

CROSS-BORDER CRIMINAL ACTIVITIES IN WEST AFRICA: OPTIONS FOR EFFECTIVE RESPONSES

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INTRODUCTION

The control and regulation of cross-border activities are essential for ensuring peace and stability, and for promoting pertinent political and socio-economic activities needed for integrating West African economies. The movement of persons and goods is inevitable in undertaking these cross-border activities. Studies conducted have shown that between 4 and 5 million ECOWAS citizens ply the highways and frontiers of the Community's territory every month.¹ Thus, free movement of persons and goods in West Africa is encouraged to enhance the Economic Community of West African States' (ECOWAS) integration efforts².

The porous borders of West Africa, however, continue to engender cross-border crime and instability in the sub-region, owing to the lack of an appropriate mechanism for monitoring movements and illegal activities across these borders. Cross-border criminal activities obviously undermine good governance and security, with negative impacts on the rule of law, economic activities and growth, human rights and general societal and cultural

¹ Lamine, Cisse. "ECOWAS and the Daily Events: The Present Realities of the Integration Process within the Sub-Region" in *Agenda 2006*, (GJA & FES: Accra), p. 47.

² ECOWAS Protocols A/P1/5/79, A/SP2/7/85, A/SP1/7/86, A/SP1/6/88, A SP2/5/90 relates to the free movement of persons, the right of residence and establishment.

advancement within the sub-region. Some of these activities involve the illicit trafficking of small arms and light weapons/ammunitions and human beings, especially women and children. Mercenarism and the recruitment and use of child soldiers in armed conflict, trans-national syndicates involved in crimes such as peddling of narcotics, armed robbery and '419' activities³, and the smuggling of goods are other cross-border related crimes. These cross-border crimes are mostly symptomatic rather than as causes of instability in the sub-region.

ECOWAS member states face specific challenges in responding to such criminal activities. These challenges include lapses in national security apparatuses and the criminal justice system, uncoordinated state security agencies, and weak collaborative efforts and legal regulatory frameworks. For example, a five-day mission led by the head of the UN Office on Drugs and Crime in West Africa, Antonio Mazzitelli, found out that weak border security in the sub-region had attracted international criminal networks to Guinea-Bissau. Guinea Bissau does not have the capacity to monitor its borders, leading to a dramatic rise in criminal activity. The cash-strapped government has no coast guard. Also, according to one senior police officer, the police have no cars and the navy, no boats for patrolling national waters where scattered tiny islands make a haven for smugglers. Even if criminals are caught, there are no high security prisons to house them.⁴

The failure of specific national approaches to addressing the challenges of cross-border problems in West Africa eventually culminated in recommendations by ECOWAS, the United Nations (UN) and the European Union (EU) to adopt a more coherent and co-ordinated regional approach to solving the problem.⁵ This notwithstanding, the fact remains that cross-border crimes still exist and the different regional and sub-regional conventions adopted towards fighting different categories of crime have not necessarily achieved the desired impact.

The aim of this paper is to explore particular cross-border crimes in West Africa, and recommend options for effective responses. In doing this, it seeks to: (a) identify and discuss the different categories of cross-border crime; (b) examine the actors involved in these crimes and their modes of operation; (c) review efforts aimed at curbing cross-border criminal activities by looking at levels of state collaborative processes and regulatory frameworks; and finally (d) recommend effective options for government and civil society action on the issue. An effective response on cross-border criminal activities in West Africa will greatly enhance peace and stability in the sub-region for the much needed free movement of goods and persons, vibrant economic and social activities and human security. The paper calls for strengthening short-term, feasible and implementable sub-regional

³ See The Nigerian Criminal Code Act, Chapter 77, Laws of the Federation of Nigeria, Chapter 38 on "Obtaining Property by False Pretences: Cheating" Section 419 at <http://www.nigeria-law.org/Criminal%20Code%20Act-Tables.htm>.

⁴ See "Guinea-Bissau: UN alarmed at rise in drug trafficking" *IRIN NEWS* at http://www.irinnews.org/report.asp?ReportID=51451&SelectRegion=West_Africa&SelectCountry=GUINEA-BISSAU

⁵ See SC/8037 *Press Release* "Security Council Calls for Regional Approach in West Africa to Address Such Cross-Border Issues as Child Soldiers, Mercenaries, Small Arms", New York, 26 March 2004, at <http://www.un.org/news/press/docs/2004/sc8037.doc.htm> accessed on 3 March 2005.

collaborative programmes backed by swift national enforcement measures to address the proximate causes of cross-border crimes.

CROSS-BORDER CRIME IN WEST AFRICA

BACKGROUND

The 2004 UN Secretary-General's Report on ways to combat sub-regional and cross-border problems in West Africa identified major cross-border problems including the continued weakening of the security sector, proliferation of roadblocks, youth unemployment, environmental degradation, social exclusion, explosive remnants of war (ERW),⁶ mass refugee movements and forced displacement. Inequitable and illicit exploitation of natural resources, weak national institutions and civil society structures and violations of human rights, including the rights of women, were also identified as other serious problems afflicting the sub-region.⁷ Though this categorisation is comprehensive and more generalised, the readily identifiable cross-border problems in the sub-region include trafficking of small arms and light weapons and ammunitions, mercenarism, human trafficking and the use of child soldiers in armed conflict. Others are trans-national syndicates involved in crimes such as peddling of hard or narcotic drugs, armed robbery and '419' activities,⁸ money laundering and the smuggling of goods.

Cross-border crimes in West Africa have been in existence since the 1960s. Initially, they were manifested in the form of individuals or groups of traders and business men and women smuggling goods across the borders, as well as transnational syndicates who engage in the trafficking of drugs, small arms and human beings, among other things, as a means of livelihood.⁹ West African criminal networks are generally characterised by their flexibility and ability to take on different forms and modes of operation. The criminal enterprises in West Africa use similar techniques to that of legitimate traders and business people, typical of lineage-based societies. The standard procedure entails a successful individual entrepreneur inviting one or more junior relatives or dependants to join him or her in an illegal business deal.¹⁰ These activities eventually assumed alarming proportions when human trafficking, for purposes of domestic slavery and illegal sexual activities, accompanied such activities as the

⁶ On ERW, see K. Aning, 2005. 'Liberia, Niger & Nigeria' in Richard Moyes, ed., *Explosive Remnants of War and Mines other than Anti-personal Mines – Global Survey 2003 – 2004* (London: Landmine Action) also at <http://www.landmineaction.org/resources>.

⁷ See Report of the Secretary-General on Ways to Combat Sub-Regional and Cross-Border Problems in West Africa, S/2004/200, UN Security Council, 12 March 2004.

⁸ '419' activities are named after section 419 of the Nigerian Criminal Code on advanced fee fraud, and involve getting information on individuals and their bank details, and secret codes to defraud victims and/or physically manipulate them to part with emoluments and resources in exchange for promised financial benefits after the deal.

⁹ Article 2(a) of the United Nations Convention against Transnational Organised Crime defines a transnational organised criminal group as a structured group of three or more persons existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.

