



Organized Crime in West Africa: Options for EU Engagement

Kwesi Aning, Head of the Conflict Prevention Management and Resolution Department at the Kofi Annan International Peace Keeping Training Centre, Accra, Ghana



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Abstract

Worldwide, organized crime is considered a major threat to human security. Organized crime impedes social, economic, cultural and democratic developments globally, with disproportionate effects on developing and fragile states. The threat and challenges of organized crime in Africa in general and West Africa in particular is enormous because of the high presence of fragile states serving as potential breeding grounds for such activities (Commission of the European Communities 2007: 5). In Africa, as in the rest of the world, organized criminal activities take the form of drug trafficking, advanced fee and Internet fraud, human trafficking, diamond smuggling, forgery, cigarette smuggling, illegal manufacture of firearms, trafficking in firearms, armed robbery and the theft and smuggling of oil (Aning, 2008).

For West African states, one of the most serious challenges to state survival is the influx of narcotics and their impact on public, private sector and community institutions. The emerging culture of quick and easy acquisition of money threatens democracy – drug cartels have bought friends in high places in West Africa. The scale of the problem is so massive that the United Nations Office for Drugs and Crime (UNODC) states:

The crisis of drug trafficking in West Africa is gaining attention...Alarm bells are ringing about the volume of cocaine transiting the region (roughly 50 tons a year). West Africa...has become a hub for cocaine trafficking ... worth almost \$2 billion a year. This is more than a drugs problem. It is a serious security threat (UNODC 2008: 1).

Organized transnational criminal groups pose threats to West Africa's fragile states and to democratic governance processes and institutions. The established link between drug trafficking in West Africa and Europe highlights the need for the European Union (EU) to engage its West African counterparts in fighting the negative impacts of organized crime in West Africa, including its corrosive effects on democratic institutions – parliaments, the judiciary, political parties and the executive arm of government. The EU can build democracy in the sub-region in a significant manner only if the threats posed by transnational organized crime (TOC) is addressed concurrently.

Summary of Recommendations

How the EU can support sub-regional efforts to combat organized crime in West Africa:

- Invest in good governance and rule of law projects to fight the emerging culture of impunity;
- Establish criminal justice as one of the pillars to strengthen democracy and fight transnational organized crime;
- Provide information to key democracy-building institutions such political parties, parliaments, the judiciary and the executive branch;
- Develop a joint plan of action with the Economic Community of West African States (ECOWAS) against organized crime. This will also provide an opportunity for the EU to share its experience with the sub-region;
- Support improved legislation in ECOWAS member countries;
- Conduct a needs assessment for effective implementation of relevant regional, continental and international legal instruments;
- Support improved and expanded oversight capacity and responsibility of parliaments in West Africa in relation to the problem of organized crime;
- Support the establishment of parliamentary committees on drug control and organized crime in West Africa;
- Support political party development to ensure that they do not fall prey to drug barons. Such support should include some form of political party finance in West Africa; and
- Improve the legal framework to freeze and seize criminal proceeds by supporting the establishment of financial intelligence units in all West African states.

1. Transnational Organized Crime and its Impact on Democratic Structures and Processes

According to the UNODC, 'Transnational crime by definition involves people in more than one country maintaining a system of operation and communication that is effective enough to perform criminal transactions, sometimes repeatedly' (UNODC Report 2005: 14).

The efficiency with which transnational crimes are sometimes executed presupposes the involvement of some states' officials and/or institutions. Drug barons infiltrate democratic institutions – primarily parliaments, the judiciary, political parties and the executive offices of government. In the case of West Africa, transnational organized crime may involve criminals within the region collaborating with each other and with others outside the region – the rest of Africa, South America, Europe and Asia. While it may be true that the fragility of states in West Africa and the weakness of state institutions mandated to combat the drug menace has contributed to the upsurge of TOC in recent times, the complicity, active or passive, of state officials in the region and

outside, cannot be ruled out.¹ For example, the January 2004 arrest of an international smuggling gang in Ghana that had imported 675 kilograms of cocaine, with a street value estimated at USD 140 million, led to the suspects being released on bail of just USD 200,000, causing a public outcry in the press. Both the minister of the interior, Hackman Owusu Agyeman, and the attorney general, Paapa Owusu Ankomah, objected, demanding the incarceration of the suspects (Aning, 2007: 202).

