

# International Organised crime: The African Experience – responses from regional organisations<sup>1</sup>

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## I. Introduction

For West African states, one of the most serious challenges to state survival at the beginning of the twenty-first century is the influx of narcotics into the sub-region and their impact on public, private sector and community institutions. Thus, another threat to democracy is the money and the emerging culture of the quick and easy acquisition money. This kind of money has bought drug cartels friends in high places in West Africa, and penetration of the highest levels. In this respect narcotics are, by far the most attractive quick money spoiler. But drug money *coexists* with illicit money from other business. These flows have become so pervasive that the coastal fringes of this region, that through the years has shifted from slavery, to pepper transportation to the West is now popularly referred to as the ‘coke coast’ (Costa, *The Observer* on Sunday March 09 2008).

Because of the sheer volumes of drugs being trafficked from West Africa to Europe and other parts of the world, the sub-region has been carved out by Narco-barons into two hubs, Guinea-Bissau servicing a northern hub and Ghana servicing the southern hub (Ibid 1). But this is not just about these two hubs; this is about the challenge that organised transnational groups are posing to West Africa’s fragile states, particularly the threats that they pose, potentially to democratic governance processes and institutions. Almost all the maritime states in West Africa are experiencing an increase in actual seizures: Cape Verde<sup>3</sup>, Ghana<sup>4</sup>, Sierra Leone<sup>5</sup>, Guinea Bissau<sup>6</sup>, Liberia, Guinea, Nigeria and Senegal are all major ports for cocaine (BBC News 2007).

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. This country has had its fair share of attacks, in March 2007, 500 kilos of cocaine was seized from a container

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. Ghana, as one of two hubs, is more of a stockpiling place for further distribution to other West African countries.

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In this presentation, I discuss several issues detailing how this problem has come about, the endeavours by ECOWAS and the African Union to respond to this and finally how the KAIPTC as a research and training institution is contributing to responding to these challenges.

*How has it come about?*

There is a long history to the presence of ToCs in West Africa. However, the threats and challenges posed by such organised criminal activities in West Africa have become so pronounced, that experts in the field now characterize such groups as representing particular ‘African criminal networks’ (ACN). Their characteristics differentiate them from other criminal organizations and indicate a distinctive African character. Accordingly, ‘...[a]lthough the majority of the criminals engaged in these networks originated in the West African countries of Ghana and Nigeria, the networks have expanded their bases of operations beyond West Africa throughout the African continent. Hence, the term African Criminal Networks ...’<sup>7</sup>. Probably, the most succinct characterization of ACNs have been provided by Stephen Ellis, who argues that,

West Africans, ..., have become significant players in the international trade in illicit drugs. Yet it is hardly possible to identify structured, hierarchical groups staffed by West Africans in this particular field of activity. Successful West African drug trade[rs] appear to be overwhelmingly individuals who recruit associates only where necessary and generally on an ad hoc basis. They may also be active in other fields of criminal activity, as well as in legitimate business. These characteristics, which are to some extent traditional among West African traders, can be turned to great advantage in modern, globalized markets, including illegal ones.

Apart from these characterisations, other critical factors appear to contribute to West Africa’s positions as a critical intersection in the activities of transnational organised criminal groups. (Allen, 1999) These groups explore for weak entry points within state structures and then exploit such institutional fragilities to their economic and political benefit. West African states amply correspond to and exhibit such vulnerabilities and thus create and manipulate such opportunities for criminal gains. According to Pape,

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. In July 2008, a Caracas registered aircraft flying a false Red Cross flag landed at Lungi Airport, Freetown with 700 kilograms of cocaine. However, a trial run of a Venezuelan consignment of 2.5 tons of cocaine failed as those loading the drugs onto a plane for a flight to Sierra Leone were arrested

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. In July 2008 500 kilos of cocaine got ‘missing’ at Bissau airport as soldiers and policemen quarreled about who should take control of the drugs.

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. This was the definition provided to the conference organized by the Bangkok Country Office (BCO) and the Joint Interagency Task Force West (JIATF West). See, ‘Notes from the African Criminal Networks Conference’, p.1.

[West African] governments ... are too weak, too corrupt or too consumed by their own problems to enforce laws or adequately monitor their coastlines and airports. Add to that are tens of millions of poor potential 'mules' and the picture becomes all too clear.

