

## 4. West Africa

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### 4.1 ORGANIZED AND TRANSNATIONAL CRIME IN WEST AFRICA

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#### Introduction

Transnational crime thrives in West Africa due to several factors. Some of the major factors and conditions are: weak state capacity and capabilities; weak democratic culture and institutions; underdeveloped and disarticulated economy and lack of norms associated with the penetration of – and assimilation into – cultural ethos and practices of globalization; poorly policed borders; absence or ineffective boundary demarcation; and cross-border population homogeneity engendered by arbitrary determination of national boundaries by colonial authorities. Other factors are inadequately resourced border security agencies; poorly trained and remunerated border policing agencies with the attendant widespread corruption and collusion with transnational criminal actors; and absence or ineffective cooperation among the border security agencies of countries in the Economic Community of West African States (ECOWAS). Generally, there is a weak governance of border security in ECOWAS countries, which threatens both national and regional security. In this chapter, the sources, manifestations, and effects of organized and transnational crime in West Africa are examined with empirical illustrations from Nigeria.

#### Organized crime and criminal networks: conceptual conversations

The concepts of transnational crime, organized crime, and transnational organized crime are often (unconsciously) used synonymously. This usage is untidy and hinders analysis and appropriate policy responses to issues that, though interwoven, are often distinct in terms of motives, clients, practitioners, and victims. Transnational, or trans-border, crime refers to criminal activities by an individual or individuals, organizations, or even regimes that traverse two or more countries.

The significant element that distinguishes transnational crime is the breach of territorial sovereignty symbolized by state authority, borders, customs and immi-

gration laws, and border police. By its nature, trans-border crime connects source, transit, and destination countries. It involves crimes across or beyond borders. In contrast, organized crimes may be confined within a national border. Organized crimes that are perpetuated across national borders are referred to as transnational organized crimes and the organizations that are behind them are labeled as transnational criminal organizations.

Transnational crimes are not necessarily organized or perpetrated by organizations. This may be attributed to fluid borders and substantial control over goods distribution or supply networks by informal sectors in West African nations. Organized crime has been variously defined (Lupsha 1983; Cressey 1969; Finckenauer and Voronin 2001; Albanese 1989; Abadinsky 1990). Most definitions of organized crime emphasized, (a) its primary aim is profit-making; (b) its activities focus on outlawed goods and services; (c) the significance of violence and corruption in protecting the illegal operations, enforcing discipline among members, and for elimination of competition and competitors; and (d) its hierarchical structure and relative organizational permanency (Albanese 1989).

Albanese rightly points out that “organized 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’” (Albanese 1989, 5). This implies that organized criminal groups may, indeed, simultaneously engage in legal and illegal activities, as is the practice of many multinational companies involved in official corruption cases in Africa. Organized crime has serious negative consequences for individuals, communities, and nations. Criminal organizations “have varying capacities to inflict economic, physical, psychological, and societal harm. The greater their capacity to harm, the greater the danger they pose to society” (Finckenauer and Voronin 2001).

Transnational crime may be described in terms of the following activities across national borders: illegal activities are carried out through illegal means or legal activities are carried out through illegal means. The critical point for us in this article is that transnational crime may be organized or unorganized and perpetrated by organizations, individuals, and even regimes (UNODC 2005). Criminal networks and organized crime groups engage in legal businesses for three major purposes. First, it conceals their illegal activities; second, it serves as means for “washing the dirty money” from crime; and third, the laundering of profit from organized crime serves as a means of gaining respectability in society.

The characteristics of organized crime as identified in the literature can be summarized as follows:

1. absence of ideological underpinning of activities. This means that activities are not driven by political, economic, religious, and ethnic grievances and goals. Criminal activities are seen as means rather than ends;
2. an intent to commit, or the actual commission of, substantive crimes;
3. a conspiracy to execute these crimes;

4. a persistence of this conspiracy through time (at least one year) or the intent that this conspiracy should persist through time;
5. acquisition of substantial power or money as means for political or economic security;
6. roles are organized in a typical hierarchical structure, with the boss at the helm of affairs;
7. roles and positions may be assigned on the basis of kinship affinity, friendship, or competence;
8. organization and activities are relatively permanent – organized crime, in this sense, is undertaken over a relatively long period by an organization;
9. willingness to use violence or bribery to facilitate and achieve its goals (Abadinsky, 1990, 6; IIT 1971, 264);
10. complex criminal activity involving long-term planning and multiple levels of execution and organization;
11. operations that are often undertaken beyond national jurisdictions;
12. use of fronts, buffers, and “legitimate” associates to insulate key members from risks of identification, involvement, arrest, and prosecution;
13. maximization of profits through attempts at cartelization or monopolization of markets, enterprises, and crime matrices (Lupsha in: Kelly 1986, 33).

