Conclusion

Cocaine has garnered most of the international attention, but the transnational organized crime problems affecting West Africa are manifold. Some, like fraudulent medicines, may pose a greater threat to public safety than illicit drugs. Others, like firearms trafficking, make violent uprisings possible. Still others, like petro-piracy, could blossom to become much greater problems than the situation currently reflects. Each of these issues requires a tailored response, because the commodities involved respond to distinct sources of supply and demand.

While each flow discussed in this study represents an independent problem, all are enabled by weakness in the rule of law. This weakness makes the region vulnerable to smuggling of all sorts.

The interventions required, then, must occur on at least two levels:

- commodity-specific programmes to reduce contraband flows and the damage they inflict, and
- more general efforts to enhance the rule of law and reduce corruption in the region.

International cooperation is key to such efforts. Since most contraband flows are transcontinental, there must be provision for global exchange of information, coordinated strategies and operations, mutual legal assistance, and extradition. To address rule of law issues, technical assistance and anti-corruption programmes are needed. The United Nations Convention against Transnational Organized Crime and its protocols, as well as the Convention against Corruption and the drug control Conventions provide a framework for developing many of these interventions.

Of the flows affecting West Africa, most involve goods trafficked to or through the region, as opposed to goods sourced within it. Even the methamphetamine produced in the region would not exist without the precursor chemicals smuggled in. In the interest of promoting stability, development, and peace, West Africa needs to be insulated from contraband flows entering the region. Due to its extreme vulnerability, and since the national law enforcement agencies are unable to create enough of a deterrent, it is incumbent on the international community to participate in the effort. International cooperation must include and coordinate interventions both in West Africa and outside the region. In practice, some of this is already happening.

For example, most of the large maritime cocaine seizures made in the region came about as a result of international action, either in the form of direct seizures or tip-offs. This bilateral assistance continues. The international community is also supporting interdiction of containerized shipments. Under the Global Container Control Program – a project of UNODC and the World Customs Organization – specialized Joint Port Control Units have been established in Benin, Cape Verde, Ghana, Senegal and Togo. These units identify and inspect suspect containers, and in addition to large cocaine seizures, they have stopped shipments of heroin, counterfeit cigarettes, and counterfeit goods.

The international community has been less successful in identifying suspect private air flights, but further efforts could be made in this area. In 2010, the Airport Communication Project (AIRCOP) was launched by UNODC, Interpol and the World Customs Organization. Its objectives are two-fold: first, to install Joint Airport Interdiction Task Forces at priority international airports in West Africa, Latin America and the Caribbean, and second, to connect them to secure communication networks to enable the
sharing of operational information in real time. There are AIRCOP units in Cape Verde, Mali, Senegal and Togo, and these have been responsible for seizures of cannabis, cocaine and gold.

Air courting through the Caribbean has been significantly reduced in the past due to “100% control” programmes on vulnerable flights. Traffickers typically send multiple couriers on some flights, with the knowledge that limited capacity to screen suspects in receiving airports will ensure that most of the couriers get through. This “shotgunning” approach can be defeated by screening all suspects on both ends of the most heavily used air flights. For example, the Dutch government was able to halt courting through Curacao by installing scanners in the sending airport and detaining all suspected couriers on the receiving end. A similar programme was established by the governments of the United Kingdom and Jamaica. Direct postal and container shipments between South America and West Africa could be subjected to equivalent “100% control” measures. The goal of such efforts would be to reduce the attractiveness of the West African route relative to its alternatives. It is essential that the international community work to protect those regions with the least capacity to protect themselves.

The private sector is often the source of the problematic materials, and, in some cases, professional codes of ethics could prove more effective than government regulation. For example, producers of synthetic opiates or chemical precursors or firearms should query orders from West Africa where the quantities appear excessive, but they are unlikely to do so unless they are confident that their competition is doing the same. Industry-wide agreements to exercise restraint could, if monitored, pressure all parties to observe socially responsible business practices, particularly with regard to transactions with vulnerable regions, such as West Africa. Through partnership with the international community, industry leaders could greatly reduce the abuses associated with the products they sell.

Well-designed public education campaigns regarding the risks of buying medicine of questionable provenance, coupled with efforts to facilitate access to affordable quality medicines, could help West Africans reduce the impact of fraudulent medicines on public health by raising awareness among the population and offering affordable alternatives to its poorest segments.

