



The Uruguay - West Africa trafficking connection. An urgent need for closer cooperation and policy exchange

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KEY POINTS

- Uruguay's emergence as a transit route for cocaine provides new challenges to international law enforcement cooperation and creates greater need for setting up secure channels of communication between Uruguayan and West African law enforcement
- West African ports are important destinations for cocaine shipments raising questions about port security and the involvement of authorities in the illicit trade. Port safety is a prerequisite for economic development and meeting the needs of a fast-growing region
- International cooperation programmes are useful for raising the capacity of law enforcement in critical areas, but needs to be put on a long-term footing and become more encompassing without detracting funds from other development priorities
- Cannabis reforms in Uruguay and Ghana go a long way to addressing the systemic conditions that make corruption possible and have the potential of releasing criminal justice sector resources that can be refocused upstream and on more critical forms of illicit trade

INTRODUCTION

At the end of 2019, authorities in Uruguay announced in rapid succession three seizures of cocaine, including the largest ever made in the country's history. It is certainly a positive result for Jaime Borganini who was appointed as director of Customs after a large seizure in May and the changes he initiated to the control procedures for containers.

The seizures in Uruguay raise questions about the impact of prohibitionist drug policies on countries that neither produce nor consume internationally traded, illicit drugs. In the parlance of the international drug control agencies they are 'transit countries' but should be thought of as 'neutrals' in the century old conflict between producers, consumers and the drug control agencies.

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The fall-out has been devastating, undermining governance systems, threatening public health and unleashing waves of violence and criminality.¹ Even the control agencies concede that ‘The consequences of trafficking and cocaine consumption in Europe are dwarfed by the serious repercussions for the cocaine-producing countries (in terms of cocaine generated violence and illegal armed activities) and for many of the *transit countries* in South America, Central America, the Caribbean and Africa’.²

Over the past decade, the United Nations Office on Drugs and Crime (UNODC) with funding from the European Union, as well as other development partners have been working to support West African law enforcement in controlling illicit drugs. West African agencies, such as the National Drug Law Enforcement Agency in Nigeria, have been building capacities and raising their international profiles. Since the emphasis has been decidedly on strengthening repressive, criminal justice measures, West African policy makers have had to look elsewhere for fresh approaches. Interestingly, it has been Uruguay, the embarkation point of so many recent cocaine seizures, that may have found a way out of the drug policy dilemma.

URUGUAY AS TRANSIT COUNTRY

Wedged between Brazil and Argentina, Uruguay is a middle-income country with a population of 3.5 million and a democratic tradition stretching back to 1985. It enjoys a high level of good governance, with robust institutions, a well-functioning administration, a fairly free media and a dynamic middle class. According to a 2014 survey, 1.6% of the population admitted to using cocaine, translating into a prevalence level on par with that of Argentina and well below the United States.³ Considering the comparatively small population, this makes for a modest domestic cocaine market, yet in 2019 the country was implicated in a number of very large cocaine seizures. Specifically:

- 30th December—a van coming from Paraguay stopped in the department of Rio Negro with 400 kg inside suitcases⁴
- 27th December — 4.418 tonnes hidden inside four soy flour containers in the port of Montevideo. A further 1.5 tonnes were found on a farm outside of the capital connected to the haul⁵
- 25th November — 3 tonnes of cocaine seized in Tenerife in a container destined for Cotonou, Benin⁶
- 2nd August — 4.5 tonnes of cocaine seized in Hamburg inside a container listed as soy beans loaded in Montevideo, destined for Antwerp⁷
- 16th May — 600 kg seized at the airport in Basel, Switzerland on a private plane departing from Carrasco airport, Montevideo⁸

With this data in mind, the question that arises is why cocaine traffickers are using Uruguay, a country that is neither a producer nor a significant consumer of cocaine, as a transit route? Uruguay is renowned in Latin America for enjoying a high level of human security, marked by low homicide and crime rates.⁹ It can also boast of a robust criminal justice system that is far less corruption prone than that of some of the other countries in the region.¹⁰ According to Julio Garteche, the late director of police, interviewed in connection with the cannabis reform programme in 2015, international organised crime groups were intent on opening a southern route for exporting cocaine to Africa and Europe.