Organized crime may also employ the following means to protect their criminal enterprises: enforcement of code of loyalty and secrecy; exercise of discipline through and loyalty through surveillance, coercion, and violence. They also protect their operations against legal constraints by means of inducement; representation in government, especially in law enforcement agencies and parliament; alliance with armed groups, and provision of service to communities poorly administered and served by government (Kenney and Finckenauer 1995, 29).

### **Analyzing transnational and organized crime**

In the past two decades, there have been increasing criticisms of the traditional conceptualization of organized crime. Critics argue that the traditional conception of organized crime has been dominated by the Mafia-style organization. In the new conception, most crimes involving groups at the national and international levels do not involve many of the attributes of organized crime as traditionally portrayed in the literature.

Contemporary thinking is that “criminal network” or “crime network” are better terms for many of the contemporary criminal enterprises and businesses. Many criminal collaborations do not exhibit permanence but transient collaboration; roles are assigned on the basis of capability along the business chain; the use of violence is becoming less frequent; and bribery continues to be used to secure the cooptation of or protection from law enforcement agents, judicial of-

ficials, politicians, and other influential figures within the environment in which criminal business is transacted.

The terms “organized crime” and “criminal network” have implications for law enforcement. For example, the operations of organized crime can be disrupted if the people in the top rungs of the organization can be identified and put out of business. Investment in long-term intelligence is therefore worthwhile under this scenario. However, in the context of criminal networks, relationships tend to be transient or occasional, as “business” may demand. As a result, it is difficult to detect organizational structures and leadership of networks. To police them effectively, intelligence needs to be secured from different sources using diverse technologies and shared among security and intelligence agencies.

### **Understanding and responding to organized crime in West Africa**

A recent seven-page background paper (NYUCIC 2012) for a conference on the impact of organized crime and drug trafficking in West Africa provides some of the most insightful comments on the phenomenon of organized crime in the region. Some of the critical observations can be summarized as follows.

- a. West Africa is “a major transit and repackaging hub for cocaine and heroin flowing from the Latin American and Asian producing areas to European markets.”
- b. The significance of West Africa as a transit and repackaging hub is due to “a strategic shift of Latin American drug syndicates towards the rapidly growing European market in part due to the operational ‘successes’ of U.S. law enforcement agencies in mitigating the flow of drugs into the United States.”
- c. “West Africa presented an ideal choice as a logistical transit center: its geography makes detection difficult and facilitates transit; the region boasts well-established networks of West African smugglers and crime syndicates, and a vulnerable political environment.”
- d. The vulnerable political environment in West Africa “has its roots in the region’s colonial history and includes endemic poverty as well as a combination of weak institutions and systems, instability, and ill-equipped and corruptible political party representatives, law enforcement and intelligence officers, and judicial authorities.”
- e. In some West African countries, “the legacy of civil wars led to diminished human capital, social infrastructure and productive national development assets” and also “gave way to a rise in the number of armed groups operating in the region and the circulation of small arms and light weapons.”
- f. Manifestations of organized crime in the region “include drug trafficking, and increasingly, drug consumption, broader organized criminal activity such as human trafficking, illicit logging, illicit capture of resources, piracy, money-laundering, and terrorism.”

- g. "Intense urbanization and youth unemployment ... are having a corrosive effect on democratic institutions and processes, security and economic development across the region and driving violence and reemergence of conflict."
- h. Significantly, "research shows that the evidentiary base underpinning perceptions of challenges remains weak, as do mechanisms to assess and respond to vulnerabilities, threats and challenges that enable organized crime and drug trafficking."
- i. Notwithstanding several and diverse interventions and interests by African nations, foreign governments and international organizations, "there is still limited evidence of effective, strategic responses to the multi-faceted challenges posed by organized crime and drug trafficking in the region."
- j. Further, current "strategies tend to omit the importance of ensuring that security centered efforts are accompanied by efforts aimed at strengthening political institutions and processes, justice and health institutions, and responding to widespread youth unemployment." As a result "less focus and investment is being placed on developing the capacity of civil society and academia to monitor and analyze trends and effects of organized crime and trafficking across the region," just as "the private sector remains largely removed from current debates on the issues."

