: it is smoked like cigarette or tobacco, which allows the user to conceal it. Finally, the proximity of production areas to consumption centres is an important factor which explains the high level of consumption of the drug. These factors affect government's capability to control the cultivation and trade in the drug. Trafficking in hard drugs such as cocaine and heroin follows particular trajectories. They are not consumed on a large scale in the countries studied, even though there is a small local consumption market.⁹¹ There have been major seizures of cocaine and heroin in recent years. On June 27, 2007, 1.2 tons of cocaine was seized by the Senegalese gendarmerie on the Mbour beach 100 km from Dakar. Barely three days later, on June 30, another consignment of 1.2 tons was seized in a house not far from the site of the first seizure. The value of the drugs was estimated at CFAF 144 billion (equiv. of US\$ 285 million). Seven people were arrested, including four Colombians, one Venezuelan and one Equatorial Guinea national. Two other people from Latin America went on the run. Two French nationals and two Senegalese were also

89. PEREZ, Pascale et LANIEL, Laurent, Croissance et... croissance de l'économie du cannabis en Afrique subsaharienne (1980-2000).

90. As in similar situations, smuggling of goods is a major means of financing rebel groups. The rebellion in Casamance is financed through Indian hemp, wood, cashew nut trafficking and increasingly through armed robbery. Passengers on board vehicles plying the routes are robbed off their possession by highway robbers.

91. <http://www.irinnews.org: op.cit>.

involved. They were declared wanted for offences including international drug trafficking, belonging to an association of criminals, illegal stay in Senegal, possession of arms without permission or forgery and use of forgery. The criminal court in Dakar, sitting 20 months after the seizure, sentenced three Columbians, one Ecuadorian and a Venezuelan to 8 to 10 years imprisonment for international trafficking of cocaine. Five other accused persons - one Columbian, two Senegalese and two French nationals—were released. The accused had earlier stayed in the Gambia and Senegal.⁹²

In 2010, two tons of cocaine was found beneath a warehouse in the Gambia. Twelve people were arrested, including Dutch, Venezuelan, Ghanaian and Nigerian nationals. They were operating under the cover of a fishing company located in a small fishing village.⁹³ The operation was carried out in collaboration with the British Serious Organised Crime Agency (SOCA). The total value of the seizure was estimated at over US\$ 1 billion, an amount higher than the Gambia's Gross National Product (GNP) estimated at US\$ 925 million in 2009.⁹⁴ In Guinea Bissau, the activities of narcotic drug traffickers are so rampant that many observers do not hesitate to describe the country as the leading 'narco-state' in the world.⁹⁵

West African countries are used as transit routes for cocaine and heroin because of their location between South America and Europe as well as between Asia and America, the producing and consuming regions of the world. Initially, Brazil and Venezuela were common routes used to convey cocaine from South America to European markets. In view of measures taken by European countries, the location of West Africa made it an ideal transit point, almost midway between production areas and European consumption markets. One of the coastal areas where many cocaine

92. UNODC Report on the situation of cocaine trafficking in West Africa, October 2007. See also Jeuneafrique.com: "Cocaine: 5 Latin Americans condemned to 8 to 10 years imprisonment".

93. <http://www.france24.com>: Billion-dollar-cocaine-seizure-gambia-uk-investigation. Voir aussi ; <http://www.afrol.com>

94. <http://data.un.org>

95. <http://www.guardian.co.uk> : "How a tiny West African country became the world's first narco state".

seizures have taken place is known as 'highway 10'.⁹⁶ Located near 10 degrees of latitude north where the name originated, it helps to link South America to West Africa through the shortest possible distance.

Available statistics indicate that during transit through the region, a significant proportion of these products remain in the countries for trade⁹⁷ and consumption thereby developing local market for them. It seems very unlikely that these quantities find a local consumption market especially among the elite who have the financial means to procure them.⁹⁸ Some of the drugs left in the local markets are sometimes re-exported through the use of 'mules' that carry the drug from one point to the other. Thus in 2006, 36 per cent of the mules carrying cocaine and detected in a network of European airports came from West Africa.⁹⁹ According to Interpol, incidents of seizure of drugs from West Africa at European airports were estimated at 476 in 2007 and 340 in 2008.¹⁰⁰ It also seems that the use of containers is increasingly patronized by drug traffickers.¹⁰¹ Synthetic psychotropic drugs are also trafficked through organised criminal networks in the three countries studied. However, unlike cocaine and heroin largely consumed in advanced economies, the psychotropic drugs produced in the advanced countries and exported to West Africa have not been given adequate attention by the governments and international organisations, including United Nations agencies. These drugs can be a threat as the expertise for manufacturing them is available in the region¹⁰² and the cost of the drugs are relatively affordable considering the purchasing power of local users.

Illicit drug trade, from production to retail levels is obviously the form of organised crime that has the greatest number of active actors in the three countries (the Gambia, Guinea Bissau and Senegal). In the case of Indian hemp, the actors are most often

96. UNODC Report on the situation of cocaine trafficking in West Africa, October 2007, p.6.

97. UNODC, 2011 Report on Drug trafficking across the world.

98. <http://www.irinnews.org>: SÉNÉGAL: op.cit.

99. UNODC. Transnational trafficking and the rule of law in West Africa: A Threat Assessment, July 2009. p 17

100. Ibid.

101. <http://afriquedrogue.blogs.rfi.fr> : Les conteneurs de la drogue.

102. <http://www.ndlea.gov.ng>: Ndlea-discovers-another-drug-manufacturing-labs-arrets-three-bolivians-and-nigerian.

nationals who supply the local markets, and users' preference for some varieties produced outside the study area offers the opportunity for international trafficking. The activities include growing, packaging, transportation, whole sale and retailing. Producers are farmers or market gardeners who engage in Indian hemp production to increase their revenue. Latinos are establishing front companies with false identities in West Africa. They recruit local labour to help them in their activities. Thus, many Malian truck drivers are convinced to carry drugs from Mali to Senegal.¹⁰³ These illegal practices are well concealed by burying them in a number of legal activities. The more significant these legal activities are the more the illegal ones can escape security services.

Many varieties of Indian hemp are grown in the study area. It is an activity that can be easily hidden within farming or market gardening operations. This explains why there are many small-scale producers in Niayes area. In Casamance, the conflict which has lasted for over 30 years has turned some areas into 'no man's land' where all sorts of criminal activities thrive.

Many experts are of the view that two-thirds of the national Indian hemp production in Senegal comes from this region. For the majority of farmers affected by a constant drop in their income, Indian hemp farming can radically transform their standard of living in a scenario where after a farming season, a kilogramme of groundnuts is sold between CFAF 250 and 275 (equiv. Of US\$ 0.5) while a kilogramme of low quality Indian hemp is worth between CFAF 30,000 and 50,000 (equiv. of US\$ 60-100). Besides, unemployment among the youth and the difficulty in finding income generating activities lead first of all to the consumption and peddling of Indian hemp. The production and trafficking of Indian hemp is also very important in the Gambia. In this country, 323 seizures were made in 2010. The quantities seized accounted for 90 per cent of total drug seizures for that year. 371 people were arrested during these operations.¹⁰⁴

103. A special session of the Criminal Court was held from 29 November to try Malian detainees. For the 25 cases, 36 persons responded to charges of transporting and international trafficking in drugs.

104. Source: NDEA.

In 2010 in Dakar, 3,432 kilos of Indian hemp were burnt by the Central Office for the Control of Illegal Trafficking of Drugs (OCRTIS). The quantity burnt in 2009 was slightly above 3,770 kilos. The number of seizures in 2010 was 1,920 compared to 1,829 in 2009. At the national level, 2,041 seizures were recorded in 2010 as against 1,920 in 2009. There was a decline in the quantities seized. This was partly attributed to the dismantling of many networks. However, there was an increase in cocaine trafficking. Thus in 2010, cocaine seizures in Dakar increased in both numbers and volume. 67 kilos were seized during 47 operations against 37 kilos and 21 operations in 2009.

The volume and number of seizures seem to suggest that actions taken by security forces would compel perpetrators of organised crime to review their mode of operation. These new modes could be by geographical redeployment or the introduction of new channels or products. The increased use of containers to transport drugs and increased availability of synthetic drugs attest to this fact.