¹⁰ *Transnational Organised Crime in the West African Region*, United Nations Office on Drugs and Crime (UNODC), New York, 2005, p. 15.

peddling of narcotics and car-jacking among other things. The outbreak of intra-state conflicts in West Africa, beginning with Liberia in 1989, added mercenarism, small arms trafficking and recruitment of child soldiers and fighters to the cross-border crimes.

Since the 1990s, cross-border criminal activities have become widespread and very complicated. They have served as an industry for (ex-) combatants and transnational criminal syndicates who undertake illegal or criminal activities in the sub-region and in the process undermine state security structures and abuse human rights.

CATEGORISING SUB-REGIONAL CROSS-BORDER CRIMES

Trans-border criminal activities in West Africa straddle weak borders into specific geographic locations in affected countries where state capacity to respond to the threat and challenges posed by these illegal activities is equally weak. The smuggling of goods, especially cocoa, timber, ivory and petroleum products across national borders is most prevalent along the Côte d'Ivoire-Ghana-Togo-Benin-Nigeria and Burkina Faso corridors of the sub-region. Ordinary business men and women, and sometimes rebels and criminal gangs involved in civil wars in the sub-region engage in the smuggling of these 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 income through the transaction of these products.

Figure 1: Map of West Africa¹¹



¹¹ Source: <http://procinwarn.com/West-Africa/mapwafrika.htm>

For instance, Nigeria, Senegal and Ivory Coast were named and shamed for allegedly fuelling the illegal ivory trade. Having largely wiped out their own elephant populations, the three countries were believed to be importing and selling tonnes of ivory which had been poached in nearby countries, according to a new report from conservation watchdogs. Gangs of poachers with machine guns can kill an entire herd in one day. They are powerful enough to intimidate or bribe their way through borders.¹²

The same goes for the trafficking of illicit small arms and light weapons manufactured locally or imported from other parts of the world, drugs or narcotics and human trafficking. Some of these activities are made possible by common ethnic affiliations (in terms of language, beliefs, perceptions and support) at either side of the borders and intense economic activity undertaken along these corridors. Armed attacks and extortion at illegal check points, and '419' robbery and criminal activities experienced especially along the Benin-Nigeria corridor of the West African borders also constitute common cross-border crimes.

Mali, Niger and Burkina Faso experience cross-border raids and attacks based on pastoral disputes between cattle herders and settler farmers.

Table 1: Categorisation of Cross-border or Transnational Crimes in West Africa¹³

Predominant Border Crimes	Country/Border Zones of activity	Groups/Actors Involved	Transit States	Recipient States
Narcotics/Drug Trafficking	Cape Verde, Ghana, Nigeria and Togo	Narcotic/Drug dealers	Ghana/Togo/Benin/Nigeria	Spain, Portugal, UK, USA and South Africa
Internet Crime (Advance Fee Fraud/Money Laundering)	Nigeria, Ghana, Côte d'Ivoire and Sierra Leone	Advanced Fee Fraud gangs or syndicates/Wealthy business men or government officials	Syndicates commute from the Western part of West Africa (Senegal) across to the eastern parts (Benin/Nigeria)	Nigeria and other countries where the '419' fraudsters are resident
Human Trafficking	All across West Africa but mainly around Benin/Nigeria and Côte d'Ivoire/Burkina Faso	Traffickers who serve sometimes as middle men, trade and business partners	Mainly Ghana and Sierra Leone	Other West African countries, and In North America, Europe, and the Middle East
Fire Arms Trafficking	Ghana/Togo/Benin/Nigeria, Sierra Leone/Liberia/Guinea, Côte d'Ivoire, Senegal	Rebels, local manufacturers of fire arms and middle men	Togo, Benin, Guinea-Bissau and Gambia	Nigeria, Liberia, Sierra Leone, Guinea and Côte d'Ivoire

¹² See Carroll, Rory. "West Africa fuels Illegal Ivory Trade", *The Guardian*, 16 December 2003 at <http://www.guardian.co.uk/international/story/0,3604,1107804,00.html>.

¹³ Source: UNODC (Geneva) document on Transnational Organised Crime in West Africa, New York, 2005 and research on cross-border crime in West Africa by the author of the paper.

Recruitment of Child Soldiers, Mercenarism	Mano River states including Liberia/Sierra Leone/Guinea and Côte d'Ivoire	Rebel Groups (including LURD, MODEL, RUF, CDF, New Forces (MPCI, MPIGO & MPJ))	Same countries depending on where conflict spills-over	Mano River States and Côte d'Ivoire
Smuggling of illegal goods, minerals and natural resources and cash crops	Côte d'Ivoire/Ghana/Togo/Benin and Nigeria, and Liberia/Sierra Leone	Individuals, business men and women, warlords/civil war combatants	Mainly Ghana, Liberia, Sierra Leone and Côte d'Ivoire	In Europe and North America

The above table illustrates the predominant cross-border or transnational crimes in West Africa, showing crime patterns in terms of the countries or border zones for these crimes, the actors involved, some major transit points for the criminal activities, and some recipient states for these crimes.

Small Arms

Fire arms trafficked across the sub-region are eventually used by rebel combatants and criminal gangs for either fighting civil wars, as in the case of Liberia, Sierra Leone and Côte d'Ivoire among others, or used for armed robbery including vehicle theft and trafficking, and for committing highway robberies of passengers moving from one ECOWAS state to the other. Mohammed Ibn Chambas, Executive Secretary of ECOWAS, puts the estimated amount of small arms in circulation in West Africa at 8 million. The weapons are recycled between Guinea, Liberia and Sierra Leone and among belligerents in other conflict zones such as the Casamance province and the rest of Southern Senegal, Northern Ghana, Nigeria and Guinea Bissau.¹⁴ In the cases of Senegal, The Gambia and Guinea Bissau, typical cross border destabilising activities stem from the circulation of small arms and movement of refugees, partly facilitated by the Liberian and Sierra Leonean civil wars, and the secession bid by the Mouvement des Forces démocratiques de Casamance (MFDC) in the Casamance region of Senegal.

Some of these arms are manufactured locally, while others are imported into the sub-region. In 2002 and 2003 for example, Côte d'Ivoire allegedly received several deliveries of military equipment, while Liberia received 49 deliveries in 2002 and 25 deliveries in 2003.¹⁵ Also, some countries in the sub-region, but especially Ghana, Mali, Nigeria and Sierra Leone, have a flourishing artisanal industry of local arms manufacture.¹⁶ These arms are smuggled out of Ghana through Togo, Benin to Nigeria, and are used for violent crime. In a related instance, Benin customs officials arrested a group of Nigerian arms traffickers near Benin's border with Togo. According to a Beninoire custom official, Julien Kpoviessi, the Nigerians were in possession of several hundred rounds of ammunition and about 40 hunting rifles that were being taken to Nigeria from Ghana. This development represents only a small portion of the

¹⁴ Oware, Kwadwo. "Eliminating Illegal Arms in West Africa", The Ghanaian *Daily Graphic*, Wednesday, 9 February 2005.

¹⁵ UNODC, New York, 2005, Op. cit., p 30.