This is a highly perceptive analysis of the manifestations and causes of organized and trans-border crimes in West Africa and offers responses to the problems.

One of the most critical hindrances to the understanding of organized and trans-border crime in the region and responses to it is the nature of intervention by foreign governments and international organizations. This is because foreign governments are selective in the types of organized crime whose prevention and control they consider a priority. Foreign governments – especially Western governments and the US government in particular – exert pressure on West African governments to adopt repressive legal and security-centered approaches to curb the crimes instead of developing comprehensive social, economic, and political strategies and policies. In so doing, they focus on crimes of concern to them and their citizens, especially drug trafficking. It is therefore not an accident that most discussions of organized crime in West Africa revolve around drug trafficking.

Until the attacks on World Trade Center in New York on September 11, 2001, very little attention was given to corruption, through which African politicians and Western multinational companies steal and siphon African wealth and purchase expensive properties and other luxury goods in Western nations. The current concern with this corruption and the proceeds from it originates less from the implications for African nations about the prospects of such resources being used to finance terrorist activities in Western nations. At present, the massive trafficking in arms, psychotropic substances, and the substandard goods that constitute a more serious threat to human security in Africa – as well as African politics,

economics, and society – does not attract the required interest, attention, and intervention from foreign governments.

The nature of control strategies foisted on Africa governments by foreign governments and UN agencies has also created – or engendered – an absence of reliable evidence-led policies and strategies. As a result, there is no investment in scientific and academic research on the subject of organized crime in the region or even the strengthening of public security and law enforcement agencies to develop reliable systems of record-keeping and databases. As a result, most publications on the nature, extent, pattern, and trend of organized and trans-border criminal activities are based on anecdotal evidence and estimates from isolated and unique cases of large confiscations. Perhaps, as sociologists might explain, this is deliberate, because the absence of reliable evidence and the publication of alarming estimates justify the diplomatic pressure on West African governments to adopt repressive legal approaches to control selected types of organized crime that threaten the interests of powerful Western nations. It is therefore no surprise that “there is a broad perception in the region that many of the existing initiatives are broadly conceived outside West Africa and that there is limited ownership of the existing policy framework and operational responses in the region” (NYUCIC 2012, 7).

### **Pattern of transnational crime in West Africa**

Increasing transnational crime in the region has been engendered by several factors, including progressive regional integration; globalization; political and economic reforms aimed at enthroning liberal democracy and free enterprise; political conflicts; instability; and technological advancements in the transport and communication sectors. Trans-border crime may be seen as the latent or unintended consequences of globalization as well as regional economic integration promoted by the ECOWAS Protocol.

Several forms of transnational criminal activity by organizations, networks, and individuals in West Africa have been reported in the literature (UNODC 2005; Wannenburg 2005). The major forms include:

1. corruption and money laundering within the West African nations, Europe, and the United States;
2. human trafficking between West African countries and from West Africa to the Middle East and Europe;
3. drug trafficking – West African countries are used as transit nations for cocaine and heroin. However, cannabis is produced in some West African countries and traded within and beyond the region;
4. arms trafficking into and within the West African region;
5. advanced “fee fraud” with propositions emanating from West Africa (especially Nigeria) to Europe and North America;

6. Internet fraud, including identity theft;
7. smuggling of used cars, for example used cars are imported from Europe into the Republic of Benin and smuggled into Nigeria;
8. smuggling of prohibited or controlled goods such as pharmaceutical psychotropic drugs, chemicals, etc.;
9. piracy, especially in the Gulf of Guinea;
10. armed robbery, especially automobile hijacking; gangs of robbers, for example, snatch expensive cars from their owners in Nigeria and take them to neighboring countries like Benin, Togo, and Chad;
11. smuggling of goods out of West Africa:
  - a. diamonds from Sierra Leone through Liberia and Guinea
  - b. oil and precious stones from Nigeria
  - c. gold from Ghana
  - d. rubber and timber, for example from Sierra Leone
  - e. ivory and timber from Equatorial Guinea
12. vices (gambling, prostitution, etc.);
13. fraudulent trade practices, including dumping of sub-standard products and misrepresentation; illicit foreign exchange transactions (including money laundering) and stripping of assets from Africa to developing economies (e.g., over-invoicing, under-invoicing, abuse of investment concessions, tax and duty evasions, etc.);
14. dumping of toxic materials.