Though there was no organised crime to speak of in Uruguay, groups from Mexico, Colombia and Paraguay were using the country as an alternative in response to law enforcement pressure along their traditional routes. They had also come across Nigerian, Russian and Serbian groups, and found it difficult to get background information on their suspects as they did not have working relationships or regular points of contact in those countries.

In order to tackle this external threat, the Uruguay police had established a national directorate on organised crime that was working closely with the Interpol and took part in international training seminars. At these events their officers could form relationships with counterparts in other countries which was critical for getting information and building cases. But since they had no contacts in Nigeria or anywhere in Africa they were unable to properly investigate the export of cocaine to the West African coast.

MEETING THE CHALLENGE OF TRANSNATIONAL ORGANISED CRIME

One notable feature of the recent Uruguayan events is the role of Eastern European groups, particularly the so called 'Balkan Cartel', and Chinese nationals in the Basel seizure.¹¹ Perhaps this is one consequence of the dismemberment of the powerful 'cartels' that once dominated the export of South American cocaine to Europe. Colombian law enforcement uses a longevity measure for the lifespan of organised criminal groups. In the 1980s these were measured in decades but have now contracted to a few years only. Where powerful local groups once dominated exports, opportunities have arisen for criminal actors with no history; *cartelitos* (little cartels) and with multiple partners. Operating as networks they divide tasks, pooling skills and raise finance from different criminal organisations. Intense pressure in Colombia has also produced a dispersal of criminal actors and both Uruguay and Argentina have become attractive refuges.

Criminal internationalism underlines the need for law enforcement cooperation and the expansion of intelligence sharing mechanisms and platforms. An important role in the Tenerife seizure was played by the Maritime Analysis and Operations Centre (MAOC-N) an EU supported platform fighting drug trafficking in the Atlantic and

the Mediterranean. But the most important player across the series of operations is the US Drug Enforcement Administration (DEA), which has the most extensive intelligence gathering network. While cooperation with the DEA remains indispensable for law enforcement agencies everywhere, overreliance contains risks. First of all, the DEA has a mandate to protect US interests only, and secondly, is solely concerned with illicit drugs. This is a major difficulty in a climate of rapidly adapting poly-crime groups working in multiple commodities, from drugs to firearms, protected species, counterfeit or human trafficking. Thirdly, the strong identification of the DEA with the US can impede cooperation with countries that regard her as a threat like Bolivia, who expelled the agency from its territory in 2013, or a rival.

Yet, no other country has the capacity or operational reach to offer anything approximating such support. Law enforcement agencies from Europe, including the UK with a coverage of 130 countries,¹² maintain regional offices or will station liaison officers in countries from where they see threats emanating. As the transnational character of trafficking shifts the focus to multilateral cooperation there is increasing need for mechanisms provided by international organisations. Both Interpol and the UNODC have important roles to play but are constrained by resource limitations. Over the past decade the EU has also emerged as an actor in this domain and found that its low-key security profile has made it a more acceptable interlocutor for countries than some bilateral partners.¹³

As a champion of a rules based international order, the EU, and particularly its foreign policy arm, the External Action Service, is committed to supporting platforms and mechanisms that 'provide global public goods and contribute to a peaceful and sustainable world.'¹⁴ Transnational organised crime is identified as a threat to global security and

the fight against it the objective of multiple programmes and funding instruments from different budget lines. This has enabled the EU to support national efforts and regional institutions. Most relevant for combating cocaine traffickers, however, are the inter-regional programmes that the EU has set up and funded. Lacking its own capacity, the EU contracts out implementation to agencies from EU member states or international organisations with the relevant competence and mandate.