1.2. Money Laundering

Money laundering often co-exists with other illegal activities. The structural organisation, regulation and control of activities of financial institutions follow international standards. These standards often make it difficult for money launderers to carry out their activities in many developed countries. However In developing economies, the regulations by the economic sector and financial institutions is often weak thereby facilitating laundering of proceeds from illegal activities in local and foreign banks and businesses. There are some indicators that money laundering is rampant in the Gambia, Guinea Bissau and Senegal. Only a small percentage of finances or transactions in the real estate sector can be clearly identified at the level of financial institutions though the boom in that sector is striking. Money laundering is an issue in the sector and each year institutions in charge of curbing money laundering record many cases of transactions that can be linked to money laundering. In Senegal, the National Unit for Processing Financial information (CENTIF) received 11 reports of suspicious financial transactions in 2005 and 92 in 2011. Banks and financial

institutions are potential actors in money laundering cartels. The real estate, tourism, trade and industrial sectors are perfect cover-ups for transnational criminal organisations engaged in money laundering activities.

In the Gambia, several banks have been established in recent years raising the total number to 14. Curiously, only four declared that they were recording profits 2011. The very low rate of use of the banking system for a population of about 1.8 million as well as a limited number of industries can hardly explain the sudden interest and growth of the banking sector in the country. Lack of regulations and adequate means of control and enforcement can facilitate banks' involvement in money laundering. The Central Bank does not have the means of controlling activities of financial institutions operating in the country. The resources available to the Central Bank have not been increased to enable it deal with the new situation. Regulations need to be upgraded to set appropriate standards and regulations for the banking sector in the Gambia. In view of the lack of resources and capacity as well as the ineffectual nature of regulations, the only way to regulate the sector is through end of year audits. A financial information unit was set up by the Central Bank and from June 2011 to September 2011, three suspicious financial reports were received and referred to the police for investigations.¹⁰⁵

According to CENTIF in Senegal, reports of suspicious transactions received by financial institutions in 2008, 2009, 2010 and 2011 were 75, 71, 84 and 92 respectively.¹⁰⁶ Out of these reports, the number referred to the law courts between 2008 and 2011 were 17, 14, 15, and 17.¹⁰⁷ In the Gambia, after the establishment of a Financial Intelligence Unit, three suspicious transaction reports were received and referred to the police for investigations. This is the beginning and more efforts need to be deployed. Only one order for prosecution was issued after the suspicious

105. GIABA Third Monitoring Report : Mutual Evaluation against money laundering and terrorism financing, Gambia, November 2011.

106. Centif Senegal Website.

107. Ibid.

transactions reports.¹⁰⁸ The informal sector which is very important in trading, services and industry¹⁰⁹ must be studied further. This is particularly necessary to effectively combat money laundering.

1.3. Illegal Migration

Illegal migration in the Gambia, Guinea Bissau and especially Senegal has been facilitated by the Treaty of the Economic Community of West African States (ECOWAS), established on 28 May 1975 to promote cooperation and the integration of West African countries. The ECOWAS Protocol on Free Movement of Persons, the Right to Residence and Establishment of 1979 made the free movement of people, goods and capital an important element of the integration process. Illegal migration is a problem in Senegal and the Gambia and to a lesser extent in Guinea Bissau. Criminals present themselves to unsuspecting victims as being capable of procuring for them documents to travel to Europe and other destinations. At this stage, there are two scenarios. First, under false pretences (business or professional trips, tourism) and using fake documents, these transnational criminal organisations help migrants to obtain valid travel documents. Once they arrive at their destination, they go underground when their travel documents expire. In another scenario, transnational criminal networks provide migrants with fake travel documents and they get arrested at borders posts. Cases of visa fraud are often tried at the law courts in Dakar and Banjul. The cost of these documents and services provided by transnational criminal organisations are so high that very few prospective migrants can afford them. In the mid-2000s transnational criminal organisations in Senegal were charging CFAF 2.5 and 2 million (Equiv. US\$ 4000-5000) for visas to Italy and France respectively.¹¹⁰

Illegal migration by land is also common in the study area. Prospective migrants are conveyed from countries in the area towards the desert via Mauritania and Morocco.

108. US State Department Money Laundering Report 2012

109. Sigrid Colnerud Granström, *The Informal Sector and Formal Competitiveness in Senegal*. Lund University. 2009. p 18.

110. UNODC, *The role of organized crime in the smuggling of migrants from West Africa to the European Countries*, January 2011.

From Morocco, there are various options to connect to the European continent: by swimming,¹¹¹ by boat or hidden in trucks that transport goods to Spain and Europe. Migration by land is no longer an attractive option in the countries under study. This is due to the fact that this type of migration is full of ordeals and very few people are able to complete the journey. Most prospective migrants make the journey in stages partly because they are stuck in Morocco. Illegal migration by sea has a terrible social impact both in the host country and the country of origin. For Spain (peninsular and islands), the number of people from West Africa who disappeared or died in 2010 was 189 against 127 in 2009, 120 in 2008 and 360 in 2007¹¹². In 2008, out of the 208 people prosecuted for migrants trafficking in Spanish Courts, 72 were Senegalese, 37 Gambians, 25 Mauritians and 14 Guineans.¹¹³

There has been a significant decline in sea travel attempts in the last two years. In 2009, 2010 and 2011, teams in charge of illegal migration control in Spain intercepted 340 illegal migrants.¹¹⁴ However, on the whole there was a slight resurgence in 2011 due to the various political upheavals in Northern African countries which provided an opportunity for prospective migrants. The so called Western Mediterranean route recorded a slight increase in the number of migrants after a relative slowdown in 2010. Published figures concerning migration by sea indicate the following interceptions for 2009, 2010 and 2011: 5000, 3436, and 5103.¹¹⁵ By road, the interceptions were 1639 for 2009, 1567 for 2010 and 3345 for 2011.¹¹⁶ In 2011, about 125, 021 people were refused entry to Ceuta and Melilla. For 2010, 2009 and 2008, these figures were 280 625, 374 845 and 492 742 respectively.¹¹⁷ These two towns are the preferred entry points for illegal migrants from West Africa.

111. Frontex Annual Risk Analysis 2012.

112. <http://www.unhcr.fr>

113. www.fiscal.es2008 Annual Report of the Office of the Prosecutor on immigration cases.

114. *Ibid.*

115. Frontex Annual Risk Analysis 2012.

116. *Ibid.*

117. *Ibid.*

1.4. Child Trafficking

Child trafficking occurs in the Gambia, Guinea-Bissau and Senegal. The most visible aspect and most known is the phenomenon of talibe children. The talibe children phenomenon is most rampant in Senegal. Child trafficking in the study area is partly due to some social and religious realities which are predominant in Senegal but not peculiar to the country. Talibe children are children whose parents entrust them to a Koranic master for them to acquire Islamic knowledge. Such learning takes place in a Koranic school known as daara. Historically, the daaras served as centres for education in life skills. They were found mostly in rural areas. The students were meant to learn human and social values, thus sending them to beg for alms was not a lucrative venture but was meant to teach them humility. Besides begging was done at mealtime and the greater part of the day was dedicated to religious studies. With the wave of drought in the 1980s and the massive rural-urban migration which followed, the daaras are now in the cities (a phenomenon known as the migration of the daaras). In the cities, the social model especially solidarity is not the same as in the villages. Consequently, the situation has changed; begging for alms, a secondary activity, has become the primary activity and a source of income to feed and cater for the students. A study conducted by Human Rights Watch in 2010 indicates that there are at least 50, 000 talibe children in Senegal.¹¹⁸ The same report states that each child makes on the average CFAF 300 per day (equiv. of US\$ 0.5). Thus a master with 50 children (a figure which is nothing exceptional) can earn more than CFAF 15,000 (US\$ 30) a day and nearly CFAF 500,000 (US\$ 1000) a month or 10 times the minimum wage in Senegal. Almost exclusively children aged between 3 and 15 years are affected by this phenomenon. In fact, the economic situation in Senegal provides a booster for actors engaged in child trafficking for begging purposes. The children are transported from the most deprived regions to Dakar, the capital of Senegal, and other major cities like Saint Louis and Thies. It is not rare to see children from neighbouring countries and even entire families involved in the practice.¹¹⁹ Criminal networks take over and

118. Human Rights Watch, *Sur le Dos des Enfants: Mendicité forcée et autres mauvais traitements à l'encontre des talibés au Sénégal*, USA, 2010, p. 2.