¹⁶ Ibid. Also see Aning, E. K. "The Anatomy of Ghana's Secret Arms Industry", pp. 79-102 in Florquin, N. and Eric G. Berman. *Armed And Aimless: Armed Groups, Guns, and Human Security in the ECOWAS Region, (Small Arms Survey: Geneva)*, 2005.

arms trafficking network in the region¹⁷ The Nigerian Customs Service also reported the interception of small arms and ammunition worth more than 4.3 billion naira (US \$34.1 million) on their way into the country in the first six months of 2002. A lot had come through the border with Benin, and was being brought into Nigeria either overland or by sea - in small boats. Equally active in this respect are the northern borders with Niger, Chad and Cameroon.¹⁸

Recruitment of Mercenaries and Child Soldiers

The countries in the Mano River Basin area and Côte d'Ivoire have engaged in the use of mercenaries and recruited child soldiers for fighting civil wars. The mercenary groups are usually contracted by the government to beef-up its security and defence capabilities as was the case especially in the Sierra Leone civil war with the Executive Outcomes (EO), Sandline International, Branch Energy and the Gurkha Security Guards.¹⁹ Similarly, both government and rebel forces engaged in civil wars also recruit or abduct child soldiers either in-country or in neighbouring states to fight these wars. During the disarmament, demobilisation and reintegration (DDR) programme in Sierra Leone for instance, the United Nations Mission in Sierra Leone (UNAMSIL) estimated that the majority of 6, 845 child combatants, including 529 girls, who had been demobilised by 2002 had been reunited with their families, and some 3,000 had been absorbed into a community education programme run by the United Nations International Children and Educational Fund (UNICEF). Some 1000 women and girls who were not involved in the DDR programme were expected to be living with former rebel combatants.²⁰ In Liberia, about 10 percent of an estimated 60,000 combatants in the civil war that began in late 1989 were children.²¹

The report of the UN Secretary-General on ways to combat sub-regional and cross-border problems in West Africa noted the increasing use and proliferation of mercenaries, child soldiers and small arms in armed conflicts as a cause of instability in the sub-region.²²

¹⁷ See "Benin Customs Police Arrest Nigerian Arms Traffickers at Border With Togo"

AFP (World Service), Sunday, October 23, 2005 accessed at http://www.nisat.org/blackmarket/africa/West_Africa/Benin/2005-10-23%20Benin%20customs%20police%20arrest%20Nigerian%20arms%20traffickers%20at%20border%20with%20Togo.html.

¹⁸ IRIN NEWS "NIGERIA: IRIN Focus on the dangers of cross-border crime" @http://www.irinnews.org/report.asp?ReportID=30674&SelectRegion=West_Africa&SelectCountry=NIGERIA

¹⁹ For more on mercenaries, see Musah, Abdel-Fatau and Kayode Fayemi (eds). *Mercenaries: An African Security Dilemma*, (Pluto Press: London), 2000.

²⁰ See , 2004 Child Soldiers Global Report on Sierra Leone at http://www.child-soldiers.org/document_get.php?id=795.

²⁰See Wessells, Mike. "Child Soldiers", Bulletin of Atomic Scientist, Chicago, Nov/Dec 1997 at http://pangaea.org/street_children/africa/armies.htm.

²² Report of the UN Secretary-General, S/2004/200 on Cross-border Problems in West Africa, Op. cit.

Human Trafficking

Trafficking in persons is defined by the United Nations Office on Drugs and Crime (UNODC) to mean:

“The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”²³

The scope of the human trafficking problem is widespread in West Africa. Child trafficking in particular spreads across eleven of the fifteen member-states of the ECOWAS including Ghana, Togo, Benin, Burkina Faso, Nigeria, Niger, Cote D’Ivoire, Guinea, Sierra Leone, Gambia and Mali. Available statistics indicates that the scale of the problem is enormous with an estimated 200,000 children experiencing this practice in both West and Central Africa.²⁴ In 1998, about 10,000 to 15,000 Malian children worked in plantations in neighbouring Cote d’Ivoire while in Nigeria, in 1996, 4,000 children were trafficked from Cross River State to various parts within and outside the country. Benin registered over 3,000 trafficked between 1995 and 1999.²⁵ Also, within the first seven months of 1997, more than 700 children were intercepted in Benin.²⁶

In a recent human trafficking case, two Nigerians were suspected of trafficking Bangladeshi nationals to Ghana in transit to London in the United Kingdom and were arrested by the Ghanaian police. The victims reportedly paid \$2,500 each to the Nigerians to support their upkeep and stay in the country. These transactions were undertaken through non-existent employment and placement agencies both in the UK and Ghana respectively.²⁷

Narcotics

The trade in drugs or narcotics is believed to be gaining ground in West Africa with Ghana being considered as a major transit point in the sub-region. In a recent case of drug trafficking, two Venezuelans were rounded up in Accra for allegedly possessing narcotic drugs valued at \$38 million. The 588 pieces of wrapped tablets suspected to be cocaine were found concealed in paper boxes with a gross weight of 580 kilograms.²⁸ In other cases, Spanish authorities intercepted a rusty trawler, registered in Ghana, off the West African island nation of Cape Verde. Aboard, they seized 3,000 kilos of high-grade Colombian

²³ See definition at http://www.unodc.org/unodc/en/trafficking_human_beings.html.

²⁴ Human Rights Watch, *Borderline Slavery. Child Trafficking in Togo*, Vol. 15 No. 8 (A) March 2003, p.8

²⁵ ILO, “Combating Child Trafficking in West and Central Africa”, ILO World of Work, No. 39, June 2001, p. 1

²⁶ UN, ECOSOC, Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities Working Group on Contemporary forms of Slavery, 24th Session, Geneva, 23 June – July 1999. “Child Trafficking in West and Central Africa”. Anti-Slavery, <http://www.antislavery.org/archive/submission1999-03Child.htm>. 28/02/2005, p. 2

²⁷ The Ghanaian *Daily Graphic*, 19 September 2005.

²⁸ See the Ghanaian *Daily Graphic*, 28 November 2005.

cocaine and arrested the largely Ghanaian crew.²⁹ In December, Spanish patrols also stopped a Togo-flagged ship carrying 4.5 tons of the powder.³⁰ The West African Joint Operations Initiative, a regional enforcement project set up by America and Nigeria, led to seizures totaling 1,390 kilos of cocaine in Benin, Ghana, Togo and Cape Verde.³¹

Drug dealers employ the services of couriers to do the trafficking and are only shown specific points of delivery. Drug dealers and ‘pushers’ cut across the different segments of society ranging from highly placed government officials or politicians and business tycoons to unemployed youth looking for greener pastures or desperate to be prosperous at all cost to break the chain of poverty.³²

Internet Fraud/Money Laundering

Criminals take advantage of the internet and telephone/fax facilities as a faster and cheaper means of communication to rob targeted or unsuspecting victims of huge sums of money or financial assets. Unlike other cross-border criminal acts, internet crime/‘419’ activities have no physical boundaries. The act entails sending a scam letter through an email or unsolicited fax message, either from Nigeria or any other country to any part of the world, offering a supposedly legal or legitimate business proposal in return for huge financial reward. These types of crime pose technological challenges to law enforcement and security agencies all over the world. According to one of Nigeria’s leading financial regulators at an International Criminal Police Organisation (INTERPOL) meeting in 2003, 122 out of 138 countries represented complained about Nigerian involvement in financial fraud in their countries.³³