THE WEST AFRICAN CONNECTION

Significantly, two of the intercepted cocaine shipments were destined for ports along the West African coast. The cargo that was seized in Montevideo at the end of December was intended to be offloaded at Lomé, Togo. Only a fraction was ever likely to spill into local markets which remain small in financial terms even though they can cause significant problems to local communities. The vast bulk of the cocaine was probably destined for Europe with smaller quantities possibly being diverted to the Gulf and Far East. It is by now well established that West Africa has been a transit route of South American cocaine to European and a far lesser extent, North American markets since the 1980s. In recent years have there also been reports of small air-shipments heading for the Far East, and this may well be on the rise.¹⁵

The volume of these through-flows has been the subject of much speculation as have the linkages between different criminal actors and the level of involvement of violent extremist groups.¹⁶ In the Sahel region, where environmental degradation has devastated the agricultural economy illicit trade has become a lifeline. Governments have had to accommodate trafficking in the hope of bringing local elites into the state, and external actors fighting jihadists are advised to refrain from suppressing illicit trade.¹⁷

But for West African policy makers and development partners in the Gulf of Guinea the immediate concern is over the erosion of port security that is suggested by such persistent targeting. The capacity to handle large quantities of trade goods in an orderly manner is both a precondition and an indicator of economic growth, which in itself is vital for the stability of a region (see Table 1).

Togo, for example, has invested heavily in the expansion of Lomé, the finest deep-water port in the Gulf of Guinea and principal point of entry for the landlocked countries of Burkina Faso, Mali and Niger. Presenting itself as the ‘Gateway to West Africa’, the government of Togo has invested heavily in the construction of a container port capable of handling vessels up to 14,000 TEU¹⁸, the largest infrastructure investment by far. In recent years Lomé has become a hub connected with a number of regional feeder ports and registered dramatic rises in the container throughput.

Port	Country	2017	2016	2013
Cotonou	Benin	333,000	330,000	336,000
Tema	Ghana	956,400	893,800	842,000
Lagos	Nigeria	1,005,00	1,150,000	1,480,000
Port Harcourt	Nigeria	160,000	170,000	216,000
Lomé	Togo	1,193,800	821,600	311,500

Table 1: Container Capacity
Source: Maritime Executive, October 2018¹⁹

While Cotonou in neighbouring Benin lacks the natural advantages of Lomé, it benefits from proximity to Nigeria, the largest market and most dynamic economy in West Africa. There are severe capacity constraints in the hinterland infrastructure leading up to Lagos, the economic capital and until recently most important port in the region, so that many importers and exporters are using the facilities across the border. Even if the port services can be improved and prices cut to become competitive once more, it will still be impossible to move the goods out of Apapa or Tin Can island facilities through large stretches of Lagos, one of the most heavily populated urban spaces in

Africa. For Togo and Benin maritime services and international connectivity are therefore a critical part of their economic development strategy that is severely threatened by the intrusion of organised crime groups.

It is open to speculation how the shipments were to be forwarded from the respective points of entry. It is feasible that the containers were to be transferred for bulk delivery to their final destination, presumably somewhere in Europe. This

would in all likelihood mean the collusion of critical technical staff and in senior management in the port. Alternatively, it is possible that the cargo was to be offloaded in Lomé and Cotonou and then broken up into smaller shipments, that would then be carried overland or flown in small planes to the southern shore of the Mediterranean. Such an operation would by necessity involve a large number of operatives, and the collusion of security officers at critical points along the route.