119. <http://www.unicef.org/infobycountry/guineabissau> Under the façade of religious study, children fall victim to trafficking.

organise the trips.¹²⁰ They cross the borders in forest areas and remote villages to avoid checkpoints. The perpetrators are owners of daaras who under the cover of Islamic studies expose children to begging the whole day notwithstanding the physical harm, lack of hygiene, promiscuity, disease, street violence and other vices (paedophilia, drugs, road accidents, smoking, robbery and delinquency etc.).

1.5. Cattle Rustling

In the three countries under study, livestock is an important element of the economy especially in rural areas. Cattle rustling is a problem which occurs within the countries (in the case of Senegal in Kaolack, Fatick and Linguere) and around the border towns between Senegal and Guinea Bissau as well as between the Gambia and Senegal. A cattle rustling constitutes a serious threat to livestock breeding and contributes to the impoverishment of rural populations. There is no legal framework which provides for mandatory cattle identification in the three countries covered by the study. In addition, nomadic type of cattle breeding is a hindrance to the fight against the menace; moving cattle herds from one locale to another is common and provides a perfect cover for rustlers. Finally, revenue from the illegal slaughtering and sale of meat contribute to the rise in cattle rustling.

2. LINKS BETWEEN ORGANISED CRIME AND INSTITUTIONAL ACTORS

It is difficult to document cases of links between organised crime and institutional actors. However there are legitimate suspicions in view of some observations on how some cases are handled, the standard of living of some political and institutional actors as well as their relations with some economic actors. Transnational criminal organisations primarily seek to establish links with the personnel of defence and security forces as well as the judiciary. Contacts between Transnational criminal organisations and security agents are frequent in the normal framework of their respective activities. It is therefore understandable that there are often dubious links.

120. Jónína Einarisdóttir, Hamadou Boiro, Gunnlaugur Geirsson, Geir Gunnlaugsson, Child trafficking in Guinea-Bissau : An explorative study, UNICEF Iceland, 2010. p.44.

In Guinea Bissau, many sources indicate the involvement of high-ranking officers of the Defence Forces in cocaine trafficking.¹²¹ In the Gambia, in February 2010, several Gambian personalities were arrested because of alleged links with drug traffickers. Among them was the former Head of the Gambian National Narcotics Control Agency (NDEA).¹²² Links with civil servants cannot be ignored. The nature of organised crime activities does not necessarily require infiltration into public institutions such as the parliament and courts. However infiltration at a high level may serve as a means of protection and access to important information. Links at such high levels of executive and legislative arms of government could influence laws and policies intended to be against organised crime and court decisions on cases in which transnational criminal organisations have an interest. There are cases where officials of public institutions have been accused of collusion with transnational criminal networks.

At the level of political institutions, the infiltration by organised crime is difficult to assess. However, some incidents give the impression that there is collusion between some officials of political institutions and transnational criminal organisations. This involvement may help unravel some sensitive cases. Thus, during an incident of seizure of cocaine in 2007 in Senegal, it appeared that the shrimp farming project developer – who was in fact engaged in cocaine trafficking – was surprisingly able to overcome huge obstacles to the implementation of his project. Experts' reports at the launch of the project have shown that the project developers knew nothing about shrimp farming. An EU document has shown that the project did not comply with many technical criteria. Almost insurmountable technical defects made shrimp farming impossible on the site and under the prevailing conditions. Nonetheless, this 'impractical' project was granted concession rights.

In Guinea Bissau, suspected drug traffickers have been arrested and released without justification. In one case, seized drugs (about 675 kilograms) disappeared from the

121. UNODC, Report on the situation of cocaine trafficking in West Africa, October 2007, p.6.

122. <http://indepthafrica.com>: Gambia: Former anti-drug chief jailed for dealing.

premises of the National Treasury where it was stored.¹²³ Some experts have expressed the view that it seems impossible that transnational criminal organisations could land drugs on the Bijagos Islands and convey it to the capital Bissau for storage without any high-ranking official being informed. In the same vein, the huge quantity of drugs seized in the Gambia as well as the time it took to dismantle the network indicates that well organised structures were involved.

The transnational links which organised crime perpetrators maintain in carrying out their activities serve many purposes. The fact that they can operate in several countries offers them more opportunities. During a seizure of cocaine in the Gambia in 2010, the nationalities of the suspects were as follows: four Nigerians, three Ghanaians, two Venezuelans and three Dutch.

3. EFFECTS ON GOVERNANCE

There are indications that organised crime has effect on governance in the three countries under study – the Gambia, Guinea Bissau and Senegal. At the institutional level, one of the most visible effects is political instability. Guinea Bissau is a typical case in the region. The instability in the country is partly attributed to the infiltration of public institutions. It has been suggested that the assassination of former President Vieira and the Army Chief of Staff in March 2009 were partly linked to organised criminal activities.¹²⁴ Investigations are proceeding with difficulty. Currently, it seems that reopening such cases is dangerous for the country's stability. Even if the courts decide to pursue the case to the end, the fear of the ability of transnational criminal organisations to cause trouble slows down the will to establish the truth about these striking events in the history of Guinea Bissau. The events of April 2010 attest to this fact.

123. Interview with members of the Parliamentary Committee on Defence and Security.

124. Both were killed within a space of few hours for reasons that are still unknown.

Between 2008 and 2010, two directors of the Judiciary Police in Guinea Bissau which is responsible for combating organised crime resigned from their positions. Some of the reasons cited include pressure from the military hierarchy and the inability to carry out the mission of the Agency.¹²⁵ The European Union (EU) as far back as 2008 established a mission known as EU mission in support of the Security Sector Reform in Guinea Bissau (UESSRGB) to help carry through the Security Sector Reform in Guinea Bissau. The reform which has been supported on countless occasions by various partners has not been completed notwithstanding that it is a necessary step in reviewing the structure of Guinea Bissau's army and reorganising it to attain the objective of placing it within the framework of democratic governance and making it accountable to civilian authority. Events that followed the April 2010 mutiny and illegal detention of the Prime Minister and Chief of Defence Staff as well as some officers led to the withdrawal of the EU mission.¹²⁶

In terms of security, organised criminal activities tend to facilitate the establishment of areas of lawlessness where the presence of public security agencies is limited. Such activities also lead to violent acts against the local people. During the first round of the presidential election in February 2012 in Senegal, armed gangs in Casamance threatened people who ventured to go and vote. Many citizens could not exercise their franchise.¹²⁷

Transnational criminal networks seek to operate with impunity. In Senegal, the factors which led to the attempt to amend the law on money laundering are still not clear. The government of Senegal introduced a bill to amend article 29 (1) of Act 2004-09 on money laundering. The article states that: when transactions reveal facts that may constitute a money laundering offence, the National Financial Information Processing Unit (CENTIF) shall submit a report on these facts to the Public Prosecutor who shall immediately refer the matter to the investigating judge.

125. Interview with police sources.

126. http://ec.europa.eu/commission_2010-2014/piebalgs/headlines/news/2010/12/20101221_fr.htm

127. Presentation at a symposium on the Impact of Drugs in the Gambia,, 26 May 2011.

This article is likely to be amended to take account of changes that the government intends to effect. In the bill introduced by government, the corresponding provision reads: when transactions reveal facts that may constitute a money laundering offence, the CENTIF shall submit a report on these facts to the Public Prosecutor who shall assess actions that needs to be taken.

Thus the public prosecutor no longer immediately refers the case to the investigating judge but assesses actions to be taken on cases submitted by CENTIF. The bill was rejected by parliamentarians, financial and technical partners and a good section of the national public opinion.