Box 1

Transnational organized criminal groups are:

- increasingly global in reach
- involved in multiple forms of criminal activity
- expanding their criminal markets to include large-scale financial fraud and cyber-crime
- willing to protect their illicit activities through violent and ruthless means
- linked to international terrorist groups
- devising novel organizational strategies to deter capture

Organized crime can infiltrate political parties mainly because the lack of regulations on election campaign financing and the absence of state support for parties. Drug money then becomes an asset that can't be turned down. In November 2005, Eric Amoateng, a parliament member for Ghana's then-ruling party, the New Patriotic Party, was arrested by US law enforcement officials for conspiracy to transport and distribute heroine with a street value of more than USD 6 million to the United States. He eventually admitted to being guilty. A former head of Ghana's Narcotics Control Board has indicated that certain politicians are influenced by drug dealers (UNODC Report 2005:7). Criminal interests may have become so powerful in some countries that they pose a potential political threat.

Another case of political involvement in organized crime in the region concerns the late Maurice Ibekwe, a member of Nigeria's Federal House of Representatives arrested for financial fraud, forgery and conspiracy. He had served as chairman of the House Sub-Committee on Police Affairs. However, only in a small number of cases can it be shown beyond reasonable doubt that senior political figures like Ibekwe have been directly implicated in organized criminal activities.

With the increasing level of drug trafficking in West Africa, and the involvement of some politicians, there is the possibility of drug barons taking over political parties and, perhaps parliaments and the executive branches of governments in West Africa. The absence of state support for political parties and the lack of effective regulation on campaign financing are opportunities for drug traffickers to get involved in government. Since democratic structures and political processes that lack legitimacy, independence and effectiveness drive fragility (Commission of the European Communities 2007: 5), the weakened states of West Africa are in danger of further fragility if they are not protected from organized crime.

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

2. How Has It Come About?

The threats and challenges posed by organized 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).² 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 characterizations, other critical factors appear to contribute to West Africa's position as a critical intersection for the activities of transnational organized criminal groups. (Allen, 1999) These groups search for weak entry points within state structures and then exploit such institutional fragilities to their economic and political benefit. According to Pape,

"[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." (Pape 2005)

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)

It has been argued that 'ACNs 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'.³ 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. ACN activities in West Africa are evolving at such an amazing speed that the deductions must be taken as tentative.

² This was the definition provided to the conference organized by the Bangkok Country Office and the Joint Interagency Task Force West. See, 'Notes from the African Criminal Networks Conference', p.1

³ 'Notes from the African Criminal Networks Conference', 16-19 May, 2005, Bangkok, Thailand, p.1

3. What is the Extent of the Problem?

Family, ethnic, cultural and historical elements underpin the growth of criminal groups and their activities. All of these touch on what might be called a 'cultural ethos' that needs further study to explain why such activities continue with the knowledge and tacit support of the local community and lack of strong intervention by law enforcement agencies.

In the realm of narcotics control, as in all political concerns, there exists a pronounced dualism in West Africa. On one hand, there is an 'official' parliamentary and judicial/legal (modern) system, inherited from the former colonial masters. On the other hand, there is an 'unofficial' (traditional/cultural) system that operates beneath the surface. Throughout West Africa there are traditional systems of governance together with traditional laws, often in the form of taboos, having various sanctions and systems of institutional support. West Africans are used to shifting from one system to the other whenever it is appropriate.

Legally, only the first exists; the second is barely acknowledged. But realistically the first is embedded within the second. The way the first is interpreted in any given situation depends on its understanding vis-à-vis the traditional system. The power of the second system arises from the fact that it is embedded in the traditional values and ethical concerns of the people, and its ultimate sanction lies in the unseen dimensions, especially with the ancestors. One may be forced to observe the first but one is morally obliged to observe the second.