Like the advanced fee fraud, financial proceeds from drug-related crime and other illegal business activities are laundered into various bank accounts, and under different identities. Money laundering in West Africa is usually undertaken by wealthy business tycoons or government officials who have acquired their monies through corrupt practices, generating a lot of hue and cry from the citizens. A Nigerian governor, Diepreye Alamieyeseigha, was charged in November 2005 in the United Kingdom for laundering £1.8 million (\$3.2 million) found in cash and bank accounts. He broke his bail conditions and evaded capture in Europe to his oil-rich home State of Bayelsa, drawing protests from hundreds of youth in southern Nigeria for his arrest and deportation back to the UK.³⁴ There are also indications, for example, that some of the wealthiest individuals, including those who have gained wealth through massive corruption, such as the late General Sani Abacha of Nigeria, may enjoy the complicity of major international companies to move their wealth to bank accounts outside

²⁹ See Pape, Eric. “West Africa: The New Drug Triangle”, *Newsweek International*, 29 August 2005 at <http://msnbc.msn.com/id/9025207/site/newsweek/>

³⁰ Ibid.

³¹ Ibid.

³² A Ghanaian Parliamentarian, together with his accomplice, was arrested for alleged drug trafficking, in November 2005. See the Editorial of the *Ghanaian Statesman*, 25 November 2005 at <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/newsrunner.php#94959>.

³³ UNODC, New York, 2005, Op. cit, p. 24.

³⁴ See *BBC News* “Nigeria governor to be impeached”, 23 November 2005 at <http://news.bbc.co.uk/2/hi/africa/4462444.stm>.

Africa.³⁵ Some of the World's largest banks are known to have been complicit in such schemes, including the notorious Bank of Credit and Commerce International (BCCI) which had more branches in Africa than in any other continent, as well as some private banking operations.³⁶

MODES OF OPERATION OF TRANSNATIONAL CRIME SYNDICATES

Though information on the structure, hierarchy, organisation, operating procedures and patronage of persons or groups involved in cross-border crime is difficult to ascertain, media reports and confessions made by arrested culprits or alleged criminals reveal some general conduct and modes of operation.

Cross-border crime in West Africa is hardly hierarchical or organised in a corporation-like model, unlike organised crime in North America. Far more widespread is a loosely structured, project-based and non-permanent criminal activity which is difficult to detect and is highly amorphous.³⁷ Transnational syndicates and individual entrepreneurs or criminals form transnational networks by recruiting relatives or friends after initial success in illegal business deals or activities. These recruits are in turn used as middle men for dealing with illegal trade or business partners, targets or victims. The business takes place among individual groups or gangs of criminals numbering an average of three to five persons, and organised along lineages or as groups of friends desperate to make quick money.³⁸ The ring leader who does the recruitment is considered as the head of the group, and reporting channels and levels of remuneration or benefits derived from crimes committed are usually handled on project basis and not as a permanent arrangement.³⁹

Gang leaders and business men and women behind some of these activities form close associations with some border officials as well as high ranking government or political officials, bribing and corrupting them in the process.⁴⁰ This is meant to facilitate movement and transfer deals, and as a way of engendering complicity and escaping justice if arrested. These associations or linkages also promote the culture of impunity. The organisational structure, modes of operation and political affiliations pose challenges to law enforcement agencies. This is because the individual operatives of these transnational networks who engage in crime are not permanent employees of these gangs and therefore very difficult to monitor and track-down. The huge financial gains made from some of these illegal cross-border activities are used to bribe corrupt government and border officials. This makes it difficult for genuine border and security officials to report their superiors and make an impact in addressing the cross-border problems. Some of these officials are thus overwhelmed by the situation and compelled to become accomplices.

³⁵ Ibid., p. 29.

³⁶ Ibid.

³⁷ UNODC, New York, 2005, op cit., p 15.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Lamine, Cisse, op. cit., p. 47.

Such criminal practices deny the public sector the legitimate income or revenue that could be acquired through legitimate business transactions and the payment of taxes. Government and/or political officials who partner with such transnational syndicates undermine the very principles of good and economic governance as well as dent the image of public institutions required to fight against these cross-border crimes. Arrested criminals thus have no respect for security officials given the fact that they have the ability to circumvent the criminal justice system for various reasons. Some of these include the lack of appropriate harmonised sub-regional laws to deal with such cross-border criminal activities, the possibility of bribing corrupt political officials or legal personnel in the process, or of relying on key government officials to evade prosecution.

These developments erode the efficacy of state and public institutions to deal effectively with cross-border crimes as well as the threats and challenges to the state and its citizens in the sub-region.

Identified cross-border problems have posed significant challenges, first to the security of individuals and that of ECOWAS member states, and generally to the freedom of movement of goods and persons in West Africa. In addition, sub-regional instability has undermined efforts to create a peaceful and stable integrated economic community conducive for investment, trade, growth and development. Sustaining transparent, accountable democratic governance and the rule of law is equally a major part of the challenge and requires a collaborative effort to address the problem.

ECOWAS EFFORTS TO TACKLE CROSS-BORDER CRIME

SMALL ARMS

ECOWAS member states adopted a *Declaration of the Moratorium on the Importation, Exportation and Manufacture of Light Weapons* in Abuja, Nigeria, on 31 October 1998 to control the flow, illicit trafficking, and the circulation/use of small arms. A key priority activity area was to enhance weapons control at border posts by: (a) increasing control and verification at frontiers in order to stem the illicit flows of small arms and light weapons; and (b) develop a system for detecting and apprehending illicit cross-border flows of small arms and light weapons among other measures.⁴¹

Specific provisions in the *Moratorium* suggested ways and means for addressing the light weapons dimension of the sub-regional cross-border problems. Article 7 of the *Moratorium* calls on member states to harmonise and adopt regulatory and administrative measures necessary for exercising control of cross-border transactions with regard to light weapons. It also calls for the training of law and order, immigration, licensing, customs, water resources and forestry officials required to put such regulatory and administrative measures into effect. Article 12 of the same *Moratorium* again recommends collaborative efforts between the Executive Secretariat, member states and the Programme for Coordination and Assistance for Security and Development (PCASED) to develop more effective border control

⁴¹ Seck, Jacqueline. *West Africa Small Arms Moratorium: High Level Consultations on the Modalities for the Implementation of PCASED*, (UNIDIR, Geneva, Switzerland/UNRCPDA, Lome, Togo: 1999), pp. 12 & 13.

mechanisms, including improved equipment, and training and cooperation of customs and other border officials.