Organised criminal activities also affect public health. Among the health hazards associated with drug use in general, one can cite changes in the brain, the cell death of the neurons, depressive and anxiety disorders, behavioural hyperactivity and eating disorders. In the particular case of Indian hemp which is largely consumed, the prolonged use can lead to changes in lucidity and concentration, deterioration of physical and mental faculties, mood disorders, visual and hearing impairment among others. An official at the psychiatric hospital of Banjul stated that in 2010, 75 per cent of patients were suffering from drug related diseases. 80 per cent of relapse cases were due to Indian hemp consumption.

4. POLICY RESPONSES ON THE NATIONAL LEVEL

Among the various forms of organised crime, drug trafficking draws the greatest attention. Security and judicial institutions as well as civil society and the media show interest in this scourge. The criminalisation of drug trafficking-related offences in Senegal falls within the logic of reinforcing the tools for curbing this problem. The level of performance of the judicial system is directly linked to the scale of organised crime.

In the study area, responses to drug trafficking are based on the establishment or upgrading of the regulatory framework. As far back as December 1, 1997, Senegal

passed Act 97-18 on the Drugs Code. The new legal instrument is Act 2007-31 known as Latif Gueye law dated December 27, 2007 amending articles 95 to 103 of the Drugs Code. It criminalises drug-related offences and doubles the sentence for traffickers. In the Gambia, the Anti-Drug law of 2003 was amended in 2011 to raise the fine prescribed for narcotics drugs trafficking offences.

Specialised agencies have been established to fight drug trafficking. Senegal has OCRTIS. The Gambia set up NDEA, a specialized agency in charge of drug control and a special brigade has been established as an inter-agency unit and is made up of elements from the police, intervention forces, customs and intelligence services. For all actors who are expected to fight against organised crime, there has been better training, recruitment of new staff, selection of specialists in various fields, etc. The judicial police have exclusive powers to investigate drug and organised crime cases.

The impact of money laundering is not directly felt by the people. The debate is still at the level of experts. To be in tune with international and regional mobilization against money laundering, Senegal passed the Uniform Act 2004–09 of February 6, 2004 on combating money laundering. The stated objectives are to prevent money laundering, detect in order to control money laundering, and contribute to international cooperation against money laundering. In addition to the Uniform Act, Senegal's response is reflected in Decree no. 2004-1150 of August 18, 2004 on the establishment, organisation and operations of the National Financial Information Processing Unit (CENTIF Senegal). It receives suspicious reports from financial institutions and refers them to the law courts. Out of the 27 orders of closure of proceedings emanating from the organisation, there was one decision of lack of jurisdiction, 15 decisions of dismissal of proceedings, 10 decisions of conviction and one acquittal.

The Central Bank of the Gambia is involved in the fight against money laundering in collaboration with NDEA. The Gambia has the Anti-Money Laundering Law of 2003 and an anti-terrorism law of 2002. However, it is worth noting that the anti-money

laundering law covers only 13 categories while the international standard calls for 20 at least. Reforms are underway to amend this law to meet international standards. In Guinea Bissau, the CENTIF was set up since 2010 but is not yet operational.

In 2005, Senegal promulgated Act 2005-06 of May 10, 2005 on combating human trafficking and similar practices and protecting victims. Prior to this, Senegal had ratified in 2003 the supplementary protocol to the UN Convention on transnational organised crime relating to the prevention, control and punishment of human trafficking. To complement this control framework, a prevention framework which is focused on sensitisation is being implemented. At the level of the President's Office, a Childhood Protection Unit (CAPE) was set up in May 2008. To improve conditions in the daaras, a modernisation policy has been developed to enable these establishments meet the needs of the children. The prevention component of the fight against human trafficking deals essentially with the reduction of poverty which exposes families and children to all sorts of trafficking. Besides, Senegal has entered into negotiations with neighbouring countries to eradicate this phenomenon. ECOWAS and the Economic Community of Central African countries (CEEAC) adopted, in July 2006 in Abuja, a Multilateral Cooperation Agreement and a joint control plan. It is a cross-regional control framework which aims to adopt and harmonise legal frameworks, implement prevention and control measures, collect and share data and train stakeholders, among others. Various plans of action have since been implemented. Similarly, the Network of Senegalese Parliamentarians for the Protection of Children against Violence and Abuse (PEVA) is working with parliamentarians from the Gambia, Guinea Bissau as well as Mauritania, Niger, Burkina Faso and Cote d'Ivoire in order to set up a sub-regional structure, the West African Federation of Parliamentarians for Childhood Protection. In the Gambia, the government passed a law on the protection of children in 2005 and the law on human trafficking in 2006. Begging is prohibited. Guinea Bissau has also taken legislative measures against human trafficking. The Palermo Convention was ratified in 2007 and the International Labour Organisation (ILO) Convention on the worse forms of child labour was ratified in 2008. The country has also adopted the Multilateral

Cooperation Agreement as well as the ECOWAS and CEEAC control Plan. In Senegal, the fight against cattle rustling is one of the major concerns of the elected representatives in view of the various advocacy activities conducted by the communities affected. This led to the establishment of a Network of Parliamentarians to combat cattle rustling and protect animal resources. One of the main demands of stakeholders in the livestock sector in the country is the adoption of a law that criminalises cattle rustling. A first forum on cattle rustling held in February 2003 brought together livestock breeders' organisations, administrative authorities, elected representatives, livestock breeding technicians, NGOs and other stakeholders to discuss and assess the situation. Progress made so far in the fight against cattle rustling is insignificant. Currently, the main objective of the authorities is to eradicate this phenomenon following pressing demands from cattle breeders. Thanks to recommendations by the Network of Parliamentarians for the fight against cattle rustling and protection of animal resources, the sentences inflicted on cattle rustlers have become more coercive and a bill on reforming the Criminal Code and Criminal Proceedings Code is being developed.

The transnational nature of cattle rustling has compelled the people of the Gambia, Guinea Bissau and Senegal to organise themselves to deal with cattle rustlers. The porous nature of borders and nomadic type of cattle breeding are some of the causes of this phenomenon. The Pirada recommendation (named after a town in Guinea Bissau where the forum was held), calls for the establishment of a conflict management committee and a better involvement of stakeholders at the grassroots. As part of its commitment to combat this scourge, the Senegalese government has launched a campaign for the registration of the national herd. The National Cattle Identification Programme in Senegal (PRONIBS) is being implemented across the country.

The major constraints against effective fight against organised crime in the Gambia, Guinea Bissau and Senegal are:

- Lack of sustained political will;
- Corruption of officials in security and public services;
- Fragile political institutions;
- Weak economic system, in terms of production and employment capacity; and
- Traditional and religious practices that engender child trafficking.

5. RECOMMENDATIONS

In order to enhance and sustain effective fight against organised crime, the following measures are recommended:

- Introduce and enforce a code of ethics and conduct within security agencies and all other stakeholder institutions involved in the fight against organised crime. The focus is often on technical skills to the detriment of behavioural skills.
- The provision of material and technical resources is necessary for quality work, but it is also important to nurture behavioural skills and standards of professional conduct.
- Systematically assess all programmes and action plans. Ideally, it is not advisable to wait till the end of a programme to conduct evaluation but to conduct on-going and mid-term evaluations in order to take timely corrective measures. Methods of organised criminal activities are constantly changing and responses as well as instruments must be adapted constantly to these changes.
- Enhance inter-agency coordination. Collaboration between security and law enforcement agencies is not always at its best and is sometimes akin to 'police war'.¹²⁸ To make progress, an operational national framework must be in place, meaning an inter-agency body with specialists to deal with the problem. There is also the need to attain similar level of institutional capacity and to harmonise organisational structure and operational methods in each country or a minimum standard to be able to work effectively with agencies in other countries.

128. Police war is a term used to express intense rivalries between the various security institutions. Such rivalry is due to various reasons: poorly defined roles, prestige of the service, personal honour, and feeling of superiority.