This explanatory framework of state weakness and failure for understanding the growth of criminal groups has gained acceptance. Shaw argues that, 'most importantly, the origins of criminal networks from West Africa directly parallel the decline and economic crisis of the ... state in the 1980s.... Economic mismanagement, a failed structural adjustment programme, continuous political contestation and on-going and harsh periods of military rule marked the decline of the [West African] state[s]' (Shaw, 2001)

Although the above characterisations are fascinating in terms of the hierarchy and structure of these groups, there is an emerging trend in the analysis that is disturbing and does not provide the appropriate explanatory frameworks for understanding these groups. For example, it has been argued that 'ANCs are non-traditional, socially-cohesive organised crime groups that operate independently and lack a coherent corporate-type structure as seen in other significant illegal drug trafficking groups'.<sup>8</sup> If this is so, then what explains the ability of Ghanaian and other West African gangs to compete and conquer territories hitherto thought of as closed to African gangs?

Although, it might seem as if the results and the drawn conclusions are concrete, there is a need for caution. ANC activities in West Africa are evolving at such an amazing rapidity and speed that the conclusions and deductions must be taken as tentative.

## **II Sub-regional and Regional Responses to TOCs in Africa**

Attempts to stem the tide of organised crime, especially drugs trafficking in Africa, have been at the national, sub-regional and regional levels. This section, however, examines some of the initiatives that have been undertaken by the Economic Community of West Africa States (ECOWAS) and the African Union (AU) in order to address the challenges posed by organised crime.

First, the paper discusses the sub-regional responses by ECOWAS against organised crime in the region. The regional response in terms of ECOWAS engagement and efforts at responding to the drugs menace has a long history. Almost a decade ago, during the 21<sup>st</sup> Summit of Heads of State and Government in Abuja, Nigeria 30 – 31 October 1998, it issued a declaration entitled 'Community Flame Ceremony – the fight against drugs'. Several other decisions are:

- Resolution relating to Prevention and Control of Drug Abuse in West Africa (ECOWAS 1997);
- Recommendation C/98 on the establishment of a Regional Fund for Financing of Drug Control Activities in West Africa;
- Decision on the establishment of a Regional Fund for Financing Drug Control Activities (ECOWAS 1998); and
- Decision on establishing the Inter-Governmental Action Group against Money Laundering in West Africa (ECOWAS 1999).

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. 'Notes from the African Criminal Networks Conference', May 16 –19, 2005, Bangkok, Thailand, p.1

Although all these institutional frameworks exist, with the exception of activities undertaken by ECOWAS's Inter-Governmental Action Group against Money Laundering in West Africa (GIABA) that has been engaged in combating the activities of money laundering through its capacity-building and training programmes is improving the capacity of member states to respond to the threats of drugs and money laundering, '...operationally, not much has taken place' (ECOWAS 2008: 2).

In spite of the little achievements, ECOWAS Commission continues to show concern with this upsurge, and in June 2007, at its 32<sup>nd</sup> Ordinary Session, the Authority of Heads of State and Government expressed serious concern about the expansion in drug trafficking. As a result, ECOWAS commission was mandated to take urgent action. To get a fair view of the extent of the problem, GIABA was authorised to determine the scale of the problem as a means of using the recommendations arising from its activities to subsequently prepare for ECOWAS's strategy.

As a result of this background preparatory work, two initiatives were undertaken. First, a civil society organisations meeting on drugs in Abuja, Nigeria on 16 October 2008, and secondly the just ended ECOWAS collaborative regional ministerial conference on drug trafficking and control in October 2008 at Praia, Cape Verde with the assistance of UNOWA, UNODC and the EU titled 'Drug trafficking as a security threat in West Africa'.

An outcome draft document pledged 'to accord drug control the priority it deserves and the highest level of government ... as well as at the ECOWAS Commission' (ECOWAS Commission 2009: 6). In the operative sections of the Political Declaration, the ECOWAS Commission was directed to establish:

- a strong coordination mechanism to forge close links with Member States government and civil institutions and organisations involved in drug control in order to achieve better coordination in the control of drug trafficking and abuse in the sub-region, and for that purpose;
- an ECOWAS Drug Control and Crime Prevention Division responsible for the overall coordination of regional initiatives undertaken in the area of drug abuse and crime prevention, treatment and rehabilitation as well as the collection and analysis of data on crime and drug phenomenon in the sub-region
- "establish an appropriate structure under the direct supervision of the President of the ECOWAS Commission, responsible for overall coordination and monitoring of regional initiatives undertaken in the area of illicit drug trafficking and drug abuse prevention";
- the Crime Prevention and Criminal Justice Centre (ECPCJS)<sup>9</sup> to serve as a focal point for mutual legal assistance both amongst ECOWAS members and non-members; and
- the Department of Peace and Security under the Office of the Commissioner for Political Affairs, Peace and Security (PADS) was tasked with facilitating the formation of the Network of Drug Law Enforcement Agencies/Units within the framework of the

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. This Centre's establishment was recognised as far back as 1999. In Article 46 of the 1999 Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security the threat of drug to the sub-region was recognised but characteristic of ECOWAS and its leaders nothing was done.