The most common forms of transnational crime remain corruption and money laundering; drug trafficking; human trafficking; smuggling of both licit and illicit goods; fraudulent trade practices; and advanced fee fraud. These crimes are committed within the region between countries in the region and other countries.

### **Facilitative environment for transnational crime in West Africa**

One of the outstanding aspects of the dynamics of transnational criminal activity in West Africa is its growth over the past three decades. This development has been attributed to several factors. The literature has identified several factors that enhance the growth of transnational crime (Finckenauer 2000; Library of Congress 2003). In the context of West Africa, they include the following factors and conditions:

1. the ECOWAS Protocol on regional economic integration facilitated the emergence of region-wide organized criminal syndicates due to ease of movement from one country to another in the region with minimum documentation and surveillance;
2. civil wars, armed rebellion and banditry in the region bred crimes like arms trafficking, war-zone sex slavery, human trafficking, drug trafficking, smug-

gling of minerals and goods (e.g., alcohol, cigarettes, etc.). The civil wars also created refugees, some of which may have engaged in organized criminal activities, especially trafficking of persons, weapons, and other goods between their country of origin and host countries during and after the war;

3. civil war and political instability is responsible for high emigration and the African Diaspora in Europe and the United States. Some of the people in the Diaspora engage people back home in transnational criminal enterprises. A careful study of the ethnic identities of West African people, especially Nigerians, involved in transnational crime indicates overrepresentation of ethnic groups that were – or considered themselves – targets of civil wars or political violence and who therefore fled to foreign countries. After the civil wars, some of the emigrants establish criminal networks that operate between their countries of origin and residence. Such patterns and relationships can be observed between the Nigerian civil war (1967–1970) and political crisis (1993–1999) on the one hand, and the ethnic representation in arrests for transnational crimes in Nigeria on the other (NDLEA 2008, 2010a);
4. criminalization of the state – routine criminal practices in governance for the accumulation of personal wealth;
5. weak economic regulatory framework; inconsistent import, export, and tariff policies; ineffective customs managements coupled with widespread corruption among border security officials fostered the activities of criminal syndicates in areas like trafficking or smuggling;
6. weak customs and immigration controls due to porous borders as well as ineffective border patrols, including aerial surveillance;
7. poor scanning and intelligence gathering equipment at entry ports (air, land, sea);
8. spatial distribution of persons with the same ethno-cultural identities across international borders in West African countries, due largely to the arbitrariness of national boundaries created and imposed by the colonizers in the 19th century. Local populations relate to people and not boundaries;
9. weak state authority and capacity, leading to insurgency that thrives in part on trans-border criminal activities;
10. ineffective interagency collaboration and coordination;
11. high volume of trade between countries, which hinders efficient scrutiny by law enforcement agencies;
12. economic policies foisted on the country since the 1980s by multilateral agencies like the IMF and World Bank and supported by the governments of advanced capitalist nations engendered profound socioeconomic dislocation, impoverishment, widening inequality;
13. improved communication technologies, which facilitate both legitimate and illegitimate business transactions;
14. advancement and increasing utilization of air transportation systems minimizes scrutiny at numerous national borders;



15. disputed territories;
16. significant disparity in economic and sociopolitical conditions in neighboring countries;
17. high degree of corruption, especially among the ruling elite;
18. weak legislation and corrupt law enforcement agencies;
19. inadequate training and remuneration of border police and regulatory agencies for the movement of goods and services, leading to connivance with transnational criminals;
20. political conflicts and instability;
21. political and economic transitions that lead to worsening economic deprivations.

These factors represent challenges that need to be addressed through comprehensive legal, political, and economic policies and strategies at national, regional, bilateral, and multilateral levels.

### **Organized crime in West Africa: empirical illustrations from Nigeria**

Empirical studies of organized crime are confronted by several methodological problems. Cressey argued that the study of organized crime presents serious methodological challenges and constraints. He identified some of the challenges as secrecy of activities and identity of members; lack of access to available records and intelligence on the activities and actors involved (Cressey 1967, 101–112). To these may also be added the threat and use of violence by a substratum of organized crime groups to protect activities and membership or actors, which also serve as a deterrence to research in the area. In West Africa, there is a lack of a culture and a capability to collect, analyze, publish, disseminate, preserve, and retrieve reliable administrative intelligence and investigative information. These inadequacies constitute serious obstacles to the study of criminality and criminal actors in the region. There must be intervention and investment must be made to correct this through a reorientation of law enforcement officials, capacity-building in the agencies, and collaboration between researchers and officials of the criminal justice agencies.