- Ensure a greater involvement of the academia in the fight against organised crime. A number of studies need to be conducted on issues of interest to security actors who do not often have the time or resources to do so and this requires the definition of a collaborative framework. A national or regional research agenda could mobilize NGOs, research institutes, experts, analysts and researchers around finding effective measures to combat organised crime.
- Work towards the provision of statistical data. The general observation in the study area is that there is a dearth of data; yet without data, it is difficult to interpret trends and fully understand the issues. Having data which are not complete and up to date does not guarantee a full interpretation and understanding of the phenomena. Further studies are required in these three countries. Technical training and equipment to capture, store and retrieve relevant statistical data when needed are also necessary to improve crime prevention, detection and control.
- Adapt control instruments to cultural, traditional, religious and local realities. There is the need to take these factors into consideration to ensure that measures are effectual and better understood and to work towards the specialization of actors involved in the fight against organised crime.

CHAPTER IV

ORGANISED CRIME IN MANO RIVER UNION MEMBER COUNTRIES

ALPHEAUS KOROMA

The Mano River Union (MRU) comprises of Guinea, Sierra Leone, Liberia, and of late, Côte d'Ivoire. These countries are very rich in natural resources such as diamond, cocoa, timber, Iron ore, Ivory, and arable soil. Organised criminal activities continue to pose a significant threat to peace and stability in the member countries of the Union. Prior to the late 1980s the MRU had the most peaceful countries in the West African region. However, until recently, the countries experienced civil wars or political instability which fuelled organised criminal activities. The negative impact of organised crime in the MRU is evident in many aspects of the socio-political and economic systems of the countries. Organised crime constitutes serious threats to governance and economic development in these countries given their fragility.¹²⁹

1. ORGANISED CRIME IN THE MANO RIVER UNION MEMBER COUNTRIES

In the study areas, the forms of organised crime range from drug trafficking, advanced fee and internet fraud, human trafficking, diamond smuggling, forgery, cigarette smuggling, illegal manufacture of firearms, trafficking in firearms, armed robbery, and the theft and smuggling of oil. The wars in the MRU gave rise to widespread organised criminal activities during and after the wars. Illegal extraction of natural resources and markets for firearms and drugs (cocaine and heroin) developed or expanded in the region. The smuggling of goods, especially cocoa, timber, ivory and diamonds across the national borders of MRU countries is most prevalent along the Côte d'Ivoire-Liberia and Guinea-Sierra Leone corridors. Ordinary businessmen and women and sometimes rebels and criminal gangs involved in civil wars in the MRU engage in the

129. Commission of the European Communities, 2007: 5.

smuggling of firearms and other products. These goods are smuggled in vehicles or on foot, using secret and illegal routes across the borders to evade special regulations, levies or taxes, thereby making more profit.

The common organised criminal activities in the region since the end of the civil wars in the countries are:

- Illicit trade in natural resources and other commodities
- Narcotic/drug trafficking
- Firearms trafficking
- Human trafficking
- Armed robberies and vehicle hijackings
- Sea piracy and illegal fishing
- Advance fee fraud and other frauds.

1.1. Illicit Trade In Diamonds And Other Commodities

Illicit trade in diamonds from Sierra Leone, largely through Liberia and Guinea to the world market, has attracted the most international attention due to its connection with the civil wars in Sierra Leone and Liberia. Illicit trade in diamonds was alleged to be a major source of fund for the armed rebellion of the Revolutionary United Front (RUF). It is also suspected that the trade may have funded the rebel operations in Côte d'Ivoire and served as an impetus for the instability in Guinea. The former Movement for Democracy in Liberia (MODEL) fighters were involved in tapping rubber in Eastern Liberia which was transported to Côte d'Ivoire for processing and shipment. Goods such as cigarettes produced in Guinea are sold extensively in the north (Côte d'Ivoire), while cigarettes produced in the tobacco factory in the north of Côte d'Ivoire, which are more expensive, are sold to consumers in the south. Cotton is illegally exported from the north to Burkina Faso and Mali; goods such as sugar from these countries are sold in Côte d'Ivoire. Cotton farmers in the north of the country sell their crop to Burkinabe dealers, who in turn export motorbikes, which are cheap because no duties are payable. Cigarette smuggling is among the most common forms of illicit trafficking from Guinea-Conakry in this region, and transits through Kambia Boarder Points (Sierra Leone). There are indications that Lebanese Malians are involved in illicit

trade in diamonds in Sierra Leone and Liberia, money laundering, drugs trade and the financing of Lebanese 'terrorist' organisations.

1.2. Drug Trafficking

Drug trafficking is undoubtedly the most serious organised crime which has attracted the concern and responses of foreign governments and the United Nations agencies. West African countries serve as transit route between the Americas and Europe. On July 13, 2008, an airplane from Venezuela was seized at the Freetown International Airport in Lungi, containing a 700 kilogrammes cargo of cocaine, worth an estimated street value of 200 million US dollars, along with AK47 rifles and ammunition. The two-man crew taxied the plane with a fake Red Cross emblem to a remote part of the tarmac and drove off in a waiting jeep, breaking through a locked gate on the airport's northern perimeter. Scores of people were arrested or questioned in connection with the case, with 18 people ultimately charged with narcotics-related offences under the Narcotics Control Act. 15 were found guilty and convicted, one of which had the passport of the United States of America. The four-month trial heard evidence that smugglers used a Caracas-registered Cessna Conquest to take on the cocaine cargo near a border between Colombia and Venezuela before making an unauthorized landing at Freetown's Lungi International Airport in July 2008. Similarly, in May 2010, law enforcement officials in Liberia uncovered an attempt to ship approximately 4,000 kilogrammes of cocaine worth the retail value of over 100 million US dollars, followed by a shipment of approximately 1,500 kilogrammes of cocaine, before finally shipping approximately 500 kilogrammes of cocaine. Over a six month period, the sum of money involved was close to half a billion dollars.

1.3. Firearms/small Arms Trafficking

Firearms trafficking across the MRU became widespread because of the civil wars in the region from 1980s to early 2000s. Arms proliferation was the by-product of rebellion and such arms were used by rebel combatants and criminal gangs in Liberia, Sierra Leone and Côte d'Ivoire. The weapons obtained through illicit channels are recycled around Côte d'Ivoire, Liberia and Sierra Leone and among belligerents in

other conflict zones in West Africa such as Mali, the Casamance province and the rest of Southern Senegal. Typical cross-border destabilising activities in the region were facilitated by the circulation of small arms and movement of refugees, partly brought about by the Liberian and Sierra Leonean civil wars.

In Sierra Leone, Côte d'Ivoire and Liberia, the war contributed to the widespread ownership of both legal and illegal firearms. In 2004, armed fighters from the Liberians United for Reconciliation and Democracy (LURD) supported Mandingo groups in violent clashes with the Guerze community in the Guinea Forest region. It was claimed that the Guinean government, in turn, recruited these combatants to work with pro-government militias in Côte d'Ivoire. Government and private security agencies (and even peacekeepers) were alleged to hire out or sell their weapons to criminals.

1.4. Armed Robberies And Vehicle Hijackings

Armed robberies, vehicle hijackings and piracy are also common place in the MRU. These countries experienced increased banditry and armed robberies in the aftermath of conflicts in the region. Owing to the random and violent nature of these crimes, most respondents in crime surveys perceive them as major threats to their security. Between 1991 and 1994, Abidjan experienced an average of just over 5,000 armed robberies annually but this has increased dramatically due to protracted conflict. Since 2004 car hijackings have also occurred in Freetown, Sierra Leone.

Some crime categories that are typically the domain of organised criminal groups, such as the hijacking of cars and trucks which has shown a significant increase in recent times. It is common knowledge that cars stolen and hijacked in the MRU are exchanged for narcotics, illicit weapons and other contraband. It is estimated that the majority of hijackings and incidents of car theft are linked to the growth in organised crime. Criminal organisations which engage in these activities in the region are typically the indigenous ones.