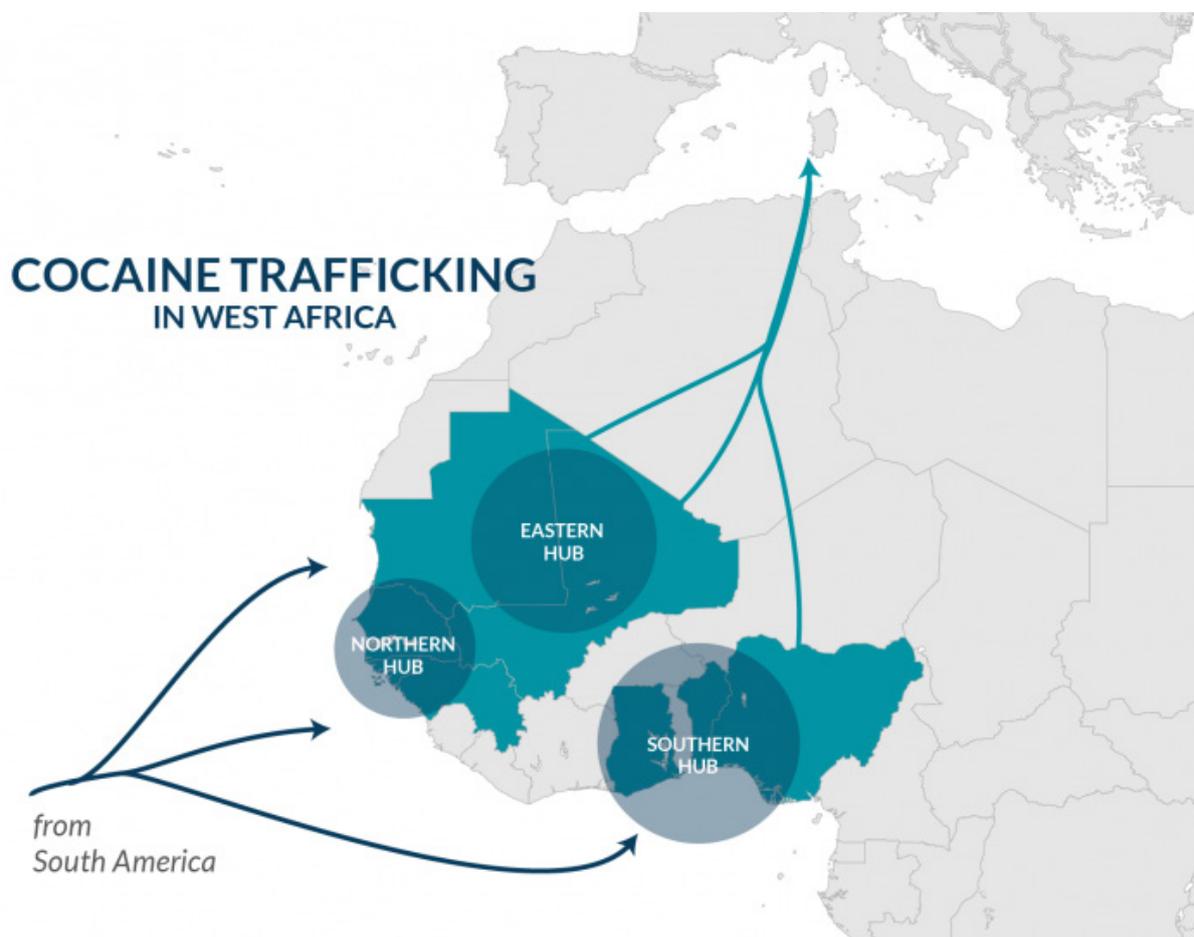


Figure 1
Source: Stable Seas²⁰

PORT SECURITY AS A PRIORITY FOR WEST AFRICAN LAW ENFORCEMENT

Neither scenario paints flattering picture of West African port security and is one factor to explain how West Africa emerged as a transit zone. For over 20 years UNODC has consistently been appealing to the international community to support and assist West African countries in building the defences to control the illicit trade.²¹ It is possible to make a distinction between types of trade, all of which running through the Gulf of Guinea, all of which with different threat profiles. The ECOWAS protocol on the freedom of movement of people and the integration of its market have given legal expression to the reality of relatively easy movement across porous and poorly controlled borders.²² Once landed, goods and people can move about the region with relative ease. Consequently, the ports are critical as points of entry and export. Improving controls is predicated by a clearer understanding of the direction of the different illicit flows by distinguishing the flowing:

- **Transit trade** – goods that originate outside of the region but are diverted through it en route to their end markets in Europe, North America, the Gulf states or the Far East. This is mainly cocaine, a small amount of which spills over into local markets, with deleterious consequences for public health. It is the most widely reported illicit flow but is possibly the least significant in terms of long-term risks to the region.
- **Import** — West Africa is a large market for counterfeit goods, including falsified medicines. According to the World Health Organisation the ‘substandard and falsified antimalarials contributed an additional 72,000-267,000 deaths (CFR adjusted case: 31,000-116,000 deaths) annually in sub-Saharan Africa’.²³
 - Small arms and light weapon transfers to the security services in the region are also

shipped into the region but reporting and documentation required under the Arms Trade Treaty are rarely complied with. This eases the diversion of weapons from security services and leakage into illicit markets with serious consequences.