### **Corruption as organized crime in Nigeria**

The most neglected topic in the study of organized crime in Africa is corruption, yet it is the most devastating form of crime that promotes or aggravates other crimes, including transnational organized crime. Corrupt government officials and politicians constitute an incentive for organized crime and an impediment to its control. Corruption in Africa can be classified into two categories: financial corruption and nepotism. Both involve actions that contravene morality, laws, and rules governing actions in specific contexts. Nepotism is the allocation of resourc-

es (employment, admissions, contracts, location of infrastructure, services, etc.) to associates, relatives, members of one's community, religious and ethnic groups, clubs, etc., as a favor, without following due process, and without regard to merit and equity.

Nepotism is an egregious factor in decision-making within public and corporate organizations as well as communal or civil associations. Its effects are destructive. It engenders inequality and also fosters negative and manipulative mobilization of ethnic, religious, and other divisive identities in politics with the attendant consequences of political instability and an unreliable electoral process. Politics and elections are seen as opportunities to put people in office so as to enjoy favor or patronage rather than as means for ensuring development, security, freedom, and justice.

Nepotism engenders inefficiency, the fraudulent use and diversion of resources, impunity, as well as disincentives for excellence and performance in organizations. When an individual is appointed to a position for which they are not qualified, the tendency is for them to find means to co-opt, repress, or terminate those deemed more competent, as they are considered a challenge and threat. Further, such an individual tends to violate, ignore, or modify the rules that are designed for effectiveness, efficiency, and equity. Nepotism is a major problem in Nigeria, and Africa generally. It accounts largely for the ineffectiveness, electoral fraud, violence, political instability, as well as recurring social and economic crises. It also promotes financial corruption as both are usually mutually reinforcing. Adequate attention has not been given in the literature to nepotism as a form of corruption, nor to its effect on the economy, polity, society, and governance of African nations.

Financial corruption is the form of malpractice and crime that has generally attracted the attention of scholars, politicians, oversight agencies, international and donor agencies, etc. Its manifestations in Nigeria and other African countries are:

- a. bribery – an offer of money or favor in return for, or anticipation of, services;
- b. embezzlement – use of fraudulent documents to appropriate funds from government agencies or other organizations;
- c. kickback – inflation of cost procurement and services and the appropriation of the inflated margin by the participants in the scheme. It may also involve situations where a contract for procurement or services is not executed, poorly executed, or abandoned in order to share disbursed money among the schemers;
- d. misappropriation – use or appropriation of funds belonging to government or corporate organizations for personal projects, travel, welfare, etc.

Corruption as a crime is perpetrated by individuals, organized groups, and networks of individuals. Corruption by individuals takes the form of bribery and inflation of costs for procurement and services. In contrast, corruption is also per-

petrated by non-criminal (corporate) organizations involved in offering bribes or kickbacks for contracts relating to procurement and services. Foreign companies involved in the execution of major government construction and equipment installation contracts, including Julius Berger (a German company), Siemens, and Halliburton (an American company) have been named in bribery and corruption scandals in Nigeria during the past decade.

A common practice in Nigeria is for senior government officials to register genuine and bogus companies to which grossly inflated government contracts are awarded. Such companies are often registered and operated with the collaboration of relations and business associates. Proceeds from major corruption in the country are most often laundered through the purchasing of property in foreign countries; deposited in foreign bank accounts; and invested in real estate in exclusive districts of major Nigerian cities (especially Abuja, Lagos, and Port Harcourt).

Corruption by networks of officials and associates in individual or multiple corruption cases is the most egregious form of corruption in the public sectors of Nigeria and West African countries generally. In the public sector, corruption takes the form of collaboration between government officials and contractors or among public officials. Bribery and kickbacks usually involve the head technical and financial staff of a department organization responsible for awarding, supervising, and certifying contracts and contractors. Cases of embezzlement and misappropriation often tend to involve collaboration among officials in the department with assistance from individuals who provide forged documents for the fraudulent transactions.