2. THE IMPACT OF ORGANISED CRIME IN THE MRU

The impact of organised crime in the MRU can be observed in several aspects of the political, economic and social affairs of the countries. Firstly, organised crime dents the image of the country involved within the international community. Organised criminal activities also have devastating effects on the economy and political systems of a country. One of the most serious challenges to state survival is the influx of narcotics and their impact on public, private sector and community institutions. The emerging culture of quick and easy acquisition of money threatens democracy as drug cartels have cultivated friendships in top political offices in the countries. According to the UNODC, transnational crimes involve people in more than one country maintaining a system of operation and communication that is efficient enough to perform criminal transactions, sometimes repeatedly.¹³⁰ There is emerging evidence of involvement of security agencies and politicians in drug trafficking. In Sierra Leone, a group of citizens collaborated with foreigners, mainly from South America, in July 2008, to ship a huge quantity of cocaine through Lungi International Airport in the capital city. Similarly in Ghana, an international smuggling gang attempted to import 675 kilogrammes of cocaine with a street value estimated at 140 million US dollars. The fact that these suspects were released on bail for the sum of 200,000 US dollars raised suspicion of complicity of influential persons in society.

Transnational criminal organisations infiltrate political parties in order to influence elections and install friendly politicians in office to protect their interests. Drug money or blood money then becomes an asset that cannot be turned down. Large sums of money available from organised crime cartels could be tempting to politicians seeking funds for their electoral campaigns. During the rebel wars in Liberia, Sierra Leone and Côte d'Ivoire, drugs and blood monies from illicit transaction in diamonds, timber or other natural resources were used by the warring factions to gain political support and procure arms.

130. UNODC Report 2005:14.

An area where a linkage between organised crime and governance is commonly established is the corruption of top security officials and politicians. In November 2005, Eric Amoateng, a Ghanaian parliamentarian and member for Ghana's then ruling party, the New Patriotic Party, was arrested by US law enforcement officials for conspiracy to transport and distribute heroin with street value of more than 6 million US dollars to the US. A former head of Ghana's Narcotics Control Board indicated that certain politicians are influenced by drug dealers.¹³¹ Criminal interests may have become so powerful in some countries that they pose a potential political threat. Another case of political involvement in organised crime in West Africa concerns the late Maurice Ibekwe, a member of Nigeria's Federal House of Representatives arrested for financial fraud, forgery and conspiracy. He had served as chairman of the House Sub-Committee on Police Affairs. However, only in a small number of cases can it be shown beyond reasonable doubt that senior political figures like Ibekwe have been directly implicated in organised criminal activities.¹³²

In December 2009, a senior police officer was arrested for renting out arms to armed robbers in the Freetown area. Sierra Leone's Joint Drugs Interdiction Task Force (JDITF) has revealed recent cases of involvement of some members of the security apparatus in illicit drug trafficking along the border posts. International traffickers or networks have made several attempted to bribe high-level public officials in order to protect shipments of vast quantities of cocaine, and to use the MRU countries as a trans-shipment points for further distribution of the cocaine in Africa and Europe. In Guinea, Conakry, the son of the former president, Lansana Conte confessed his involvement in drug trafficking, taking advantage of his role as head of the presidential guard by which he acquired diplomatic passports and other resources. The Sierra Leone Anti-Corruption Commission indicted a former Minister of Transport and Aviation, Kemoh Sesay and his brother, Mohamed Sesay in connection with the Venezuelan mafia.

131. UNODC Report 2005:7.

132. Aning, K, 2009 Organized crime in West Africa: Options for EU Engagement. Sweden: International IDEA.

3. RECOMMENDATIONS

Mano River Union countries have witnessed increased organised criminal activities since the late 1980s. Many of the actors and players are foreigners who have established links with local partners to facilitate illicit commercial flows. There has been remarkable increase in organised criminal activities involving trafficking in human beings, drugs and arms since the late 1980s when the countries were engulfed in civil wars. Law enforcement agencies lack the necessary capacity to stir the tide of organised crime because they were weakened by the civil wars as well as widespread corruption among security officials.

- Based on the analysis and findings from data obtained through interviews and secondary sources, it is recommended that the governments of the countries in the MRU should introduce the following measures:
- Relevant political and economic agencies in the MRU should be strengthened to enable them address the socio-political and economic problems that make organised crime attractive and rampant;
- Law enforcement and judicial institutions should be strengthened to enforce the law, deal with official corruption and impunity, and effectively combat organised crime;
- National parliaments in the countries should promulgate and strengthen relevant laws, and security agencies should promote effective enforcement of laws against trafficking in human beings, drugs and small arms;
- Furthermore, the appropriate agencies in MRU countries should establish a special fund for detected proceeds of crime which can be used to promote preventive measures and criminal justice responses; and
- The MRU member countries should create a coordinating mechanism to bring together state and the non-state actors to guide the way in the fight against organised crime in all its ramifications.

CHAPTER V

ORGANISED CRIME IN BURKINA FASO, MALI AND NIGER

DAOUDA DIALLO BOUBACAR

Burkina Faso, Mali and Niger are contiguous countries and often referred to as the Central Sahel sub-region of West Africa. Burkina Faso, Mali and Niger share common historical, social, cultural, economic and political legacies. The development indices and poor resources of these countries make them vulnerable to organised criminal activities. There are similarities in the forms of organised crime identified in each of these countries. Data for the study were collected in December 2011 through interviews. Information was also obtained from secondary sources such as official publications, academic literature and media reports. The three countries, namely Burkina Faso, Mali and Niger, are experiencing a wave of organised crime.

1. ORGANISED CRIMINAL ACTIVITIES IN THE CENTRAL SAHEL

Information obtained from interviews and secondary sources reveal that the major types of organised criminal activities in Burkina Faso, Mali and Niger are:

- Drug trafficking
- Money laundering
- Counterfeiting of pharmaceutical drugs
- Poaching
- Illegal migration
- Human trafficking
- Corruption
- Armed robbery
- Cyber-crimes
- Document forgery, including diplomas
- Prostitution.

However, there are differences among these countries in terms of management and scope of the organised crime phenomenon.

Traffickers in drugs, persons, weapons, and hydrocarbon products in the Sahel-Sahara region have strong connections with powerful networks which exert influence beyond the national frontiers and even across the continent. In 2006, the statistics produced by the European Agency for Borders Control (FRONTEX) pointed out that about 40, 000 illegal immigrants who disembarked in Europe transited through the Sahel and Sahara countries. At the same time, drug trafficking has become intensive, giving room to more pernicious adaptations backed by the use of advanced means of transportation such as aircraft to reach desert destinations, and boat shuttles across the Atlantic Ocean and the Mediterranean Sea. As a result, instead of a seizure of about 50 tons per year and per country, the region became flooded with illicit products within few months. According to experts, a Boeing 727 aircraft can carry up to 10 tons of drugs. Following the discovery of the wreckage of a Boeing aircraft in the Malian desert, analysts discovered that other airlifts had taken place few months earlier.

Country	Year	Quantity	Sources
Burkina Faso	2008	Cocaine: 1750kg	<i>Sidwaya</i> of February 24, 2011
	2008	Cocaine (capsule): 107	
		Cocaine: 12,465kg	
	2010	Cocaine: 30kg	
	2011	Substances Psychotropes DNO	
	2011	Indian Hemp: 150kg	
Mali	2006	Cannabis (herb): 28.68kg	<i>Les Echos</i> of March 4, 2011
		Cocaine (capsules): 1277	

	2007	Cocaine:	16,810kg	
	2009	Substances Psychotropes	DNO	
Niger	2012	Cocaine:	1,225kg	Anti-Drug Coordination Centre (CCLAD)
	2011	Cannabis (herb):	1,050,783kg	
	2011	Cocaine (cresin):	3,347kg	

TABLE : DRUG INTERDICTION IN BURKINA FASO, MALI AND NIGER
(compiled by author)

Currently, the quantities of narcotics being seized by relevant security forces in Central Sahel, on the basis of national laws and international regulations, are frightening.

1.1. Organised Crime In Burkina Faso

In Burkina Faso, the most prominent form of organised criminal activities is the embezzlement of public funds. Early in 2012, corruption pervaded the Customs Department which irked the public at large. The corruption case against Ousmane Guiro, the former Director-General of the Customs Department of Burkina Faso, concerned the alleged embezzlement of 2 billion FCFA (Equiv. US\$ 4 million). In another case, the sum of 200 million FCFA (Equiv. US\$ 400.000) was stolen from the public treasury, while mismanagement charges were raised against school food canteens involving the huge amount of 25 billion FCFA (Equiv. US\$ 50 Million).