Despite all the provisions made, the border control enhancement programmes are yet to be fully implemented, while the ECOWAS *Moratorium* had been renewed three times by October 2004. The reason for the renewal stems from the inability of the *Moratorium* to minimise or address the small arms proliferation due mainly to the general lack of commitment on the part of member states to resolve the small arms problem. Efforts in addressing the light weapons problem have largely culminated in awareness creation programmes and destruction of weapons in some West African countries.⁴² The current perception on the issue, however, is that a more binding rather than a voluntary small arms *Moratorium* would improve upon the fight against the firearms and ammunitions proliferating in the sub-region. West African civil society groups, including the West African Action Network on Small Arms (WAANSA), are thus mounting pressure to make the *Moratorium* a permanent binding document.

The PCASED, despite the few successes made, has been transformed into a 5-year ECOWAS Small Arms Control Programme (ECOSAP) with a much more enhanced mandate. Despite these developments, the illicit trafficking in arms and ammunitions and other related criminal activities still persists.

All these efforts have not worked as expected due to the porous borders in the sub-region, poorly trained and equipped border patrol officers, and lack of political will and commitment of member states to address the problem.

HUMAN TRAFFICKING

On-going human and especially, child trafficking in the sub-region prompted the adoption of an ECOWAS *Convention A/P1/7/92 on Mutual Assistance in Criminal Matters* and *ECOWAS Convention A/P1/8/94 on Extradition*. The sub-regional body also adopted an *ECOWAS Initial Plan of Action against Trafficking of Persons (2000-2003)*⁴³, in Dakar, taking cognisance of the UN *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children (2000)*. This *Initial Plan of Action* outlined the most urgent actions against trafficking in persons to be taken by ECOWAS member states between 2002-2003, with a focus on criminal justice responses. In their *Declaration on the Fight Against Trafficking in Persons*, ECOWAS Heads of State and Government among other things, committed themselves to adopt as quickly as possible, such legislative and other measures necessary to establish criminal offences in the trafficking of persons within, between, or from their territory; to organise, direct, or participate as an accomplice in trafficking. It also committed itself to establishing comprehensive policies, programmes, and other measures to prevent and

⁴² Adedeji, Ebo and Laura Mazal. "Small Arms Control in West Africa", (International Alert: London), 2003, Section 3.2.8. The countries include Ghana, Liberia, Mali, Niger, Nigeria, Sierra Leone and Togo. The destruction of these weapons requires some technical expertise, which was usually carried out with the assistance of PCASED.

⁴³ See Declaration A/DC12/12/01 on the Fight Against Trafficking in Persons at http://www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/ecowas/10POAHuTraf.pdf#search='ECOWAS%20Convention%20A/P1/7/92%20on%20Mutual%20Assistance%20in%20Criminal%20Matters%20and%20ECOWAS%20Convention%20A/P1/8/94%20on%20Extradition'.

combat trafficking of persons, and to protect victims of trafficking from further victimisation.

Article 41(2) of the *Supplementary Protocol on Democracy and Good Governance* also makes specific reference to enactment of special laws on child trafficking and prostitution in member states and at the ECOWAS community level.⁴⁴

NARCOTICS

On drugs and narcotics, ECOWAS has made efforts to control and fight drug peddling across West African borders. As part of the initiative, ECOWAS approved the United Nations International Drugs Control Programme (UNDCP)⁴⁵ and has set up an ECOWAS Drug Control Unit in the region to coordinate functions and provide technical support and expertise to member states on drug control matters. An ECOWAS Drug Control Plan of Action at the national and regional levels is to help implement the drug control activities. A decision has also been made to establish a regional fund (ECODRUG-Fund) to finance drug control activities in West Africa.⁴⁶

INTERNET CRIME AND MONEY LAUNDERING

As part of measures to combat internet crime including the advance fee fraud, the Nigerian authorities have established a website⁴⁷ for educating and informing individuals on scam letters and how to deal with them. There are also additional country specific reporting instructions for victims of such crimes to seek redress, and links to other sites for fighting the Nigerian scam. ECOWAS has also established an *Inter-governmental Action Group against Money Laundering in West Africa*⁴⁸ to combat the laundering of proceeds of criminal activity, ensure the harmonized and concerted introduction of appropriate measures to combat money laundering and evaluate progress and effectiveness of the measures adopted. In the interim, an Inter-governmental Action Group against Money Laundering (GIABA) located in Dakar, is expected to help member states develop a legal and institutional framework and control systems to fight these transnational criminal offences.

⁴⁴ Protocol A/SP1/12/01 on Democracy and Good Governance: Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security.

⁴⁵ ECOWAS: C/REG.19/12/99 Approving the United Nations International Drugs Control Programme (UNDCP) Priority Programme of Assistance to Member States of ECOWAS for the War Against Drugs in West Africa (2000 – 2004).

⁴⁶ ECOWAS: DECISION/A/DEC.8/10/98 on the Establishment of a Regional Fund for Financing Drug Control Activities in West Africa.

⁴⁷ For more on the established website, see “Nigeria – The 419 Coalition Website: We Fight the Nigerian Scam with Education” at <http://home.rica.net/alphae/419coal/>.

⁴⁸ ECOWAS Decision A/DEC.9/12/99 *Establishing an Inter-Governmental Action Group against Money Laundering in West Africa*.

ECOWAS CRIME PREVENTION AND CRIMINAL JUSTICE CENTRE (ECPCJS)

In its bid to facilitate the control of trans-border crime, the ECOWAS Conflict *Mechanism*⁴⁹ (under Article 46 on Control of Trans-Border Crime) requested the security services of Member States to assist one another and ensure proper coordination for the apprehension of criminals. To this end, Member States were to establish specialised departments within their ministries of Justice, Defence and Security with trained personnel and communication equipment for coordination and centralization of cooperation matters in particular, mutual assistance in criminal matters, and extradition requests. A Crime Prevention and Criminal Justice Centre (ECPCJS) is to serve as focal point for mutual legal assistance. The Centre being part of the Legal Department of the ECOWAS Secretariat shall assist in linking up ECOWAS Member States to non-ECOWAS Member States in Mutual Assistance Matters. Most importantly, the ECPCJS shall also serve as a supervisory power to ensure that countries implement conventions they sign.

These efforts, coupled with the signing or ratification of *UN Convention Against Transnational Organized Crime* (2000)⁵⁰ by the majority of ECOWAS member states have not entirely prevented the occurrence of these cross-border crimes. These measures have simply put in place legal and institutional measures to handle and tackle the West African cross-border problems but have not done much in terms of practical measures including prevention, protection and prosecution to stop or radically reduce such destabilizing activities.

OPTIONS FOR EFFECTIVE RESPONSES

As indicated above, some efforts have been made to prevent, control and possibly eradicate cross-border criminal activities in West Africa but these efforts have not succeeded in reducing the ongoing cross-border crimes. The ongoing cases of small arms, drugs and human trafficking as well as electronic fraud, and reported cases of arrests call for more effective responses to the different categories of crime. To begin with, credible responses to West Africa cross-border crimes must be considered as an activity undertaken within a system (including all arms of government together with civil society actors) where the effectiveness of the entire system is dependent upon the performance of the various sub-systems making up the whole. In this respect, efforts at the national level must complement sub-regional efforts with all arms of government and its security agencies working closely with civil society actors to combat the ongoing cross-border criminal activities in the sub-region.