Although there are variations in terms of the extent and responses due to historical and structural factors within the countries, corruption in Nigeria provides an insight into the manifestations of corruption in West African countries. Visitors to the region listening to public conversations will frequently hear the expression that "corruption is the major problem in this country." In the past three decades, foreign governments, the media, donors, and scholars have repeatedly tried to demonstrate that corruption is pervasive and persistent in Nigeria. However, they often fail to acknowledge that corruption in Nigeria is linked to the way that companies from Western and other societies do business in Nigeria. This applies to most African countries, where the major construction, infrastructure, and equipment supply contracts are handled by foreign companies.

Bribery by foreign companies takes various forms, including cash payments; opening of foreign accounts; deposited funds for public officials; sponsorship of overseas vacation and medical treatment; as well as purchasing of landed properties and other luxury goods for public officials. Local contractors also engage in this form of corruption, especially cash payment and acquisition of property on behalf of their corrupt benefactors.

The Nigerian government has established two anti-corruption agencies. These are the Economic and Financial Crimes Commission, and the Independent Corrupt Practices Commission, in 2000 and 2002 respectively. Information available

from the Economic and Financial Crimes Commission in early 2012 showed that the agency had filed high-profile corruption cases in various High Courts across the Federation. Persons under prosecution include:

- a. three former state governors
- b. six former Ministers of the Federation
- c. six former and serving national legislators
- d. several bank chief executives
- e. several heads of federal and state ministries, departments, and agencies
- f. thirteen Filipinos and six Ghanaians involved in oil theft (bunkering)
- g. an Indian businessman involved in corruption and fraud of an estimated at 3.2 billion Naira (1 USD = 160 Naira in July 2012)

Due to weak criminal justice institutions and corrupt influences on law enforcement and judicial agencies, only four major public figures have been convicted on the basis of charges filed against them by the Economic and Financial Crimes Commission between 2002 and 2011. These were a former Bayelsa State Governor (Diepreye Alamieyeseigha); a former Inspector-General of the Nigeria Police Force (Tafa Balogun); a former Governor of Edo State (Lucky Igbinedion) and a former Western Zonal National Deputy-Chairman of the ruling People's Democratic Party (Olabode Geroje). Cases involving foreign companies like Halliburton and Siemens were abandoned. Corruption, therefore, thrives in the country with impunity. This scenario is similar to those in other West African countries, and differences are only in terms of scale.

### **Drug trafficking in Nigeria**

Drug trafficking by Nigerian citizens in different countries across the globe has remained a major concern for the government and the citizens. This crime, along with the advanced fee fraud (scam), has produced a negative image of the country in the international community over the past three decades. As a result, Nigerians are subjected to intensive searches at airports and extensive surveillance all over the world. Because of efforts by the government to curb drug trafficking, drug dealers and couriers continuously adjust their modes of operation and routes. With respect to regional trafficking of drugs, the National Drug Law Enforcement Agency noted that:

Current trends in the illicit traffic of narcotics and psychotropic substances indicate the existence of a thriving illicit drug trafficking route within the West African sub-region. Drug traffickers importing drugs into Nigeria fly into neighbouring countries, from where the drugs are smuggled through illegal routes along the vast land borders. (NDLEA 2008, 4; 2010a; 2010b)

In contrast, the predominant route for outward bound drug trafficking is by air. As data from the National Drug Law Enforcement Agency (NDLEA) shows:

Air transportation remains the most common mode of transportation by [...] traffickers; although large consignments are transported by sea. NDLEA data reveal that 80% of the cocaine and heroin traffickers arrested between 1999 and 2006 travelled by air. It is however necessary to note that large seizures of illicit drugs have also been made at the sea-ports. For instance, in the year 2001, sixty kilograms (60kgs) of cocaine was intercepted at the Tin Can Island Seaport in Lagos. In the same vein, the largest consignment of drugs ever intercepted in West Africa was made in May 2006 at the Tin Can Island seaport, Lagos, Nigeria where fourteen (14) metric tonnes of illicit drugs were seized. (NDLEA 2008, 4)

The use of courier companies (including internationally reputable companies like IMPC, FEDEX, DHL, UPS, and TNT) for trafficking small quantities of illicit drugs has also been reported (NDLEA 2010a, 24, 62).

### Drug seizures

There is considerable annual variation in the quantity of drugs seized. Nonetheless, the quantity of drugs seized remains high (Table 1).