Is it any wonder that local police, especially in rural areas, and especially if they are from the same ethnic group, often side with or protect drug barons? They may be breaking the law but it is a Western law (*borofo, borofo amamre*). From the perspective of the local communities, the drug barons bring in money and they perform a valuable service to the community of which they are upstanding members.

The role of social capital in the processes of narcotics trafficking in Ghana and West Africa is impressive. While different definitions of social capital exist, in this paper, the term means social relations based on trust and the development of norms and values that support and are supported by such social relations. Here, social capital is defined in terms of the number, diversity and strength of the social relations maintained by those involved in the complex processes of narcotics trafficking.

How and why have narcotics traffickers in Ghana and the ECOWAS sub-region managed to survive the onslaught of successive governmental agencies that have consistently seen them as a threat to the state and security? Evidence suggests that social capital plays an important role in the process of supply, sale and profits accruing from the sale of drugs. Stocks of social capital in the form of associational activity, social networks, trust and behavioural norms can be linked to improved

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output and better performance in terms of growth, investment and productivity at the individual and group enterprise levels.

In a practical sense, therefore, traffickers with better-performing networks traffic more drugs than is presently known, as the information provided so far is only indicative of the general trends in Ghana and the sub-region. These networks should be understood as a substitute for formal market-supporting institutions (Aning & Florquin, 2004).

4. Sub-Regional and Regional Responses

Attempts to stem the tide of organized crime, especially drug trafficking in Africa, have been at the national, sub-regional and regional levels. During the 21st Summit of Heads of State and Government in October 1998 in Abuja, Nigeria, the Economic Community of West African States issued a declaration entitled 'Community Flame Ceremony – the fight against drugs'. Despite the institutional frameworks that were adopted, '...operationally, not much has taken place' (ECOWAS 2008: 2).

In June 2007, at its 32nd Ordinary Session, the ECOWAS Commission was mandated to take urgent action against the expansion of drug trafficking. In October 2008, civil society organizations met in Abuja to discuss the issue. That same month, 'Drug trafficking as a security threat in West Africa', an ECOWAS regional ministerial conference in Praia, Cape Verde, was supported by the United Nations Office for West Africa, UNODC and the EU.

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). Several tasks were assigned, including the establishment of a Drug Control and Crime Prevention Division. 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 result of the efforts made at the national level.

Beyond ECOWAS, there are also Africa-wide initiatives being undertaken by the African Union (AU) to minimize the 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. Although various initiatives were adopted over the years, few had great success in tackling the problem. In December 2007, the 3rd Session of the AU Conference of Ministers for Drug and Crime Prevention was held 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).

A year later, ECOWAS member states in Abuja adopted two documents strategic to West Africa's renewed fight against illicit drugs and organized crime. ECOWAS officials 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.

Officials from the Economic Community of West African States agree that only a holistic and global approach can lead to the eradication of the drug menace in West Africa.

5. The EU Strategy for Combating Transnational Organized Crime

The European Union is founded on the basic tenets of democracy, including liberty, respect for human rights and fundamental freedoms, and the rule of law. EU policy in support of democracy and human rights in third-world countries is embodied in Commission communications, European Parliament resolutions, and Council conclusions. As enshrined in the EU Treaty mandates, the objective of developing and consolidating democracy and the rule of law, and respect for human rights and fundamental freedoms is now a feature of all forms of EU co-operation with countries (EIDHR Strategic Paper 2007–2010: 4).

Through its response strategy 2007–2010, the European Initiative for Democracy and Human Right (EIDHR) supports an integrated approach to democracy building and the protection and promotion of human rights. The objectives set out in the EIDHR document provide opportunities for the EU to attain its objectives of democracy building in Africa.