The various international, regional and sub-regional legislation on the different crime categories need to be revisited and measures put in place to disseminate them towards their effective implementation. In addition, subsequent monitoring and evaluation programmes should be undertaken by both security agencies and relevant NGOs on the impact of the

⁴⁹ See *Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security*.

⁵⁰ See document at

http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_eng.pdf#search=Copy%20of%20UN%20Convention%20Against%20Transnational%20Organized%20Crime%20%282000%29

1. The purpose of this convention as stated in its Article 1 is to promote cooperation to prevent and combat transnational organised crime more effectively.

legislation within the various ECOWAS member states. Further complementary measures or strategies however need to be taken by government officials and civil society to address the immediate threats and challenges posed by cross-border crimes at both national and sub-regional levels for credible results.

SUB-REGIONAL OPTIONS FOR COMBATING CROSS-BORDER CRIMES

The major responsibility lies with the government security agencies (including the police, immigration service, the customs, excise and preventive service and the armed forces) in the various West African countries. The police has the primary responsibility of prevention and detection of crime, protection of lives and property and law enforcement, while the immigration and customs services have responsibilities for ensuring the legal movement of goods and persons across the borders and at the different ports of entry. The armed forces have responsibilities toward defending their respective territories and all these security agencies have a collective responsibility of coordinating among themselves and with civil society in addressing illegal cross-border criminal activities. The efforts of these security agencies must be specifically complemented by civil society organisations, especially non governmental research and advocacy organisations working on policy and security related issues. This is essential given that fighting crime requires having adequate information on the nature, trends and statistics needed to formulate common sub-regional strategies to combat cross-border criminal activities. Specific control measures at the borders and electronic arrangements must be put in place to address these crimes under existing transnational organised crime legislation.

WAPCCO/Interpol

The establishment of the West African Police Chiefs Committee (WAPCCO) is laudable and remains a credible avenue for fighting cross-border crimes in the ECOWAS sub-region. The Committee was formed to address violent crimes like armed robbery, trans-border banditry, illegal dealing in arms/ammunition, smuggling, illegal trafficking in persons and drugs, money laundering and financial scandals.⁵¹ WAPCCO's main objective is to strengthen cooperation among ECOWAS member states' police forces in order to prevent various types of crime threatening both state and human security in the sub-region.⁵²

For WAPCCO to effectively fight the ongoing cross-border crime in West Africa, WAPCCO should realign its structures, improve upon its ICT systems and modes of operation to address the constantly evolving and sophisticated cross-border crimes. In Southern Africa for instance, the establishment of the Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO) was equally motivated by the escalation of cross-border criminal activities in the Southern African Development Community (SADC) region. Over the years, proper structures and information, communication and appropriate technology, together with adequate crime data have been put in place to facilitate specific anti-crime operations which has yielded some credible results.

⁵¹ See Press Release "IGP Tafa Balogun Hosts West African Police Chiefs in Abuja", 6th WAPCCO Meeting, Abuja, 20 – 23 September 2004.

⁵² Ibid.

The SARPCCO, established in 1995, has a Council of Police Chiefs, being the highest decision making authority, a Permanent Coordination Committee (comprising Heads of Criminal Investigation), and an operational wing tasked with the planning, strategy development and execution of operations throughout the region. A Legal sub-Committee also exists and studies legislation and its applicability to the intended objectives and operations of SARPCCO. This sub-Committee also makes recommendations to governments on matters relating to the Regional Police Cooperation. A Training sub-Committee is tasked with identifying training needs and putting together relevant curricula for the training of police officers throughout the region.⁵³ With such structures and arrangements, the SARPCCO has embarked on some effective operations to rid the SADC region of increasing cross-border crimes. The operations were specific and targeted mainly at motor vehicle theft, illicit drug trafficking and fire arms. These operations (including *Operation Voyager 4*,⁵⁴ *Operation Makbulu*,⁵⁵ *Operation Rachel*,⁵⁶ and other smaller operations) yielded tangible results involving the recovery of stolen vehicles, confiscation of illicit drugs and the destruction of arms and ammunitions.⁵⁷

It is pertinent to state, however, that the ministerial backing of SARPCCO, provided by ministers responsible for policing in SARPCCO member countries, contributed to the organisation's success in fighting cross-border crime. WAPCCO has no such ministerial backing but an ECOWAS Defence and Security Commission (DSC)⁵⁸ on which is represented officers responsible for Internal Affairs and Security. Even in this case, the DSC, chaired by one of the Chiefs of Defence Staff (CDS) or its equivalent of ECOWAS member states, meets almost exclusively at the level of CDS with no major police and other security agencies engagement. Hence, WAPCCO could take a cue from the SARPCCO arrangements and its specific operations launched to rid the region of criminals.

Nigeria, spurred on by successes achieved in fighting specific cross-border crimes, and as part of WAPCCO took the initiative to share some experiences with WAPCCO member states by recommending some measures that will help maintain cordial relationships with her neighbours in the sub-region. Some of the measures which could also serve as the basis for

⁵³ De Beer, Johan. "Transnational Police Operations and Investigations", 2nd World Conference on Modern Criminal Investigation, Organised Crime and Human Rights, ICC, Durban, 3-7 December 2001 accessed at http://www.crimeinstitute.ac.za/2ndconf/papers/de_beer.pdf.

⁵⁴ The *Operation Voyager 4*, launched at the beginning of 1997 between Mozambique, South Africa, Zambia and Zimbabwe recovered 1,576 stolen vehicles.

⁵⁵ *Operation Makbulu*, launched in August 2000 and completed in 2001, was executed in three different phases in 10 Southern African countries. The operation resulted in the seizure of 535 stolen vehicles, arrest of 219 suspects and 1,159 illegal immigrants, the confiscation of a total of 9,105kg of marijuana, and a large number of stolen goods and livestock were also retrieved.

⁵⁶ Under *Operations Rachel*, which was meant to locate and destroy uncontrolled firearm caches in Mozambique, the following arms and ammunitions were traced and destroyed during the year 2000: (a) Hand guns, submachine guns, rifles and machine guns – 2,415; (b) Small arms ammunition – 283, 276; (c) Cannon/Gun ammunition – 17, 233; and (d) Mortars, projectiles, Initiators, Fuses, Grenades and mines – 1, 639.

⁵⁷ De Beer, op. cit.

⁵⁸ See Article 18 of the ECOWAS Conflict *Mechanism* on the Composition of the Defence and Security Commission.

adopting a common agenda within WAPCCO to combat cross-border criminal activities in West Africa are they as follows:

- (a) The creation of a Joint Border Patrol Task Force with the Police Force of the Republics of Benin, Niger and Chad;
- (b) Creation of cyber-crime centres to handle cases of crime on the internet;
- (c) Exchange of information on criminal activities with all countries in the sub-region;
- (d) Financial contribution to WAPCCO; and
- (e) Donation of vehicles to sister Police Forces.⁵⁹

There is, however, the need to popularise the activities and challenges of WAPCCO in order to engender greater collaboration in future programmes between the Committee and relevant civil society organisations/international governmental organisations working in the area of peace and security, for the effective combating of transnational crime.