*Table 1: Quantity of cocaine and heroin seized in Nigeria by NDLEA*

Year	Quantity seized in kg	
	Cocaine	Heroin
1999	15.64	81.35
2000	53.42	56.06
2001	195.82	46.63
2002	35.35	55.62
2003	134.74	87.58
2004	124.47	90.94
2005	395.91	70.42
2006	14,435.88	33.09
2007	393.68	120.69
2008	365.49	11.60
2009	392.05	104.71
2010	706.43	202.08

Sources: NDLEA (2010; 2008)

Occasionally, there are dramatic seizures involving Nigerians and other nationals. On July 22, 2010, NDLEA intercepted 450.4 kilograms of cocaine aboard a vessel from Chile. A Taiwanese, a Chinese, and three Nigerians were arrested in connection with the shipment. In November 2010, the agency seized heroin valued at \$9.9 million at the Tin Can Island Container Terminal Apapa, Lagos. The drugs were meant for the European market (NDLEA 2010b, 5, 20–21). The single-largest seizure ever recorded in the country occurred in 2006, when 14,000 kilograms of drugs were seized by the NDLEA in Lagos.

Nigerian ports are used largely as transit. Cocaine and heroin are neither produced nor widely consumed in the country. Cannabis is produced and more widely consumed but not often trafficked beyond West African nations, largely due to bulk, weight, value, and demand. The NDLEA (2010a, 25) attributes the use of Nigeria as a transit route for illicit activities to the following factors:

1. direct air links with many consumer nations;
2. easy connecting links to the source countries;
3. strategic location of the country between Asia and Latin America (the main sources of cocaine and heroin);
4. increased trade and communication links between Nigeria and the rest of the world; and
5. large areas with porous land borders, which makes entering and exiting the country by land relatively easy.

The NDLEA (2010a, 25–26) classifies Nigerian traffickers as belonging to the following four groups: (a) home-based couriers, who generally work for dealers who often reside in source countries; (b) West African couriers, a network of traffickers that operate within the region; (c) Euro-American-based couriers, who maintain links with couriers from Nigeria and are also involved in distribution networks within their host countries; (d) source country couriers/dealers, who are “largely connected to local networks in the source countries and procure drugs for other couriers based in West Africa or at relay points.”

*Trafficking in psychotropic substances:*

*A problem unacknowledged by the international community*

Consumption of cocaine and heroin is generally low in the country. For these drugs, Nigeria is largely a transit route. Psychotropic drugs are, however, imported into the country for local consumption and large quantities are imported annually. However, trafficking in psychotropic substances and their local consumption does not attract the attention of powerful consuming nations, especially the United States, which exerts enormous pressure on Nigeria to repress drug trafficking and traffickers. Statistics for seizure of psychotropic drugs by the NDLEA for 2010 shows 2,550.67 kilograms, compared to cocaine (706.43 kgs) and heroin (202.08

kgs). Comparative statistics for 2009 were: psychotropic drug (712.77 kgs); cocaine (392.05 kgs) and heroin (104.71 kgs) (NDLEA 2010a, 51).

#### *Destination and deportation of Nigerian traffickers*

Nearly four-fifths (78.5%) of the 190 traffickers arrested in 2010 at Murtala Muhammed International Airport, Ikeja (the nation's busiest airport), by the NDLEA were apprehended at the point of departure. Slightly more than one-fifth were arrested at point of entry (NDLEA 2010, 59). Out of the total 190 apprehended traffickers, 20 percent (38) were flying to Italy; 14.21 percent (27) to Spain; 12.63 percent (24) to the United Kingdom; 5.26 percent (10) to the United States; and 4.21 percent (8) to Germany (NDLEA 2010, 59). The airlines of choice for those arrested were Iberia (19.9%), Alitalia (16.23%), Emirates (7.85%), Turkish Airlines (7.85%), Qatar (7.33%), KLM (5.76%), South Africa Airways (5.24%), Arik – Nigeria (5.24%), Air France (4.71), Virgin Atlantic (4.19%), Delta (4.19%), British Airways (3.66%), and Ethiopian Airlines (3.14%). Other airlines such as Lufthansa, Kenya Airways, and Saudi Airlines were patronized by very few traffickers (NDLEA 2010a, 58). In 2010, a total of 87 Nigerians (82 males and 5 females) were deported from various countries for drug-related offenses. The majority of the couriers were deported from seven countries: United States (38), Spain (13), France (8), Italy (4), Thailand (4), Germany (3), and Pakistan (3) (NDLEA 2010a, 61).