In November 2011, speculations on urban lands led to the impeachment of three mayors in the country. Before then, in 2010, suspicions of economic crime within the Burkina insurance sector were reported. The Managing Director of Allianz Burkina Assurance Vie was quizzed on February 24, 2010, about the alleged embezzlement of the company's funds.

1.2. Organised Crime In Mali

Organised criminal activities were already rooted in Mali long before the events of March 2012 which divided the country. Drug trafficking had become a flourishing business in the country. For many observers, the accusations about alleged close links between narcotics traffickers and top government officials in the region are also directed to Mali. Senegal, Mauritania and Algeria have all seized large quantities of drugs found on Malians. Between 2009 and the first quarter of 2012, six Malians were among the drug traffickers intercepted in Niger.

Out of 64 Africans arrested in international airports for drug trafficking, there were 2 Malians, i.e. 3 per cent of the total criminals nabbed between 2009 and 2011. For some years now, Bamako and other urban centres invaded by drug dealers and delinquents have experienced growth in local demand for drugs. Within the country, the markets, motor parks, night clubs, bars and brothels have now become potential drug consumption spots.

Prior to the mutiny of the Malian army in March 2012, the regions of Timbuktu, Gao and Kidal had practically been taken over by drug lords dealing in cocaine, hashish, heroin and cannabis. Several drug distribution channels were set up in the plum area that smacks of its Colombian, Venezuelan and Mexican counterparts. In fact, this situation is the source of endless conflicts between drug traffickers belonging to different desert tribes (Arab, Tuareg, Moor and Sahrawi). Local leaders such as Ben Maouloud, friend of President Amadou Toumani Toure, and his accomplice Baba Ould Achouekh, mayor of Tarkint, are living actors of organised crime. They facilitated kidnappings, payment of ransoms and the release of Western hostages. To strengthen his position, Mohamed Ould Sidah succeeded in getting elected as local authority commissioner. He could therefore use his immunity to carry on quietly with his illicit activities which include trafficking of arms, drugs and persons, cattle theft and money laundering through investments in the estate property sector in Bamako, Gao and Kidal. He is listed among the drug barons of Northern Mali. In fact, he gave himself a pseudonym (Mohamed Ould Awainat), according to the tradition of the

Latin American drug cartel members or Al Qaeda fanatics. His strategy reflects the climate in which Northern Mali lives, within a dormant State, long before the crisis unleashed by the rebels of MNLA and MUJAO¹³³ occurred.

Mali does not boast of a strict economic and financial regulatory regime which has led it to lose financial resources through unscrupulous citizens. Apart from the 17 billion FCFA (Equiv. US\$ 34 million) misappropriated by the country's Customs Department (revealed in December 2011), several cases of embezzlement have been reported by the Malian press. They include the following:

- An army colonel was arrested on June 5, 2011, for misappropriating 300 million FCFA (Equiv. US\$ 600.000),
- In September 2010, a scam was blown open over the sum of 6.5 billion FCFA (Equiv. US\$ 13 million) allocated to Bamako by the Global Fund to fight HIV/AIDS. It was not until June 4, 2011, that the Minister in charge of Health at the time the crime was committed, Oumar Ibrahim Toure, was charged to court for embezzling the funds.

1.3. Organised Crime In Niger

For several decades, Niger has been reeling under the weight of organised trans-border crime. Arms and drugs trafficking have grown out of proportion, provoking serious security problems in the country. Border areas are the most affected by organised crime. The area along the frontier with Mali has become a lawless land for about 10 years. Niger continues to be a transit corridor for drugs, illegal immigration and arms trafficking. Niamey and the other urban centres in the country have been invaded by drug dealers.

In 2012, the general public was astonished by the discovery of a corruption case involving certain officials of the Ministry of Finance who were suspected of

133. Movement for Unity and Jihad in West Africa. It is present in Douenza and Tombouctou.

withdrawing over 2 billion FCFA (Equiv. US\$ 4 million) from the public treasury through fictitious invoices. The Abdou Moumouni University of Niamey is handling an embezzlement case involving the sum of 3 billion FCFA (Equiv. US\$ 6 million). Just like in Mali and Burkina Faso, the people of Niger have come to realize that the customs department, public administration and private companies' management are quite corrupt. In fact, mafia lobby groups have developed corrupt practices which cost the state colossal sums of money via the public administration as well as through public corporations and private companies, namely: Nigelec (electric power corporation), Sonitel (telecommunications corporation), Sahel Com (telecommunications corporation), Food Products Corporation of Niger (food security), and SONIDEP (hydrocarbon products, 7.20 million US dollars involved). These models of organised crime exist in addition to the fraudulent use of public funds for unconstitutional political ends. Between July and August 2009, close associates of Tanja Mamadou were involved in controversial awards of mining explorations, which may be classified as acts of corruption.¹³⁴

Other forms of organised criminal activities, such as the sale of prohibited goods, adulterated fuel, counterfeit medicine and artistic works are taking root in the country. Furthermore, organised criminal activities are on the increase in the education sector where, since the 1990s, issuance of fake diplomas has become rampant. In 2012, the Niger police broke up a network that was issuing fake diplomas. Also, 44 fake copies of Niger's 'baccalauréat' (Senior Secondary School Certificate) were seized in the Republic of Benin, and 338 fake diplomas were detected by the Ministry of National Education in 2011.¹³⁵

Besides, Niger is confronted with illicit arms trafficking. For over 30 years now, the Sahel region has been flooded with firearms. The armed conflicts in Côte d'Ivoire, Chad, Niger, Mali and Algeria facilitated massive importation of firearms into the

134. This is one of the outstanding cases in Niger where one of President Tandja's sons (Hadia Toulaye) and one of his accomplices were charged to court shortly after the military coup d'état of February 18, 2010.

135. Hassae Amadou Diallo, "Niger is waging war against fake teachers, fake diplomas and corruption in schools," (Transparency International), 10 May, 2012.

Sahel. This illegal business is thus flourishing. On May 18, 2012, Niger's customs department seized about twenty AK 47 and RPG 7 (rocket launchers) weapons.

2. TERRORIST ACTIVITIES IN THE CENTRAL SAHEL

Terrorist activities tend to become intertwined with organised crime in fragile states. In Niger and Mali, there have been waves of kidnapping with expatriates as targets (in 2008, 2009,¹³⁶ 2010 and 2011). Attacks against security forces and public property constitute new dimensions of Islamic terrorism. Specialists explain that this new religious dimension is due to the weakening influence of old Muslim brotherhoods who had always doused the fanatical fervour of believers with regard to jihadist intentions.

In Niger, following the kidnapping of AREVA's workers on September 16, 2010, Al Qaeda in the Islamic Maghreb (AQIM) moved its pressure towards the Northern and Western parts of the country recording the following activities:

- 5 January, 2011: kidnapping of two Frenchmen in Niamey by an AQIM commando. The group and the hostages were all killed in Mali during the air rescue operation undertaken by the French and Niger Special Forces. In this tragic military operation, Niger lost the gendarmes who launched the land chase of the kidnapers.
- 8 March, 2011: Attack of Tillia military barracks which ended with the death of five Nigerien soldiers and several terrorists.
- 12 June, 2011: two dead and six wounded following a skirmish between a patrol team of the Niger Army and a group of bandits. The vehicles recovered were loaded with ammunition, explosives (640 kg), 435 detonators and a significant sum of money in foreign currency (90,000 US dollars).

136. The humanitarian activist, Pierre Camatte, was luckier than Michel Germaneau kidnapped in Niger in 2008. He was kidnapped in 2009 in Mali and then exchanged by AQIM for its militants detained in a Bamako prison. Nouakchott and Algiers did not appreciate this decision. But this kind of swapping operation is rather common between Israël and Palestine.

- 6 November, 2011: Niger Army killed 13 armed bandits on board 4x4 vehicles coming from Libya and heading towards Mali.