- **Export** – The exportation of illicitly and unsustainably extracted, natural resources, in particular: illegal logging, trade in protected species, products like gold, diamonds from illegal mining and oil bunkering.²⁴ For the West African region the unregulated extraction of natural wealth is possibly the most damaging component of the illicit commodity mix in the long term. This is already evident in the rampant exploitation of West African fisheries by illegal and unlicensed fishing.

The trade in each of the different product groups has serious consequences in itself but allowing it to continue also inflicts structural damage to economy and society. First, the trade itself fosters the growth of criminal organisations with international connections, who are committed primarily to the pursuit of profit regardless of national or development interests. Secondly, the profits involved set a perverse incentive structure that discourages the growth of a legitimate economy. Thirdly the corruption involved at every stage in the chain is fiercely corrosive of the institutional infrastructure of states already struggling with fragility and legitimacy problems.

MULTILATERAL MECHANISMS FOR LAW ENFORCEMENT COOPERATION

Governments all along the Gulf of Guinea and international development partners have therefore been strengthening the defences at ports and airports through a number capacity building and information sharing programmes. Much of expertise has been provided by the EU since the 2014

launch of the Strategy for the Gulf of Guinea aimed at raising security along this critical sea route. One of the most comprehensive and potentially wide ranging programmes began in 2019 as WeCAPS (Improving Port Security in West and Central Africa) with the aim to strengthen compliance with International Ship and Port Facility Security (ISPS)-standards; increase preparedness and resilience to risks through detection and handling of illicit or dangerous goods, substances and activities, and to raise resilience when a crisis event occurs (attack, explosion, spill etc.).

Benin, Ghana and Togo take part in the Container Control Programme (CCP) that assists governments 'to establish and maintain effective container controls that will serve not only to prevent trafficking in drugs and other illicit goods, but also to facilitate legitimate trade and protect national revenue, ultimately enhancing border security'.²⁵ Benin, Cap Verde, Ghana, Guinea Bissau and Togo are also part of the Seaport Cooperation Programme. Both programmes, with funding from the EU and other donors, provide training and equipment to specially created inter-agency teams based in the port.

One of the strengths of these programmes lies in the generic approach to trafficking and organised crime. The CCP provides training on illicit fishing, a major concern for the coastal states of West Africa and CITES offences²⁶. Rummages - vessel searches - organised under SEACOP have found cargos of illegally fished sea-cucumbers in Cap Verde.²⁷ The interagency teams in Benin and Togo have made significant seizures of falsified medicines, including the synthetic opioid tramadol.

The EU in consultation with the Economic Community for West African States (ECOWAS) is taking a comprehensive approach and is trying to link officers in the ports to electronic

information systems and improve their investigative capacity. Of particular pertinence to the Uruguay trafficking events, is another project, CrimJust, that is providing logistical and technical support for joint investigations in West Africa and Latin America.²⁸

Yet, there are also considerable weaknesses with these interventions arising from the flipside of the EU as an unconventional actor in the security field. Much of the work is done by consultants employed on short term contracts by the implementing organisations, often UNODC, Interpol or national agency such as the Spanish Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas (FIAPP) or the German Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). Only very occasionally are officers embedded inside the beneficiary units for any period of time. Most of the training is done over a period of a few days, with inspection and refresher courses provided once or twice a year. Selected officers from the beneficiary countries may also be invited to participate in further training in Europe. At all times, however, there is the risk of the results of this knowledge transfer being dissipated when staff are transferred to new positions.