### **Transnational crime in West Africa: Implications for development and security**

Transnational and organized crime has corrosive and destabilizing effects on the politics, economy, culture, security, and development of countries, especially in weak states and disarticulated economies, such as those found in West Africa. They cause or aggravate several economic, political, and security problems. They can result in loss of revenues through tax and duty evasion; weaken legitimate government; corrupt the political process, politicians, public officials, and security agencies, thereby undermining the rule of law; and distort national economic planning through money laundering and illicit foreign exchange transactions. Trans-border crime undermines economic development as well as state, national, communal, human, and individual security.

### **Impacts of organized crime**

Organized crime has serious negative consequences for individuals, communities, and nations. Criminal organizations “have varying capacities to inflict economic, physical, psychological, and societal harm. The greater their capacity to harm, the greater the danger they pose to society” (Finckenauer and Voronin 2001).

Policing organized and transnational crime is very challenging due to the following factors:

As a form of crime, organized crime is difficult for police to handle because of the amount of political power, wealth, and use of violence associated with the perpetrators. Criminals deploy these factors against law enforcement agents.

Perpetrators of these crimes use bribes to ensure the cooptation and protection of the lawmakers, law enforcement, as well as security, intelligence, and judicial officers and those occupying the highest offices in a nation.

The perpetrators infiltrate law enforcement and intelligence agencies in order to have prior access to plans of action against them.

### **Transnational crime in West Africa: responses**

West African nations have adopted and adapted several regional, continental, and international legal instruments to combat criminal activities within and across their borders. Some of the legal instruments are:

- a. The United Nations Convention against Transnational Organized Crime
- b. UN Convention against Corruption
- c. The African Union Convention against Corruption
- d. AU Drug Plan of Action
- e. The ECOWAS Protocol on the Fight against Corruption
- f. The ECOWAS Convention on Small Arms and Light Weapons
- g. The ECOWAS Protocol on Mechanisms for Conflict Prevention, Management Resolution, Peacekeeping and Security, 1999
- h. The Intergovernmental Action Group against Money Laundering in West Africa
- i. The West African Police Chiefs Committee
- j. The ECOWAS Convention on Assistance in Criminal Matter of July 1992 and the ECOWAS Convention on Extradition

### **Conclusion and recommendations**

The prevention and control of organized crime require effective measures against the political, economic, and legal factors that engender the growth of trans-border crime in a nation or region like West Africa. Such measures should aim at achieving and sustaining the following conditions:

1. consolidation of democracy and good governance in order to create an environment in which (a) impunity, political instability, conflicts, and wars are eliminated, or at least minimized; (b) effective conflict resolution mechanisms are maintained to stem conflicts; (c) rule of law and accountability are entrenched; and (d) citizens energy and will are mobilized against organized and transnational crime and criminal syndicates;
2. economic development strategies that promote, guarantee, and sustain high



- standards of living and employment; minimize poverty, inequalities, and incentives for crimes;
3. implementation of region-wide legal and diplomatic measures against trans-border crime, including the effective safeguarding of the provisions in the ECOWAS Protocols on the movement of persons and goods and on the residency of citizens of member countries within the region;
  4. effective measures against corruption in the nations generally, and especially among politicians and security and judicial officials;
  5. state capacity and capability for effective regulation of trade; monitoring of economic activities of foreign organizations – especially those engaged in the extractive industries and the financial and commercial sectors;
  6. effective capacity for surveillance, intelligence, investigation, and management by border security agencies;
  7. strong, effective, and accountable regulatory agencies (in the financial, trade, mining, and industrial sub-sectors of the economy);
  8. consistent import, export, and tariff policies;
  9. proper delineation of national boundaries;
  10. effective patrol and policing of the borders, including efficient aerial patrol as well as scanning and intelligence-gathering facilities;
  11. adequate training and remuneration of officials responsible for border patrol; regulation of movement of persons and goods at borders and ports;
  12. strong collaboration among security agencies of the West African nations;
  13. comprehensive bilateral and multilateral instruments (protocols, treaties, agreements, mutual law enforcement assistance, joint border patrol, etc.);
  14. reliable record-keeping and comprehensive data collection, analysis, storage, retrieval, and publication by law enforcement, judicial, and research agencies to aid development of strategies and policies, and to enhance planning, operations, management, research, and policy implementation and evaluation.

These measures entail the entrenchment of democratic measures and good governance; strengthening the integrity and capacity of state institutions and officials; establishing and maintaining effective cooperation among nations, especially those within the West African region; and developing strong economic systems characterized by appropriate and effective regulatory frameworks, competition, social security for vulnerable groups, efficiency, and equity.

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