West African Joint Operations for the coordination of efforts to combat illicit drug trafficking and related transnational organised crime in the ECOWAS sub-region.<sup>10</sup>

The most important aspect of the new ECOWAS approach is the responsibility by each individual state in addressing the issue. In other words the regional solution will be the addition/result of the efforts made at national level

Beyond ECOWAS, there are also Africa-wide initiatives being undertaken by the African Union (AU) to minimize the potentially negative effects of transnational crime in Africa. The problem of transnational crime was placed on the agenda of the Organisation of Africa Unity (OAU), the predecessor of the AU in the mid-1990s. A first step in this direction was the OAU Plan of Action on Drug Control which was adopted at the 32<sup>nd</sup> OAU Heads of State and Government meeting in Yaoundé, Cameroon in 1996. This Plan of Action was informed by the realisation that

‘Africa is targeted by drug traffickers who are taking advantage of the socio-economic and political difficulties besetting [the continent] and who are converting the continent into an extension of their worldwide network and are in the process developing markets for drug consumption wherever possible on the continent’ (OAU Plan of Action on Drug Control 1996).

The objectives of this Plan of Action, among others, were:

- Ensuring coherence of [AU’s] action in drug control at national, regional and continental levels;
- Fostering cooperation among countries sharing the same problems, preferably in the same region;
- Setting up appropriate institutions to address illicit drug trafficking and illicit drug demand in a balanced, integrated and timely manner;
- Assessing the drug problem in its two aspects of supply and demand of illicit drugs as well as ensuring the capacity of countries to address the problem;
- Integrating drug demand reduction programmes into the national health and social policy and providing, where not available, infrastructures for treatment of drug addicts and their social integration;
- Adopting the international drug conventions and legal instruments to deal with the problem;
- Evaluating periodically the programmes that are being implemented; and
- Mobilizing resources at national, regional, continental and international levels for carrying out the actions identified (Ibid).

The above objectives, contained in the 1996 Plan of Action, could not be implemented due to (a) Political instability in some countries and regions; (b) Challenge of limited resources in the context of competing needs or demands regardless of the political will; (c) Absence of effective follow-up, monitoring and mobilization mechanisms; and (d) Inadequate institutional capacity at the OAU for drug control (AU Declaration on Control of Illicit Drug

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. Nigeria and Cape Verde insisted during the meeting in CV to assign the task of monitoring the implementation of the Plan of Action to the President-his office.

Trafficking and Abuse in Africa, 2002). As a result, this Plan of Action was revised at the first AU Ministerial Conference on Drug Control, in Yamoussoukro, La Côte d'Ivoire, in 2002. The Revised Plan of Action placed emphasis on the following key areas: Institution building and policy development; information, research and networking; legal systems and implementation of laws; integrated drug demand reduction; National Law Enforcement and Control Capacities; Regional Law Enforcement and Control Measures and International Cooperation. Since the revised Plan of Action was to operate from 2002 to 2007 it became necessary to review the Plan of Action again in 2007. Consequently, from 3 – 7 December 2007 the AU organised the 3<sup>rd</sup> Session of the AU Conference of Ministers for Drug and Crime Prevention (CMDCCP) in Addis Ababa, Ethiopia. This meeting was 'guided by a comprehensive approach in addressing drugs, organised crime, corruption money laundering, and terrorism issues'. The end result of the deliberations was the drafting of a Revised Action Plan on Drug Control and Crime Prevention for 2007-2012.

The core objective of the current Plan of Action is:

To reverse the current trends of drug abuse, trafficking, organised crime, corruption, terrorism and related challenges to socio-economic development and human security and to achieve tangible improvement in the social and personal well-being of the people of Africa and the communities (Revised AU Plan of Action on Drug Control and Crime Prevention 2007-2012).