In the short term, it is important to address the contraband flows currently afflicting West Africa, but the region’s long term stability requires that its resistance to trafficking be strengthened. There are two main reasons why West African law enforcement agencies cannot put up much of a defense against traffickers: lack of capacity (including resources and training) and corruption.
Security sector reform generally, and criminal justice reform in particular, is needed to rationalize the existing institutions, taking into account existing resource constraints. A functioning criminal justice system requires the right ratio of patrol officers, investigators, prosecutors, judges, and corrections officials. The infrastructure assigned to each must also be proportionate. The police cannot produce more arrests than prosecutors can process, and the courts cannot produce more convicts than there are cells to hold them.

Criminal justice systems everywhere struggle to bring detained suspects to trial promptly. In West Africa as elsewhere, much of prison overcrowding could be eliminated if un-sentenced suspects were not occupying the majority of the berths. But the need for court efficiency and non-custodial alternatives is particularly important in resource-challenged environments.

Investigations of transnational organized crime are one area where a small number of highly skilled staff can have a big impact. The West Africa Coast Initiative (WACI) – a joint program of UNODC, the UN Department of Peacekeeping Operations (DPKO), UN Department of Political Affairs (DPA) (through the UN Office for West Africa - UNOWA) and Interpol – has supported the development of specialized Transnational Crime Units in a number of countries in the region. These units have begun sharing information and best practices. WACI will expand in the future to engage in other areas of local capacity building and law enforcement reform.

Law enforcement is impossible without the cooperation of the public, and the police in particular are not well regarded by the citizens of West Africa. A recent survey of citizens in 100 countries around the world found that West Africans have the least favourable view of the integrity of their law enforcement agencies, and that the majority of citizens who came in contact with the police in the previous year felt compelled to pay a bribe. It is imperative that measures be taken to address this corruption and to improve the public image of law enforcement agencies in the region.

Of course, law enforcement does not stop with the police, and provision must be made for supporting justice and correctional reform. In 2010, the Judicial Regional Platform for the Sahel was formed, an informal network of criminal justice officials from Burkina Faso, Mali, Mauritania and Niger. This network seeks to facilitate mutual legal assistance and extradition requests. Similar efforts could be supported in other countries in West Africa to further support the strengthening of the criminal justice system.

Law enforcement is important, but it is only one aspect of the rule of law. Authoritarian regimes can have strong law enforcement without the rule of law, which includes democratic participation and respect for human rights. Programmes to enhance the rule of law are thus necessarily broader. They involve strengthening governance at all levels. In particular, when it comes to preventing transnational trafficking, preventing corruption is essential.

So long as the actions of public officials can be influenced by private payments, the contraband will continue to flow. Recent global surveys show that West Africans are more likely to feel compelled to pay a bribe than citizens in most other countries, and the situation appears to be getting worse. For example, in the two countries for which consistent time series data were available, bribery rates doubled or tripled between 2005 and 2011.

With the exception of Ghana, the majority of respondents in West African countries said that culpable officials are likely to escape punishment. This perception undermines trust in public institutions and can foster political instability.

In the interests of both peace and preventing contraband flows, it is essential that corruption be addressed. The United Nations offers a range of programmes designed to reduce corruption and support the rule of law.

Key Recommendations

- Mobilize States of the region to provide valid and reliable data, in order to better assess and analyze drug trafficking, organized crime and drug abuse problems affecting the region.
- Improve regional and international coordination efforts in dealing with the drug problem, as well as with respect to all related organized crimes in the region, through facilitating the exchange of criminal intelligence.

Figure 47: Share of West Africans who say culpable officials “often” or “always” go unpunished

![Figure 47: Share of West Africans who say culpable officials “often” or “always” go unpunished](source: Afrobarometer)
• Fight impunity through the harmonization of national legislation and strengthen current legal frameworks in order to effectively sentence identified criminals.

• Create, strengthen and mobilize synergies between relevant law enforcement structures to better respond to the threat of drug trafficking and TOC.

• Develop integrated programmes to combat drug trafficking and organized crime at the national and regional levels in full coherence with existing international standards.

• Focus on financial flows related to drug trafficking and transnational organized crime in order to cut off sources of funding.

• Facilitate quality drug treatment and rehabilitation services to contribute to the reduction of demand for illicit drugs, HIV transmission amongst drug users, drug-related crimes, incarceration and recidivism.