THEMATIC SESSION 1

INCREASING LINKS BETWEEN DRUG TRAFFICKING, CORRUPTION AND OTHER FORMS OF ORGANIZED CRIME

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INTRODUCTION

➢ Age long linkages between the various forms of organized crimes
➢ Linkage primarily based on
  a) Criminal mind and nature of actors
  b) Profit/financial motives of actors
➢ Any activity that will generate proceeds is fair game irrespective illicit nature or extent of moral debasement
➢ Linkages increasing and acquiring new forms of sophistication
INFLUENCING FACTORS

➢ Role of technology – positive and negative
a) Globalization of financial transactions and use of currencies
b) Ease in cross-border movement, trade and other activities
c) Improved transportation systems – easier to move from one place to another
d) Developments in ICT – Information and Communications Technology
   - Improved telephone technology (smart phones)
   - Internet and social media
   - Cyberspace
INFLUENCING FACTORS CONT’D

➢ Virtual/Cyber world
➢ Global village
➢ Both positive and negative influence on world affairs and community relationships
NATURE/DYNAMICS OF LINKS

➢ Intricate relationships of the various forms of organized crimes:
  - Illicit traffic in drugs
  - Trafficking in persons/Modern day slavery
  - Illicit trafficking in firearms
  - Illicit trafficking in precious metals/items and body parts of endangered species
  - Extortion/Racketeering
  - Internet fraud
  - Banditry/insurgency/terrorism
  - Kidnapping
  - Money laundering,
  - other ;serious crimes – article 2(b) UN Convention against Transnational Organized Crime
Smuggled migrants as illicit couriers of drugs
Illicit arms and protection of illicit production and trafficking facilities for drugs, as well as fuelling banditry, insurgencies and terrorism (occurs in some Nigerian North-East and North-West regions as well as communities where cannabis are cultivated and warehoused)
Abuse of narcotics and psychotropic substances as a conflict multiplier in areas of conflict and for commission of violent crimes and acts of terrorism (established in Nigeria)
NATURE/DYNAMICS OF LINKS CONT’D

➢ Use of internet/cyberspace for illicit transactions in drugs/other illicit or products items/human trafficking (also established in Nigeria)

➢ Symbiotic relationship between other forms of organized crimes, their illicit proceeds and official corruption

a) Use of proceeds to corrupt law enforcement and other public officials
b) Use of corruption to facilitate illicit activities
c) Investment of proceeds of official corruption in illicit activities and sponsorship of violence and insurgencies
d) Laundering of illicit proceeds of crime
RESPONSE TO LINKS IN ORGANIZED CRIMES


   “Deeply concerned by the negative economic and social implications related to organized criminal activities, and convinced of the urgent need to strengthen cooperation to prevent and combat such activities more effectively at the national, regional and international levels”

   “Noting with deep concern the growing links between transnational organized crime and terrorist crimes,...”.
RESPONSE TO LINKS IN ORGANIZED CRIMES CONT’D

- Response needed concerted efforts at national, sub-regional, regional and international levels
- The imperative of cooperation at all such levels
- UNCTOC, 2000 and the three Protocols concerned with trafficking in persons, smuggling of migrants and Illicit Manufacture of and Trafficking in Firearms specified crimes of concern in broad nature and made provisions to facilitate the desired cooperation at all levels
RESPONSE TO LINKS IN ORGANIZED CRIMES CONT’D

➢ Prior to UNCTOC were

a) UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna Convention) of 1988 that criminalized money laundering to facilitate the targeting of proceeds of illicit drugs and promote international cooperation in the areas of both control of illicit traffic and recovery of illicit proceeds of drugs (articles 3 clause 1 (b), 5, 6, 7, 8, 9, 10, 11 and 20)

b) The initial 40 Recommendations of FATF released in 1989 based on the 1988 Vienna Convention to target only illicit proceeds of drugs

c) International Convention for the Suppression of the Financing of Terrorism of 1999
RESPONSE TO LINKS IN ORGANIZED CRIMES CONT’D

Post UNCTOC
a) The Convention against Corruption (UNCAC) of 2003 expanding on articles 8 and 9 of UNCTOC
b) Reviewed FATF 40 Recommendations to extend its scope from the restrictive application to proceeds of illicit traffic in drugs to cover proceeds of crime in a generic sense and add recommendations relating to financing of terrorism in line with UNCTOC – 2003/2012

Legal framework also accompanied by institutional structures to facilitate enforcement control and coordination of efforts at various levels
RESPONSE INITIATIVES IN NIGERIA