Closely linked to the WAPCCO initiative is INTERPOL.⁶⁰ The INTERPOL has provided useful services to various ECOWAS member states in fighting crime and arresting suspects or criminals engaged in organised crime within and outside the sub-region. In its 2004 Annual Report for instance, the Organisation embarked on “Operation Veronica” that addressed the emergence of a cocaine route between Togo in West Africa and the United Kingdom, France, Switzerland, Italy and the United States of America. Also in the area of internet fraud or 419 activities, fraud alerts were created and published on the INTERPOL website with recommendations for the protection of individuals concerning the West African advance fee fraud.⁶¹

These activities lend credence to equipping, networking and building information technology capacities within security agencies across the sub-region for the establishment of data on regional crime. The security agencies could also take advantage of existing INTERPOL information and data on criminals and their activities to help trace, detect, prosecute or prevent the visible and non-visible ongoing criminal activities in the sub-region.

An effort in this direction should be complemented by the provision and standardisation of modern security technology, and standard operating procedures across the ECOWAS sub-region for addressing the ever growing cross-border crime.⁶² Also, programmes designed to tackle cross-border crime should have realistic time schedules for implementation,

⁵⁹ Press Release, 6th WAPCCO Meeting, Abuja, 20 – 23 September 2004. Op. cit.

⁶⁰ INTERPOL was established to provide a unique range of essential services for the law enforcement community to optimise the international effort to combat crime. Its core functions are to provide secure global police communication services, a range of criminal databases and analytical services, and proactive support for police operations throughout the world. For more on INTERPOL, go to www.interpol.int.

⁶¹ See *INTERPOL: At Work*, Annual Activity Report 2004, pp. 15-18 at <http://www.interpol.int/Public/ICPO/InterpolAtWork/iaw2004.pdf>.

⁶² The Ghanaian *Daily Graphic* (27 February 2006) reported the installation of electronic control gadgets and surveillance equipment (that has the capacity to take images 48km away from the mounting point) at the Ghana Kotoka International Airport (KIA) and other important entry points in the country. As part of a three-year project, the facility will be extended to all entry points in the country. A replication of this initiative all over the sub-region would help reduce, immensely, the crime situation within and across the borders.

monitoring and evaluation. Viable alternatives should also exist for improving upon existing or outmoded programmes.

The Role of Civil Society Organisations

Effective crime fighting and prevention is made possible by having timely, accurate and adequate information on the nature, trends and available crime statistics or data. The availability of such information will beef up data on specific cross-border crimes in the sub-region which will in turn complement efforts being made by the armed forces and security agencies to fight crime. On effective policing and crime prevention in the SADC region for instance, such reliable information and statistics are hard to come by and the problem is compounded by inadequate or insufficient training of officials who are expected to collect, compile, analyse and publish crime statistics.⁶³

The collection, exchange and analysis of information on the nature of organised crime are specified in Article 28 of the *United Nations Convention Against Transnational Organised Crime*.⁶⁴ The article states that each State party shall consider analyzing, in consultation with the scientific and academic communities, trends in organised crime in its territory, the circumstances in which organised crime operates, as well as the professional groups and technologies involved. Research outfits or NGOs including research ‘think tanks’ and institutions could therefore collaborate with security agencies to effectively bridge this gap.

The European Union, facing similar challenges, developed a common assessment mechanism for organised crime to obtain reliable data about the phenomenon and improve police cooperation between the EU member countries to fight crime. A decision was made in 1993 by the EU Council to receive an annual report on the scale of trends in international organised crime which formed the basis for an attempt to measure the nature and extent of organised crime in the EU and how to address the problem. Subsequent to the tabling of the reports, meetings of experts were held and a strategic plan was endorsed to contribute to having a reliable data to address the crime situation in the EU. Despite the challenges faced in coming up with accurate data in the annual situation reports, the results provided a better view of organised crime in Europe.⁶⁵ An adopting of such relevant best practices within West Africa, will improve upon fighting cross-border crime in the sub-region.

NATIONAL CONTROL MEASURES

Legislative and Regulatory Action

Legislation and regulatory bodies are crucial in guaranteeing an effective response to cross-border criminal activities in West Africa. There are considerable variations in the nature and

⁶³ Klipin, Judith, and Kirsten Harrison. “The Future for Policing and Crime Prevention in SADC”, International Crime Prevention Centre, Montreal, February 2003 accessed at [http://www.crime-prevention-intl.org/io_old/english/news/pdf/JudyKlipinFinalApril03.pdf#search="The%20Future%20for%20Policing%20and%20crime%20prevention%20in%20SADC](http://www.crime-prevention-intl.org/io_old/english/news/pdf/JudyKlipinFinalApril03.pdf#search=)’.

⁶⁴ The United Nations Convention Against Transnational Organised Crime, United Nations, 2000.

⁶⁵ See Chapter 6 “Scope and Threat of Organised Crime in the SADC Region” in *Organised Crime in the SADC Region: Police Perceptions*, ISS Monograph No. 60, August 2001.

scope of various legislation, as well as commitments toward their implementation. Currently, very few West African countries have ratified or met sub-regional or regional legislative requirements for controlling organised cross-border crimes. For instance, efforts made to control human trafficking have not met the required minimum standards as released in the June 2004 Trafficking in Persons Report⁶⁶ by the United States Office to Monitor and Combat Trafficking in Persons. Of all the West African countries, Ghana was the only country considered to have complied with the minimum standards for the elimination of trafficking. The major components or factors making up the minimum standards are prosecution of traffickers, protection of victims, and the prevention of trafficking in persons.

Hence the major task required in this area is the need for the individual ECOWAS member states to review, ratify or strengthen existing legislation and legal, institutional and administrative procedures in tandem with sub-regional legal arrangements for fighting cross-border crime. Such legislation should clearly criminalise cross-border criminal activities with strong deterrent and punitive measures. Specific crimes requiring urgent attention and control on the issue are small arms, human and drug trafficking, and the recruitment of child soldiers and mercenaries for fighting civil wars. This action should be followed by ensuring strict implementation of these laws to resolve the problem. Such a task can be assigned to a government monitoring/regulatory body like the National Commission on Small Arms and Light Weapons in the case of small arms, as recommended in the ECOWAS *Moratorium*.

Adequate Investigative and Enforcement Techniques

Effective responses to transnational organised crime like all other criminal activities hinge on the ability to trace, detect, analyse and freeze, confiscate or forfeit criminal proceeds or assets, as well as prosecute suspects or offenders engaged in these criminal activities. Part of the enforcement techniques also involves the rapid deployment of a specialised task force to arrest and prosecute offenders of the law, having detected ongoing cross-border criminal activities. Article 20 of the *UN Convention Against Transnational Organised Crime* makes reference to adopting special investigative techniques to combat organised crime. Article 20(1) of its provisions recommends the use of other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, by its competent authorities in its territory for combating organised crime. Each of the different security agencies cover specific aspects of cross-border organised crime, be it the illegal electronic transfers, movement of persons and goods, and the necessary actions needed to address these crimes.