Moreover, all support is on a technical cooperation provided on project basis within the framework of the funding cycles. These are run over periods of 4–6 years, with options for extension by a few years more. Unfortunately, this approach falls short of the reality of African law enforcement. Complex equipment is often poorly utilized or not maintained. At Cotonou, for instance, the inter-agency team reported scanning seven containers a week until the scanner broke down. Yet far more serious is the lack of the most tools – credit for their phones, internet time for laptops, fuel for vehicles to get around port. To do the work, officers effectively have to dig into their own pockets.

This is already challenging, because in many, though not all, West African countries, law enforcement remuneration is very low so that officers are likely put their uniform to use in raising supplementary funds, by for example extracting ‘fines’ from motorists.

This means that European cooperation efforts that simply provide training and equipment, often peter out when the trained staff move on. The commitments given by the beneficiary agencies to retain personnel in post can amount to little when the staff members themselves are determined to move on. The point is illustrated in 2015 by the career move of the director of the Joint Airport Interdiction Task Force (JAITF) in Niamey, Niger. A young officer of great promise, he had successfully formed a troop of seconded officers from the police, customs and airport security into an effective unit. It had been equipped with computers, drug testing kits and luggage scanners, and received training in using the equipment, profiling passengers, analysing passenger information and liaising with the airlines. The young officer had attended an advanced training in France, participated in several joint courses in other parts of Africa and had led his team with distinction during several international operations like Cocair and Fologa.²⁹ Yet, when given the opportunity he happily traded this prestigious position at the cutting edge of international law enforcement cooperation for a position in traffic duty.³⁰

There is another consideration that has to distinguish technical assistance in law enforcement from other forms of development cooperation. In any part of the world investigations into organised crime are dangerous to the investigators, who rely on the power of their institutions, the solidarity of their colleagues and the strength of the legal system in which they operate. None of these conditions pertain in West Africa, which is why law enforcement officers and prosecutors trained to take on complex cases

need to be supported over the course of their professional careers. It is for this reason why the DEA provides extensive support to officers selected for further training.³¹

COMBATING CORRUPTION THROUGH CREATING SPECIAL UNITS

Development partners should learn from international law enforcement agencies like the DEA that any form of cooperation in the wider criminal justice sector must be based on a clear understanding of West African realities. The work of police and security forces is often hampered by corruption, brutality and ineffectiveness and deeply resented by the public.³² Efforts to rectify these through workshops or training may achieve short-lived changes in behaviour, but run the risk of being tokenistic because national governments may have radically different security concerns and development priorities. The effectiveness of technical assistance is further compromised by the underlying structural deficiencies³³ In Nigeria, for instance, the police often behave like an occupying force living off the land. As salaries frequently remain unpaid for months on end, and at any rate are pegged well below the poverty level, officers have to use the authority invested in their office to wrest money, goods and services from the population they are supposed to protect.³⁴

Given the high monetary value of illicit drugs and the harsh penalties imposed on drug related offences, there is much drug related corruption involved in drug trafficking. Organized crime groups are deliberately targeting security officers at every level to open gaps in the control system for their deliveries. To counter this, the more experienced international agencies, such as the US DEA recruit very carefully. Law enforcement officers from national agencies who participate in DEA training or join one the ‘special units’ the DEA establishes will be carefully vetted, monitored, mentored and financially supported.³⁵

Creating such islands of probity within law enforcement systems can be effective over the long term, as some of these officers rise to senior positions within organisations and can initiate reforms from within. They can also conduct critical investigations, even take down powerful criminal organisations, like the large ‘cartels’ in Colombia.³⁶ and reassert the authority of the state in the face of challenges by violent criminal organisations. But they do not resolve the problem of everyday petty corruption, and the diversion of law enforcement energies from crime fighting to fund raising, and are hence ultimately ineffective in eliminating or even reducing drug trafficking. One popular target for corrupt police officers are petty drug offenders, who can be arrested and robbed off their possessions or taken to the police station to be ‘bailed out’ by relatives³⁷. Drug related arrests and raids are often accompanied by high levels of violence, that in Nigeria, at least, is ‘structural’ comprising ‘extra-judicial policing practices such as extortion and dis-possession of street cannabis users’ on a system wide bases.³⁸ Popular among many rogue elements in law enforcement, these ‘anti-narcotics operations’ undermine and displace the consensus and rights based policing model that has been advocated by reformers.³⁹