Operations of Niger Army made it possible to capture Apta Mohamed, ex-combatant of two rebellions (1990-1997, 2006-2009) and an ally of AQIM. It is obvious that the terrorist threat in Central Sahel is directly linked to the activism of ex-combatants of Tuareg rebellions who could not be integrated into the rehabilitation structures, and to the Libyan crisis, in particular the operations of heavy arms transfer to Northern Mali where AQIM and local armed groups did reinforce their war arsenal. Terrorists linked to AQIM are nationals of France, Algeria, Mauritania, Nigeria, Mali, Niger, Tunisia and Somalia. Niger's anti-terrorist departments arrested 7 alleged members of Boko Haram heading for AQIM training camp in Mali,¹³⁷ according to the UN report published on January 26, 2012, concerning the security situation in the Sahel region. Since coming into existence, the AQIM and the desert rebel groups engage in arms and drugs trafficking. Niger soldiers often seized a wide range of prohibited products. For instance in August 2007, the Nigerien Army swooped on combatants of the MNJ¹³⁸, seized 5705 kg of cannabis, AK 47 and hand tear-gas grenades, according to Antonio Mazzitelli, then head of the West Africa Office of UNODC.

3. RESPONSES TO ORGANISED CRIME IN THE CENTRAL SAHEL

In the face of security vulnerabilities, the Central Sahel states have developed respective responses to address the underlying social, economic and political factors. In Burkina Faso, an Anti-Drug National Committee (CNLD) has been established.

137. Read the testimonies of Youssef (National of Guinea Bissau, 29 years), Essalek (Mauritanian, 27 years, Youssef's accomplice in the bomb blast attempt against the French Embassy in Nouakchott), and Bechir (25, a Tunisian, who joined AQIM following disappointments with the police in his country) over

138. AQIM's camp in Northern Mali, in *Libération* of 8 April, 2012.

Niger Movement for Justice, led by Agali Alambo, who joined the armed rebellion against the Niger Government from 2006 to 2009. Following the general elections of 2011, he became adviser to the President of Niger National Assembly. In 2012, denounced as his accomplice by the arms trafficker, Apta Mohamed, he was arrested then freed shortly afterwards. Most of the former Tuareg and Toubou rebels today hold key positions in Niger, which dissuades them from venturing again into another armed struggle. In fact, they opposed the creation of Azawad State in Mali.

Decree Nos. 01078 of July 2001 and 0179 of August 2001 form the legal basis for repressing and preventing drug trafficking in Mali. The anti-narcotics brigade has since 1988 launched country-wide operations against drug trafficking. The Malian government did reinforce its anti-drug trafficking repression and prevention drive by setting up in 2010 a national coordinating structure, namely the Central Narcotics Office.

Nigerien government in 2011 established an anti-terrorist department to deal with terrorism. Most of the persons arrested for terrorist acts are taken into custody by this department which is equipped with a mixed security unit. It is coordinated by a Commissioner of Police. In the discharge of his duties, he is supported by representatives of other military and paramilitary agencies. The department is empowered to carry out investigations, arrest and charge suspects to court. The Senior Magistrate Court of Niamey is the only legal authority empowered to handle terrorism-related cases. Law No. 2012-26 of May 2012 was enacted to amend the Law No. 2010-05 of January 2010 governing the fight against terrorism funding. Niger had already set up its own Financial Information National Processing Centre, a structure entrusted with the responsibility to monitor funds which are likely to be used to finance terrorism.

4. RECOMMENDATIONS

The following measures are recommended to the governments of Burkina Faso, Mali and Niger for combating organised crime:

- National laws, regional and international agreements against organised crime should be effectively enforced by strengthening the enforcement and judicial agencies.
- Establish economic and political structures that facilitate employment, good governance and political stability so that incentives and opportunities for organised crime can be drastically reduced.
- Initiate reform of the security sector in order to adequately respond to new security threats, including organised crime.

- Build partnership with civil society organisations towards combating organised crime and terrorism.
- Promote research on organised crime and terrorism.

CONCLUSION

IMAGINING NEW WAYS OF FIGHTING ORGANISED CRIME

ETANNIBI E.O. ALEMIKA

The impact of organised crime on the economy, polity and society of West African countries has not attracted the required in-depth analysis. No doubt, there have been some attempts to do this by UNODC in its earlier reports in 2005, and 2009. Transnational criminal organisations inhibit sustainable development of West African countries. They distort economic planning through transfers and laundering of illicit wealth and create disincentives for hard work and long-term investment in productive enterprises such as manufacturing. Transnational criminal organisations undermine safety and societal moral fabric through the use of threat and corruption to defend their illicit operations, when challenged or inhibited by law.

A threat assessment recently published by the UNODC reported:¹³⁹

- Decline in cocaine trafficking through West Africa.
- Adaptation to law enforcement strategies involving shift from trafficking via air transportation to maritime transportation
- Proliferation of laboratories for increasing production of amphetamines. There has been discovery of laboratories for the production of the drugs by the National Drug Law Enforcement Agency during the first half of 2013.
- “prevalence of fraudulent medicines ... posing a grave threat to public health and safety”.
- Increased maritime piracy largely driven by theft of oil in the Gulf of Guinea.
- Absence of “methodologically-sound drug use studies” in the Region, “since the advent of the cocaine flow”. Therefore, “it remains unclear how being a transit region has affected local drug use”.

139. United Nations Office on Drugs and Crime 2013. Transnational Organized Crime in West Africa: A Threat Assessment. Vienna: UNODC.

Major recommendations for tackling the threat of illicit drug in the Region revolved around enforcement and paucity of holistic programmes to address the socio-political and economic root-causes and effects of the problem (Alemika 2013).

Organised crime in West Africa has been the subject of numerous conferences and meetings by UN agencies, Continental and Regional organisations, academics and law enforcement agencies. The approach most often recommended as the outcome of these meetings and conferences is reactive stringent law enforcement and harsh sentences. But the implementation of the recommendations has not produced the intended outcomes. Therefore, the approach needs to be broadened to include proactive preventive social and economic programmes and actions. Francisco Caetano Jose Madeira,¹⁴¹ in his contribution at the UN Security Council Meeting on organised crime in West Africa, of February 21, 2012 cautioned that “confronting crime was not only about patrolling borders and waters” but also providing “alternative economic opportunities ... for the most vulnerable sections of the population by addressing the underlying socio-economic conditions that gave rise to crime, poverty, environmental degradation and social exclusion”.¹⁴²

The fight against organised crime cannot be won through militaristic law enforcement approaches alone. Criminal activities in the region are rooted in an economic structure that is dysfunctional, unproductive and incapable of providing required employment, services and goods and political structure that is unable to guarantee democratic participation, social welfare services and infrastructure, public security, personal safety and the rule of law. These factors undermine the capability and legitimacy of the government and aggravate contentious politics, political

139. United Nations Office on Drugs and Crime 2013. Transnational Organized Crime in West Africa: A Threat Assessment. Vienna: UNODC.

140. It is apt that UNODC acknowledges this fact at last against the background of spurious estimates of volume of drug trafficking and drug abuse by several international organizations, including UNODC (Alemika 2013).

141. Special Representative of the Chairperson of the African Union Commission for Counter-Terrorism Cooperation.

142. The Security Council in its Statement S/PRST/2012/2 of February 21, 2012; see also www.un.org/ga/search/view.doc.asp?symbol=S/2012/83, accessed February 5, 2013.

violence, social fragmentations and struggle for the capture of the state by various groups, including criminal networks. Evidence-led multi-sectorial approach combining proactive preventive social, economic and political measures with reactive law enforcement measures should be adopted to combat organised crime in West Africa.

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About this study

Operating across borders, Transnational Criminal Organisations (TOCs) have, over the last few decades, taken deep root in West African politics. They have blended into existing political systems and structures, effectively undermining both the authority and legitimacy of nation states.

The perpetrators of transnational criminal activities are well structured and organised. Profiting of instability and conflict, their sphere of influence is getting wider, and their operations within states deeper. Their main 'projects' revolve around money laundering, trafficking in frauds, armed robbery and banditry, oil bunkering, piracy, smuggling of natural resources; just to mention a few.

This report seeks to examine the operations of such TOCs in West Africa and how they have overtime influenced attitudes and behaviours of political decision makers. This is with a view to establishing the influence, if any, of criminal networks on decisions of political leaders in West Africa. Furthermore, the study seeks to light out linkages among these organisations and assess both regional and national responses to the threat.