➢ The Nigerian response addresses both legal and institutional frameworks

➢ Nigeria has enacted laws to criminalize the various and divergent forms of organized crimes as contemplated by UNCTOC

a) National Drug Law Enforcement Agency Act (NDLEA) Act criminalizes illicit traffic in drugs


c) Economic and Financial Crimes Commission (EFCC) (Establishment, etc) ACT deals with financial crimes.
RESPONSE INITIATIVES IN NIGERIA CONT’D

d) Trafficking in Persons (Prohibition) Law Enforcement and Administration Act that set up the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) criminalizes trafficking in persons and smuggling of migrants

e) Money Laundering (Prohibition) Act (MLPA) deals with money laundering issues and makes provisions to ensure compliance with various AML/CFT measures

f) Cyber Crimes Act deals with offenses related to the cyberspace

g) Terrorism Prevention Act deals with offenses of terrorism
RESPONSE INITIATIVES IN NIGERIA CONT’D

   g) Advance Fee Fraud Act criminalizes internet scam and other fraud
   h) The Firearms Act
   i) Criminal Code (for southern States)/Penal Code for Northern States deals with offences like kidnapping, extortion – some states adjusting their codes to prescribe death penalty especially for the offence of kidnapping

➢ In addition to the Police, some specialized bodies were set up to enforce some of these laws and tackle the crimes they deal with
➢ Initiatives for institutional structures to facilitate cooperation amongst the LEAs
RESPONSE INITIATIVES IN NIGERIA CONT’D

➢ National structures

a) Joint Intelligence Board (JIB) – Policy level
b) Inter-Ministerial/Agency Committee on AML/CFT – NFIU coordinating
c) Anti – Corruption Working Group with the Technical Unit on Governance and Anti-Corruption Reforms (TUGAR) as secretariat with all relevant anti-corruption agencies including NDLEA as members – successfully sponsored/co-sponsored three resolutions on Assets Recovery at the UNCAC Conference of State Parties (COSP) (Resolutions 5/3 of 2013, 6/2 of 2015 and 8/9 of 2013) to facilitate assets recovery

d) Inter-Agency Committee on Illicit Financial Flows coordinated by the office of the Vice President and ICPC
Specific initiatives involving the NDLEA

a) INL/USDEA initiative setting up the Special Investigative Unit (SIU) targeting criminal groups involved in illicit traffic of drugs that has led to the detection and dismantling of over 18 Clandestine Laboratories and recoveries of large quantities of drugs at the seaports

b) NCA/UK mentored Combined Inter-Agency Task Force (CIATF) initiative involving the office of the National Security Adviser (NSA), NDLEA and EFCC targeting organized criminal groups involved illicit traffic in drugs, corruption, money laundering, human trafficking and other serious crimes with remarkable results on gathering intelligence that has sustained high profile investigations and prosecutions

c) NCA/UK mentored Joint Boarder Task Force initiative involving NDLEA and NAPTIP operating at the entry ports that has yielded results in combating illicit traffic in drugs with the recovery of large quantity of drugs at the airports and arrest of high profile individuals, as well as curbing human trafficking
RESPONSE INITIATIVES IN NIGERIA CONT’D

d) NDLEA use of position at entry ports for the seizure of bulk cash/negotiable instruments and transfer of seizures not connected with illicit traffic in drugs to EFCC – over 48 of such transfers involving 187 debit cards recovered from 2 persons and large sums of money in local Naira and foreign currencies of US Dollars, British Pound Sterling, Euros and CFAs between 2006 and 2016

e) Arrests and seizures of arms and ammunitions transferred to the Police, previously, and in 2021 the National Centre for Control of Small Arms and Light Weapons (NCCSALW) established in May 2021

➢ Nigeria also received support from EU and UNODC targeted at Response to Drugs, Anti-Corruption and Federal Justice Sector Reforms
CONCLUSION

- NDLEA presently reorganizing and working on establishing new domestic and international partnerships to combat the problem of drugs in Nigeria and related crimes.

- The National Drug Control Master Plan (NDCMP) 2021 to 2025 focuses on such partnerships and forms part of the strategic plan of the NDLEA.

- NDLEA presently at advanced stages of negotiating MoUs with Nigeria Customs and National Agency for Food and Drug Administration and Control (NAFDAC).

- Also signed MoU with Gambia and working with other countries of interest to sign MoUs that will promote regional and international partnerships.

- Fundamental issue is cooperation for a concerted effort at all levels to combat organized crime.
Thank You