To be able to achieve the above objective, the Plan of Action contains seven key priority areas for action from 2007-2012. The seven key priority areas are worth citing here:

- Effective continental, regional and national policy formulation and coordination in the domains of drug control and crime prevention;
- Enhancing collaboration, shared responsibility and harmonised action to address drug trafficking, organised crime, corruption, terrorism, small arms related violence and crimes within the community;
- Building institutional capacity for the law enforcement, criminal justice and forensic service systems on drug control and crime prevention;
- Mainstreaming drug and crime concerns into development strategies;
- Regional and national capacity building and training to enhance prevention and care of substance abuse and related HIV and AIDS.
- Enhancing understanding of the dynamics of drugs and crime for policy making purposes; and
- Broad based responsibility for the promotion of sports and culture in the service of social development to combat drugs and crime (Ibid).

The above areas will form the basis of action on drug control and crime prevention until 2012 when the plan is likely to be revised taking into consideration new development on TOC and related crimes. Furthermore, Ministers for Justice and Interior from ECOWAS Member States have adopted in Praia, Cape Verde, two main documents strategic to West Africa's renewed fight against illicit drugs and organised crime. The two documents, approved at the summit of ECOWAS Heads of State and Government in December 2008 in Abuja, are:

- (a) *The Political Declaration on the Prevention of Drug Abuse, Illicit Drug Trafficking and Organised Crime in West Africa*; and
- (b) *The Regional Action Plan to Address the Growing Problem of Illicit drug Trafficking, Organised Crime and Drug Abuse in West Africa*.

According to ECOWAS, the declaration provided the political commitment needed from member states as well as gives new impetus to the ECOWAS Commission in the fight against the scourge while the Action Plan provided the necessary framework for regional and national actions against drug trafficking, with the support and cooperation of development partners. The declaration mandates the ECOWAS Commission to coordinate the implementation of the Regional Action Plan, monitor and report to the summits of Heads of State in 2009 and 2010 respectively, on the progress made in the implementation of the declaration and the ECOWAS response action plan.

In addition, it directs the Commission to establish a strong co-ordination mechanism to forge close links with member states, civil institutions and organisations involved in drug control in order to achieve better co-ordination in the control of drug trafficking and abuse in the region. Towards this end, the Commission is to set up an ECOWAS Drug Control and Crime Prevention Mechanism. It will also prepare an ECOWAS convention against illicit drug trafficking and abuse, which should be finalised in 2009.

While expressing concern over the alarming surge in drug trafficking in the region and its consequences on the youth, they agreed that only a holistic and global approach can lead to the eradication of the drug menace in West Africa and called for a closer cooperation between countries of origin, of transit and of destination to effectively tackle the scourge.

ECOWAS is committed to designing 'an implementation strategy which is time bound, costed with clearly defined performance indicators to enable us to assess our level of progress'. The President of the ECOWAS Commission also pledged to "devise a validated monitoring and evaluation framework to enable us to track performance and deliver our strategies".

The next section discusses the EU's democracy-building engagements in Africa and examines the extent to which these complement those that are in place by both ECOWAS and the AU in responding to the threats pose by ToCs to the democracy project in West Africa.

## **111 Recommendations and Way Forward**

From the above discussions, it is apparent that transnational organised crime has soared in West Africa in recent times. The primary concern with the situation in the sub-region is its potential to destroy democratic structures and process. To this end, the EU can support sub-regional efforts aimed at addressing organised crime in West Africa through:

- Investment in good governance and rule of law projects to fight the emerging culture of impunity;
- Criminal justice must be one of the pillars to strengthen democracy and fight ToCs;
- Information dissemination and awareness campaigns targeted at key democracy building institutions such political parties, parliaments, the judiciary and the executive;

- Joint international efforts based on collaboration between ECOWAS and the EU to develop joint plan of action against organised crime. This will also provide the opportunity for the EU to share its experience with the sub-region.
- Improved legislation in ECOWAS member countries and harmonisation of these legislations.
- Needs assessment of the requirements for effective implementation of relevant regional, continental and international legal instruments;
- Improved and expanded oversight capacity and responsibility of Parliaments in West Africa in relation to the problem of organised crime. Establishing special parliamentary committees on drug control and organised crime in West Africa and Supporting political party development to ensure that they do not fall prey to drug barons. Such as support should include some form of political party finance in West Africa; and
- Improve legal framework for the freezing and seizure of criminal proceeds by supporting the setting up of financial intelligence units in all West African states.

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