Yet, in spite of misgivings about performance and corruption, research on public attitudes shows that in Nigeria and Ghana respondents express a general preference for having police forces around than not.⁴⁰ But there is also groundswell of demand for a more effective and corruption free criminal justice system as exemplified by the exposure of corruption among the judiciary by a Ghanaian undercover journalist in 2016 forcing the Chief Justice subsequently to suspend seven high court judges. Yet, the most effective way of improving governance systems is to prevent the opportunity for corruption from arising in the first place. Incidentally this is one of the

many positive consequences of the Narcotics Control Commission Bill coming into law on 20th of March 2020 in Ghana.

DECRIMINALISATION OF DRUG POSSESSION - AN INSTRUMENT FOR BETTER POLICING

The Ghanaian law provides for the cultivation of several grades of cannabis with low THC content for industrial use. It is expected that this will stimulate economic activity in textile and construction sectors. It also allows for the production and prescription of cannabis for therapeutic use, though the guidelines for medical practitioners still need to be written.

Less eye-catching are the provisions on dealing with drug offenders. Since the stated purpose of the legislation is to treat drug consumption as a public health issue the penalty of prison term has been commuted into a fine. These changes were preceded by a lively discussion about the potential impact on consumption. What is left unsaid is that this has made drug offences far less interesting for police officers to enforce than, say traffic violations. Arrestees are far less likely to pay bribes to avoid a fine, than when under the threat of a jail sentence, and can no longer be thrown into a police cell until ransomed by family or friends.

Small though these steps may be, they are highly innovative in the West African region, where drug policies have been inherited from colonial powers and updated under pressure from development partners and international organisations. In Ghana the experts involved in revising the legislation took note of Uruguay, as the first country to legalise cannabis for recreational purposes.⁴¹ As middle income countries, both Ghana and Uruguay have managed resources carefully. Steps towards normalising cannabis creates is expected to create substantial savings across the entire penal chain, releasing resources of the

police, courts and prisons. Some of this can at least be diverted to the more urgent task of investigating the large scale movement of illicit products through the region - be this cocaine, or arms, or natural resource.

CONCLUSION

West Africa remains an exporter and transit zone vulnerable to the depredations of external actors. Multilateral mechanisms provide the greatest promise at enabling the authorities to better protect national assets, but they require a major rethink so as to give officers the necessary tools and long-term support to conduct their investigations. The current case draws attention once again to drug trafficking, a problem that has been given considerable attention by international partners.

The fact that international partners have for many years prioritized drug control over other forms of illicit trade has distorted priorities and fostered the pursuit of low-level drug offenders. The latter is a poor

investment of scarce police resources (and often an abuse of police powers), while the former has to be assessed in terms of short and long term impact on West African society. The unsustainable exploitation of natural resources through illegal fishing, logging and the unlicensed export of oil or mining products is depriving future generations of the very basis of existence.

Given how criminal organisations spin webs across continents, there is a pressing need for law enforcement agencies in countries like Ghana and Uruguay to create points of contact that can talk directly to one another if cases are to be followed up and seizures lead to investigations in different countries. Yet, it is also important for Middle-Income Countries to exchange experience and review the outcome of their respective policies.

For the countries that abut the Gulf of Guinea, Uruguay, as emerging transit corridor for cocaine and pioneer of cannabis reform, is becoming an interesting partner.

ENDNOTES

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About the Global Drug Policy Observatory

The Global Drug Policy Observatory aims to promote evidence and human rights based drug policy through the comprehensive and rigorous reporting, monitoring and analysis of policy developments at national and international levels. Acting as a platform from which to reach out to and engage with broad and diverse audiences, the initiative aims to help improve the sophistication and horizons of the current policy debate among the media and elite opinion formers as well as within law enforcement and policy making communities. The Observatory engages in a range of research activities that explore not only the dynamics and implications of existing and emerging policy issues, but also the processes behind policy shifts at various levels of governance.

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