Responding to these activities would entail undertaking individual or collective specialised investigative and enforcement techniques which require expertise and the necessary tools to facilitate effective responses. Government ministries in charge of internal security must, therefore, arrange special training programmes especially for the police, customs and immigration officers to upgrade their skills for effective combating of crime. One good example of such initiatives is the training conducted by a team of security experts from the United States Customs and Border Protection Agency for the personnel of the Ghana Customs, Excise and Preventive Service (CEPS) officials to strengthen security at the

⁶⁶ See US Department of State Trafficking in Persons Report at <http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm>.

nation's ports and borders. The aim of the training is to safeguard travellers and cargo against terrorist attack, and prevent the use of the borders and ports as channels for money laundering, drugs and arms trafficking.⁶⁷ The Australian Customs and Immigration services (as well as other advanced countries including the United States) also have an advanced identification system known as Advanced Passenger Processing. The system, based on Immigration's global electronic travel authority system, allows customs, Immigrations and Police to identify persons of interest from the moment they check-in at a foreign airport to commence their journey to Australia.⁶⁸ Access to these forms of technology will greatly enhance cross-border combating of crime in West Africa.

The Judicial and financial sectors (including the banks and other financial institutions) would equally require some competence in financial intelligence to effectively monitor, report and prosecute culprits involved in cases relating to electronic fraud or money laundering activities to complement efforts of the INTERPOL (Economic Crime Unit).

Inter-Agency Collaboration

Combating cross-border crime effectively at the national level also requires cooperation and pooling of resources together by all stakeholders, and especially the security or law enforcement agencies. The various law enforcement agencies in the ECOWAS member states should not only collaborate and coordinate their activities to combat crime at the sub-regional level but also within their respective countries. The main areas to focus on are exchanging information and intelligence through established electronic and organisational networks on suspects and contraband goods, as well as statistics reflecting the general scale and trend of ongoing cross-border crimes in the sub-region. These initiatives would equally enhance pooling resources together through joint planning and joint task force operations to combat the different categories of cross-border crime.

A classic example of such collaborative processes can be found in Australia where the law enforcement agencies undertake joint operations through the exchange of information on suspects and pooling of resources together to arrest and prosecute these suspects. Between 1999 and 2001 for instance, Customs and Federal Police have been involved in several major maritime operations that have resulted in the seizure of close to 800 kg of cocaine.⁶⁹ In each case, the suspects, who were well organised, well financed and had prior experience and "success" in their mode of operation, relied on the state-of-the-art communications technology to effect the importation of the drugs. The success of the anti-drugs operations was in part due to the cooperation between international and domestic law enforcement agencies and the use of specialist teams of police and customs officers provided by the government under the National Illicit Drug Strategy. Of course, the Customs and Federal

⁶⁷ Tong, Castro Zangina, "CEPS Staff Train in Border Security", *The Ghanaian Times*, 5 April 2006, p.4

⁶⁸ Collins, David. "Cross-border Crime and Customs", Paper presented at the 4th *National Outlook Symposium on Crime in Australia: New Crimes or New Responses* convened by Australian Institute of Criminology, 21-22 June 2001 accessed at <http://www.aic.gov.au/conferences/outlook4/CollinsD.pdf#search='INVESTIGATIVE%20AND%20ENFORCEMENT%20TECHNIQUES%20IN%20CROSSBORDER%20CRIME'>.

⁶⁹ Collins, David, op. cit.

Police also had access to state-of-the-art technology to track the vessel while off the Australian coast.⁷⁰

CONCLUSION

Cross-border crimes contribute significantly to the destabilisation of political, economic and social activities in the ECOWAS sub-region. Realising the dangers posed by such cross-border security issues, the United Nations Security Council called on States in the West African sub-region to take a number of measures to address issues such as child soldiers, mercenaries and illegal arms trafficking. The call on ECOWAS member states to address cross-border crimes followed the UN Secretary-General's Report of 12 March 2004 on West Africa and its recommendations to address cross-border issues within a regional context and in a coordinated manner.⁷¹ The practical recommendations the UN Secretary-General suggested covered broad thematic issues such as security sector reform, disarmament, extortion, "naming and shaming" and the proliferation of small arms. He was of the view that:

"The root causes of the region's problems [including cross-border crimes]... were linked above all to questions of governance, human rights and transparency. Regrettably, such abuses were all too prevalent in the region. Until they were addressed with real resolve, whatever inroads made in handling cross-border problems would remain temporary, and fragile at best."

While agreeing with this statement as a long term measure, it is equally important to also acknowledge the need to respond quickly to ongoing cross-border criminal activities since they threaten the security of individuals as well as sub-regional integration efforts, and a peaceful sub-region.

The region's porous borders reinforce the paradox of open borders for economic integration and the counter risk of facilitating instability through all forms of cross-border crime. Criminal activities are known and identified but responses towards addressing these crimes, both at the national and sub-regional levels, have simply fallen short of creating a secure, stable and peaceful environment for West Africa's economic integration. The crimes being committed are increasingly becoming sophisticated, and characterised by all kinds of actors across the political, economic and social divide. The loosely structured and complex modes of operation easily evade detection and enforcement measures.

Hence adopting sub-regional and complementary national control strategies will help reduce the impact of cross-border crimes or avert the destabilisation of the region's economic growth and prospects. Thus, effective options for addressing West Africa's cross-border criminal activities lie in:

- (a) Concerted efforts at the sub-regional level between governmental and non governmental agencies to combat cross-border crimes. Here cooperation and

⁷⁰ Ibid.

⁷¹ See SC/8037 *Press Release* "Security Council Calls for Regional Approach in West Africa to Address Such Cross-Border Issues as Child Soldiers, Mercenaries, Small Arms", New York, 26 March 2004.

- coordination is required through having adequate information, training and knowledge of the nature and trends of cross-border crimes, as well as reorienting and realigning structures like WAPPCCO to address the transnational organized crime situation in the sub-region;
- (b) Guaranteeing appropriate national control measures such as appropriate legislative and regulatory actions, upgrading skills in investigative and enforcement techniques, equipping all law enforcement agencies and officials in the judicial and financial sectors, effective inter-agency collaboration, and capacity building in information sharing and communication to address the crime situation in the sub-region;
 - (c) Speeding up the establishment of a Crime Prevention and Criminal Justice Centre (ECPCJS) recommended in Article 46 of the ECOWAS Conflict *Mechanism* to serve as focal point for mutual legal assistance. This Centre which constitutes part of the Legal Department within ECOWAS should assist in linking up ECOWAS member states to non-ECOWAS member states in Mutual Assistance as recommended. It should also coordinate salient legal matters in individual member states and beyond, especially on matters related to cross-border crime; and
 - (d) Addressing corruption within government and security agencies in order to avoid complicit acts by government and security officials. The principles of justice, transparency and accountability should be reinforced through policy directives, and remuneration of law enforcement agencies upgraded to reflect comfortable living standards.

Undertaking these measures towards effective regulation of cross-border activities are essential for ensuring peace and stability, and for promoting pertinent political and socio-economic activities needed for integrating West African economies. When this is done, free movement of goods and persons, vibrant economic and social activities and security of the individual would be enhanced in the ECOWAS sub-region.



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