With respect to EU democracy building in Africa, The Africa-EU Strategic Partnership: A Joint Africa-EU Strategy captures the nature of cooperation between Africa and the EU on democratic governance. This document contains comprehensive continent-to-continent dialogue and cooperation on aspects and concepts such as the protection of human rights, democratic principles, the rule of law, and the fight against corruption. Relevant to this paper is the call for capacity building and the exchange of information on the fight against terrorism, drugs and organized crime, including trafficking of human beings.

The EU-Africa partnership is driven by the principles of respect for human rights, democratic principles and the rule of law, as well as the right to development.

The EU's interest in Africa is premised on the recognition that, 'Africa and Europe are bound together by ... a common future, as well as by a community of values: ... the rule of law and democracy' (African Union, 2007:2). This partnership is driven by the principles of respect for human rights, democratic principles and the rule of law, as well as the right to development. The EU wants to partner with African countries to 'step up capacity building and the exchange of information on the fight against terrorism, drugs and organized crime, including trafficking of human beings'. (First Action Plan (2008–2010) for the Implementation of the Africa-EU Strategic Partnership 2007:11).

While the rhetoric and expectations are encouraging, there is no doubt that for most West African countries, the state's ability to actually achieve these targets is at best spurious. Recognizing and identifying the levels of state institutional weakness to tackle the multiple challenges posed, especially to democracy-enhancing institutions, will

enable the EU to target which institutions need support (financial, human resource, technical) to strengthen democracy.

Under the rubric 'Cooperation between Africa and the EU on Democratic Governance', the EU has identified two African cases that it classifies as 'promising', namely cases of Africa-owned governance reform programmes and democracy-building efforts: the African Peer Review Mechanism and the African Charter on Democracy, Elections and Governance (AU; 2007:11).

Precisely because of the nature of the threats posed to African democratic processes and institutions by the activities of transnational organized criminals, both the EU and AU have agreed to uphold the rule of law through improved support for national human rights commissions, national parliaments, independent electoral commissions and civil society organizations.

The EU's interest, therefore, in fighting the narcotics menace in West Africa is driven by both altruistic and instrumental reasons. Sorting out the problem in West Africa is, for Europe, an easier way of reducing the impact of drug consumption and irregular migration within EU soil.

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6. Recommendations and the Way Forward

Transnational organized 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 processes. To this end, the EU should support sub-regional efforts to combat organized crime in West Africa through:

- Investment in good governance and rule of law projects to fight the emerging culture of impunity;
- Establishing criminal justice as one of the pillars to strengthen democracy and fight transnational organized crime;
- Information dissemination and awareness campaigns targeted at key democracy-building institutions such political parties, parliaments, the judiciary and the executive branch;
- Joint international efforts based on cooperation between ECOWAS and the EU to develop joint plans of action against organized crime. This will also provide an opportunity for the EU to share its experience with the sub-region;
- Supporting improved legislation in ECOWAS member countries and harmonization of these laws;
- Conducting a needs assessment of the requirements for effective implementation of relevant regional, continental and international legal instruments;
- Supporting improved and expanded oversight capacity and responsibility of parliaments in West Africa in relation to the problem of organized crime;

- Supporting the establishment of special parliamentary committees on drug control and organized crime in West Africa;
- 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
- Improving the legal framework to freeze and seize criminal proceeds by supporting the establishment of financial intelligence units in all West African states.

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About the Author

Kwesi Aning is the head of the department of conflict prevention, management, and resolution at the Kofi Annan International Peacekeeping Training Centre in Accra, Ghana. Prior to this position, he served as the African Union's first expert on counter-terrorism, defence and security at the African Centre for the Study and Research on Terrorism in Algiers, Algeria. He holds a doctorate from the University of Copenhagen, Denmark.

His primary research interests deal with African security issues broadly, comparative politics, terrorism and conflicts. He has taught in several universities in Europe and Africa and has several publications to his name. In 2007, he served as a senior consultant to the UN Department for Political Affairs in New York and completed a UN Secretary-General's report on the relationship between the UN and regional organizations, particularly the African Union, in maintaining peace and security. Dr Aning reviews for several scholarly journals and serves on diverse boards, and recently received an adjunct professorship with the 34th External Session of The Hague Academy of International Law.